

Falcon Ridge Water System – Approving Authority Resolutions

Regional Board Meeting

April 13, 2023

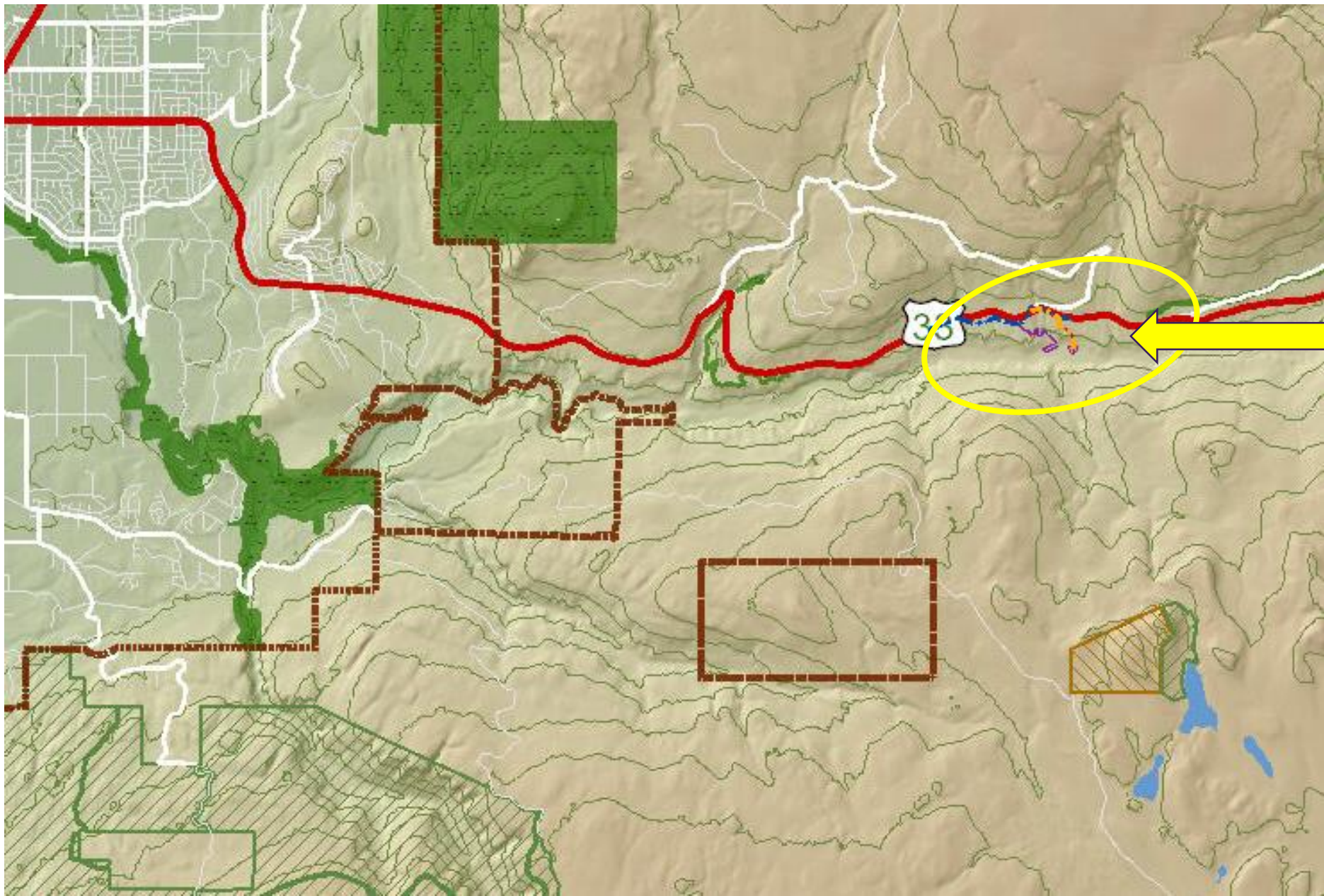
1450 K.L.O. Road
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rdco.com



Falcon Ridge Access

Purpose

- To update the Board on SRW access relating to the Falcon Ridge Water System, and
- To obtain approval of the Board as the “Approval Authority” for the expropriation and advance payments to the landowners for the additional SRW.



Falcon
Ridge
Water
System



Background

- The Falcon Ridge Water System was constructed in 1991 and currently services 60 properties.
- The Falcon Ridge Water System is fed by an intake directly from Mission Creek or a shallow infiltration well immediately adjacent to the creek.
- The access road to intake/well damaged by flooding of Mission Creek in 2022 spring freshet. Repairs are needed to re-establish the access to allow for “in-stream” work to restore water to the intake structure.

