

Memo



Date: September 9, 2009
File: 2390-20
To: City Manager
From: Director, Real Estate & Building Services
Subject: **Telus Communications Inc. - Licence of Occupation**
Report Prepared by: Ron Forbes - Property Manager

Recommendation:

THAT City Council approve the Licence of Occupation between the City of Kelowna and Telus Communications Inc. for that portion of the land that encroaches on a highway right of way;

AND THAT the Mayor and City Clerk be authorized to execute all documents associated with the Licence of Occupation;

AND FURTHER THAT upon registration pursuant to the Land Title Act, R.S.B.C. 1996, c.250, information regarding this transaction may be released to the public, subject to any privacy rights provided for in the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c.165.

Background:

The Telus buildings are located on the corner of Enterprise Way and Hardy Street. The buildings were constructed prior to June 1, 1981.

On June 1, 1981, the City approved Development Permit No. 81-10,031 which provided for a highway statutory right of way. The highway right of way was a means the City used to protect the riparian area of creeks and enforce the creek set back policy.

Through surveys it has been determined that a portion of a pre-existing building that houses building mechanical equipment necessary for the operation of the larger building encroaches on the right of way. As the building was there before the right of way the City is providing this License of Occupation to formalize the right for Telus to encroach on this section of the right of way.

In light of the above, the Real Estate & Building Services Department requests Council's support of this matter.

A handwritten signature in black ink, appearing to be the initials "ZF".

Considerations not applicable to this report:

Internal Circulation:

Legal/Statutory Authority:

Legal/statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

Technical Requirements:

External Agency/Public Comments:

Communications Considerations:

Alternate Recommendation:

Submitted by:

