



# Regional Board Report

## Request for Decision

**To:** Regional Board

**From:** Director of Engineering Services

**Date:** April 13, 2023

**Subject:** Falcon Ridge Water System – Approving Authority Resolutions

**Voting Entitlement:** *All Directors – Weighted Corporate Vote – Majority (LGA s. 210)*

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**Purpose:** To obtain approval of the Board as the “Approval Authority” for the expropriation and advance payments to the landowners for the additional SRW necessary to maintain the Falcon Ridge Water System.

### **Executive Summary:**

At the March 30<sup>th</sup>, 2023, Closed Regional Board Meeting, the Regional Board considered a report outlining the history and current challenges related to the Falcon Ridge Water System – Statutory Right of Way (SRW). At that meeting, the Board passed resolutions pursuant to the *Expropriation Act* to add approximately 249.3m<sup>2</sup> of land to the existing SRW to ensure continued access to the Falcon Ridge water system intake infrastructure for maintenance and the security of the water system for sixty (60) residences. The resolutions authorized the following:

- (a) the signing of the Expropriation Notices;
- (b) the filing of the Expropriation Notices at land title office;
- (c) the serving the Expropriation Notices on the registered owner of the Lands, and any the holders of any charges registered against title;
- (d) the placement of Expropriation signs on the Lands; and
- (e) the serving the Expropriation Notices on the approving authority for the expropriation. (RDCO)

The initial steps needed to move forward with the expropriation, which included a land appraisal and survey was completed following Board approval at the December 01, 2023 closed meeting. At the March 30<sup>th</sup> meeting, approval was provided for the filing, serving, and posting of the Expropriation Notice, which have now been completed. The recommendation is to consider approval of the current steps required to complete the expropriation, including:

- (a) Filing, serving, and posting the Expropriation Notice (completed April 4, 2023)
- (b) Resolution to Expropriate the Land – Current Step
- (c) Approval of the Expropriation – Current Step

- (d) Advance Payment – Current Step
- (e) Vesting Notice and Possession – Current Step

Once all certificates of approval and advance payments have been served, the vesting notice will be filed with the Land Titles Office. Once the vesting notice is filed, the Regional District will have the right to use the new SRW areas.

**Recommendation(s):**

THAT pursuant to section 18 of the Expropriation Act, R.S.B.C. 1996, c. 125, the Regional District of the Central Okanagan, as the approving authority for the expropriation contemplated in the expropriation notice dated March 30, 2023, and filed in the Kamloops Title Office under number CB548603 (the “Expropriation Notice”) does:

- (a) acknowledge that it has been served with the Expropriation Notice and a copy of the Expropriation Act; and
- (b) approve the expropriation contemplated by the Expropriation Notice.

BE IT FURTHER RESOLVED that the Corporate Officer is authorized and directed to:

- (a) sign the Certificate of Approval in the form prescribed under the Expropriation Act General Regulation;
- (b) notify or cause to be notified the expropriating authority and each owner (as defined in the Expropriation Act) of the Regional District’s approval of the expropriation;
- (c) make the advance payments as required under section 20(1)(d) of the Expropriation Act and serve the Notices of Advance Payment in the form prescribed under the Expropriation Act General Regulation with a copy of all appraisal and other reports on which the advance payment is based;
- (d) file or cause to be filed in the Land Title Office vesting notices under section 23 of the Expropriation Act in the form prescribed under the Expropriation Act General Regulation and then serve a copy of the vesting notices on each owner (as defined in the Expropriation Act); and
- (e) sign the Notices of Advance Payment and the Vesting Notices.

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Approved by:



David Komaie, P.Eng.  
Director of Engineering Services

**Approved for Agenda**



**Brian Reardon, CAO**

- Attachment(s):
- 1. Certificate of Approval of Expropriation – 7971 Falcon Ridge
  - 2. Notice of Advance Payment – David Chapman
  - 3. Notice of Advance Payment – Penny Chapman
  - 4. Vesting Notice
  - 5. PowerPoint presentation