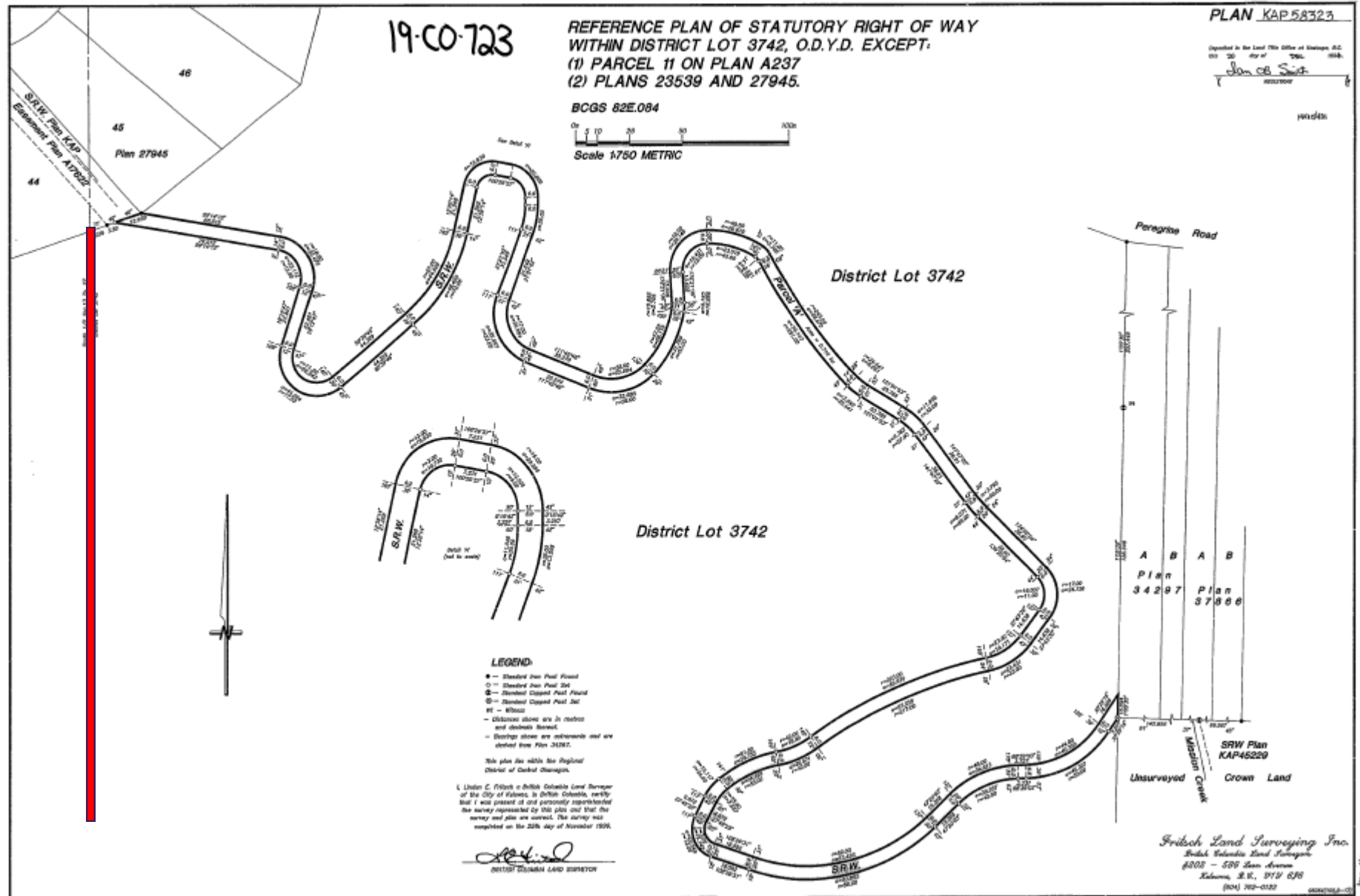


**Mission
Creek
Flow**

**Intake
Structure**

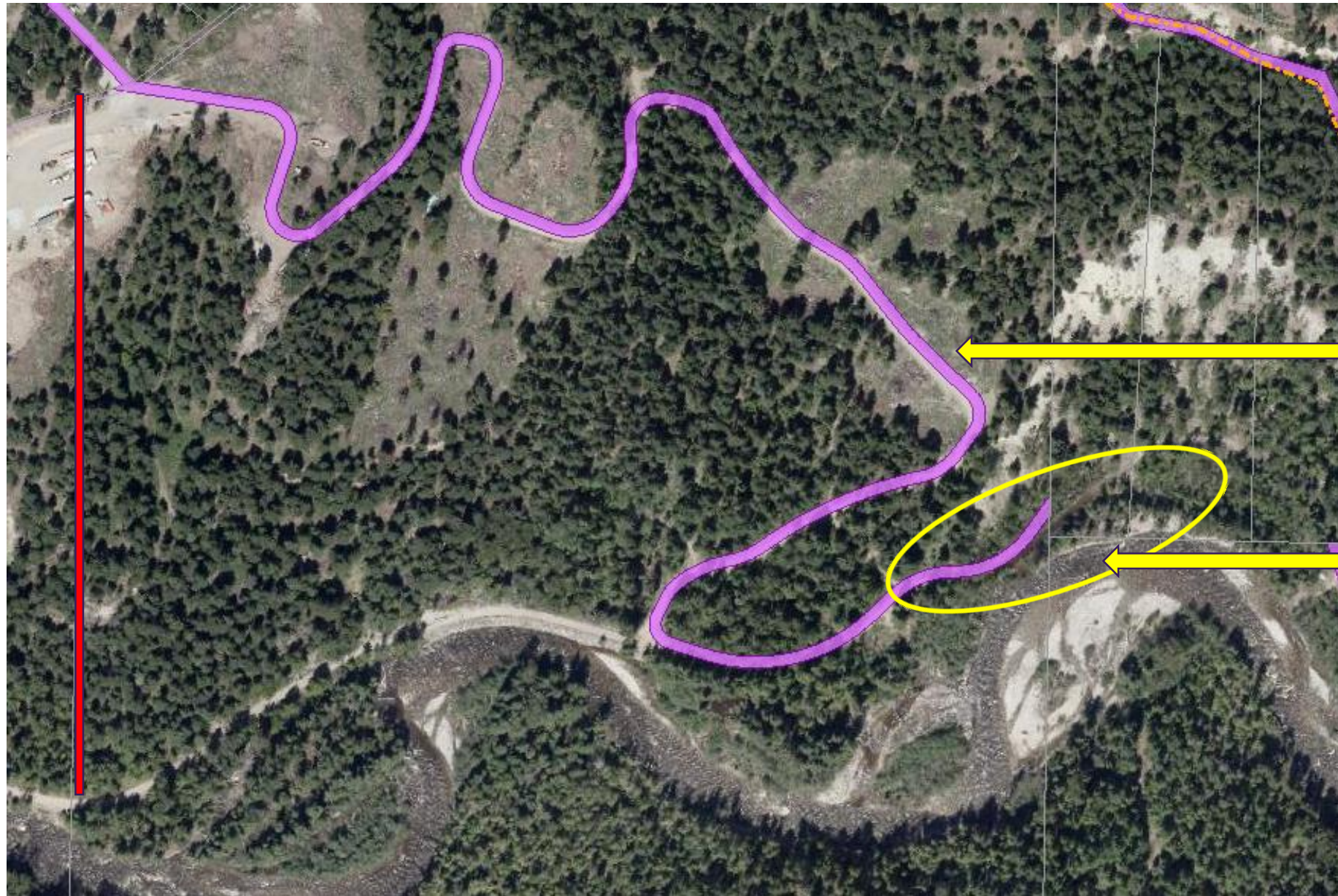
Background.....1990 to 2020

- 1991 – water system constructed along with access road.
- 1996 – executed SRW agreement – using existing trails.
- 2020 – property purchased by current Land Owner. His brother purchased the adjacent property.
- The new Land Owners challenged the terms of the SRW agreement for the past 2 years.



Background.....2022

- In the spring of 2022, the RDCO access road to the Falcon Ridge Water supply suffered significant damage due to the flooding of Mission Creek.
 - RDCO is unable to access well or intake for repairs or maintenance due to the ongoing dispute.
- The Land Owner's properties also suffered significant damage due to Mission Creek migration.
 - Private drive lost – likely unrecoverable.



SRW

Damaged
Access

Background.....Today

- The property owners continue to challenged the terms of the SRW agreement. No resolution to the dispute is envisioned.
- The RDCO needs to ensure that it has uninterrupted access to the intake to maintain and repair the communities water supply.
- The 2 small expropriations of additional SRW will allow for unimpeded access for maintenance equipment and vehicles. Total area = 249.3m²
- The RDCO will make advance payments to the landowner for the fair market value of the SRW.

**Required
Additional
Easement**



**Required
Additional
Easement**



Recommendations

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.

Recommendations (Cont.)

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.