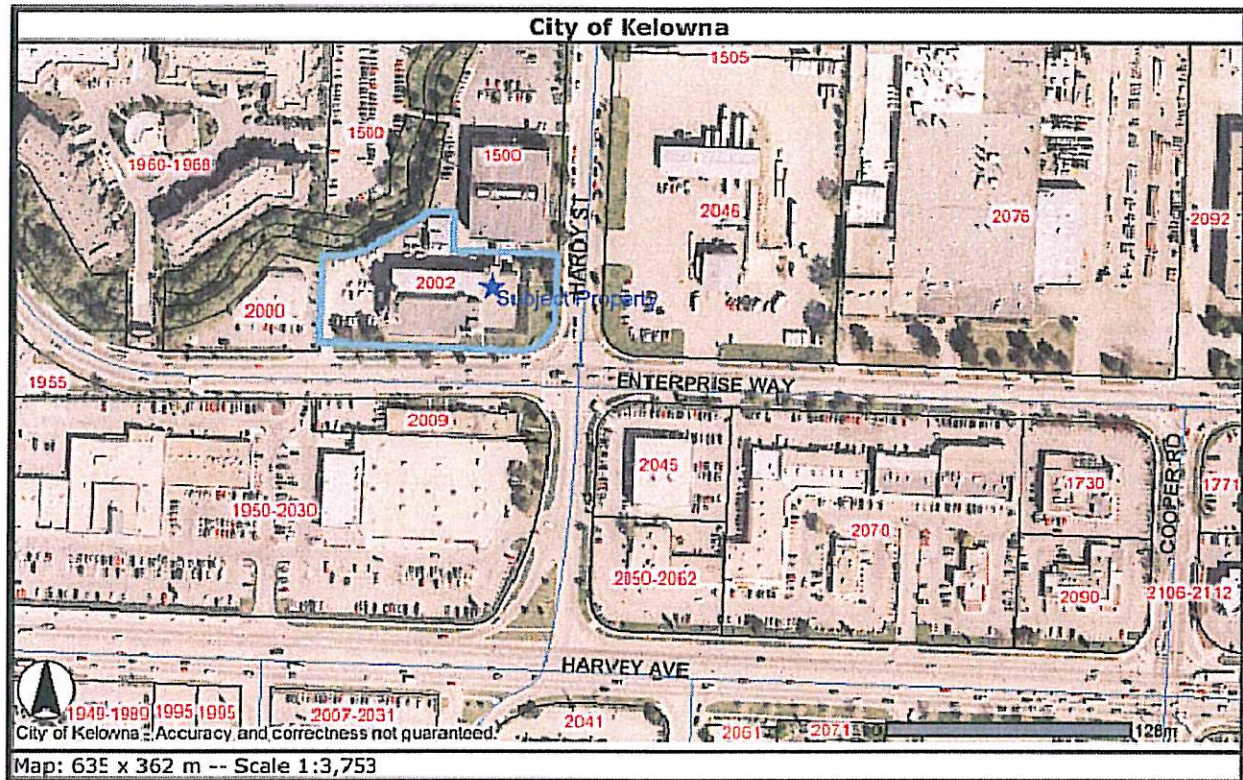


Doug Gilchrist, PMP, RI(BC)
Director, Real Estate & Building Services

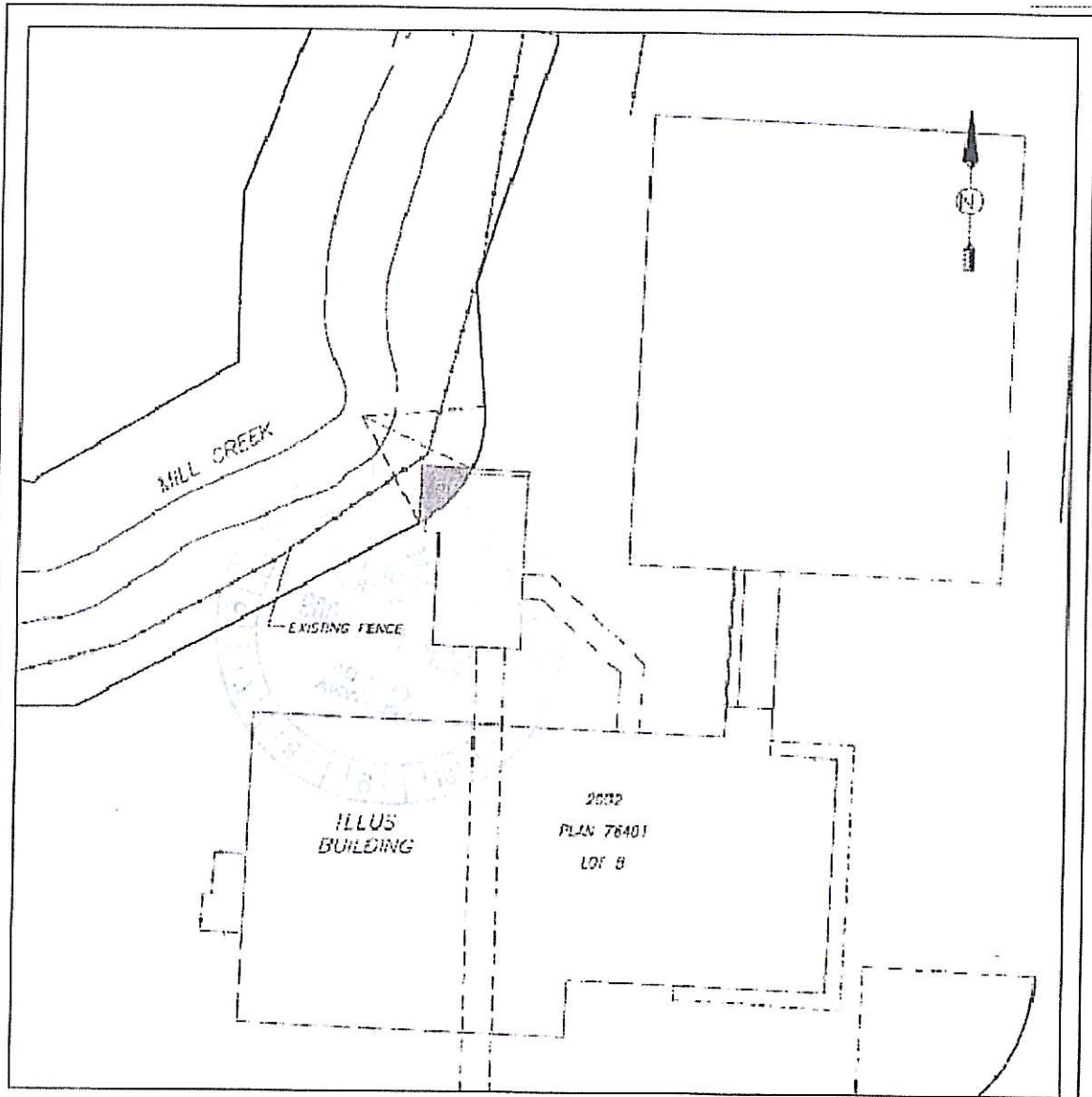


Approved for inclusion:


John Vos, General Manager, Community Services



This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



SCALE N.T.S.
MAILING ADDRESS 2002 ENTERPRISE WAY
LEGAL DESCRIPTION: LOT NO. 3 PLAN NO. 76401
SEC. 20 TWP. 26

 LICENSE AREA = 19.00sq.m ±

155'

DATE: AUG. 13/09

DRAWING NO. _____