

**SUBJECT: CENTRAL PARK -
B.C. TEL REQUEST FOR THE RENEWAL OF A STATUTORY R.O.W.
ORIGINALLY GRANTED BY THE PROVINCE IN 1976**

RECOMMENDATIONS:

1. THAT the granting of a Statutory Right of Way over a portion of Lot 1, District Lot 151, Group 1, N.W.D. Plan LMP 7878 (Central Park) in favour of B.C. Telephone, be approved under the terms outlined in this report.
2. THAT Council be requested to authorize the execution of the subject Statutory Right of Way Agreement.

REPORT

Under a registered Statutory Right of Way Agreement dated 1976 January 27, the Province, previous owner of Central Park, granted B.C. Tel a statutory right of way to install and maintain a telephone line through the area shown on the attached sketch.

The agreement has a fixed term of 20 years and expires on 1996 January 26. It also provides for payment of an annual rent, currently \$246.00.

The City Solicitor's Office has advised that B.C. Tel has approached the City, as the current owner of Central Park, requesting that the City renew the agreement on the same terms and conditions.

A defined term for statutory rights of way on City lands is unusual. To bring the agreement into line with the usual City practice an open ended term is recommended. It is also recommended that the annual rental be continued at the present rate and that a rental rate review take place every five years.

Staff contacted B.C. Tel for details regarding the nature of the telephone line works and have been advised that the line serves the residential towers along Patterson and the residential subdivision to the south of Imperial Avenue. The lines are encased in PVC conduit and if repairs and/or changes are required to the lines they would be accessed through existing manholes and pulled through the conduit. B.C. Tel have advised that it does not anticipate having to dig up the line in future.

Parks Design staff have visited the site of the existing B.C. Tel right of way and found that the works, being located underground, are not apparent at ground level. Given this, the right of way appears to cross through the boulevard crushed limestone trail, perhaps affecting an existing seating area with landscaping, the split rail fence and the peripheral lawn areas around the 14th green of the Central Park Pitch and Putt. There are many mature trees in this area.

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Staff have determined that although to date no problems associated with this right of way have been encountered, there is a concern that if future upgrading of the utility is required temporary disruption to the Pitch and Putt Course may occur and, more importantly, several significant trees may be affected or require removal.

Should any future works involving surface disturbance be required, staff have asked that B.C. Tel be required to obtain prior approval from the Parks Department for the work, the method of excavation and the scheduling, to ensure maximum tree protection and minimal disruption of park activities. Also, restitution of any damages caused to park improvements or trees is to be carried out by B.C. Tel to the approval of the Parks Department.

New Statutory Right of Way Agreement documentation being drawn up by the City Solicitor's Office will address these specific concerns. Parks & Recreation Department staff, therefore, have no objection to the renewal of this B.C. Tel right of way within Central Park.

In order to proceed staff require Commission and Council approval to enter into a new statutory right of way agreement with B.C. Tel.

17 ATS:ps
Attachment

cc: City Solicitor

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D.L. 35

D.L. 34

KINGSWAY

**BC TEL
STATUTORY
RIGHT OF WAY**

**CENTRAL PARK
PITCH & PUTT
GOLF COURSE**

PATERSON AVE.

87'

IMPERIAL ST.

25'

IMPERIAL STREET

AVENUE

PATERSON

ITEM 2
DIRECTOR'S REPORT NO. 20
COMMISSION MEETING 95/11/15

**CENTRAL PARK
BC TEL STATUTORY RIGHT OF WAY**

November 8, 1995
Not to Scale

