



Corporate Report

NO: R054

COUNCIL DATE: March 24, 2003

REGULAR COUNCIL

TO: **Mayor &
Council** DATE: **March 18,
2003**

FROM: **City Solicitor** FILE: **7900-0307-00**

SUBJECT: **BC Gas – UBCM/LMMA Resolution**

RECOMMENDATION

That Council approve the text of the resolution attached as Appendix "A" to this report which is to be presented to the Union of British Columbia Municipalities ("UBCM") and the Lower Mainland Municipal Association ("LMMA") in accordance with Council's resolution of April 15, 2002.

BACKGROUND

At a meeting of Closed Council on April 15, 2002, Council adopted a general policy to not support the creation of fee simple lots in those locations where proposed subdivision roads cross existing pipeline statutory rights of way. At that meeting Council also resolved "*that a resolution be presented to UBCM requesting the Province to provide a solution, by legislation or otherwise, ensuring that BC Gas and other utilities do not delay the registration of subdivision plans on the basis that portions of statutory rights of way in their favour are extinguished by dedicated road.*"

CONCLUSION

In keeping with Council's resolution of April 15, 2002, the City Solicitor has prepared a resolution to be presented to UBCM and LMMA. In order to meet the mid April, 2003 deadline for resolutions to be presented to LMMA, it is necessary that this report be considered at this time.

CRAIG MacFARLANE
City Solicitor

TC:mlg
Attach. – Appendix "A"

c.c. General Manager, Engineering
General Manager, Planning & Development

APPENDIX "A"

UBCM RESOLUTION

WHEREAS BC Gas has adopted a policy requiring the creation of fee simple lots in those locations where proposed subdivision roads cross existing high pressure transmission pipeline statutory rights of way;

AND WHEREAS the policy adopted by BC Gas prevents subdivision developers from dedicating subdivision roads in accordance with conditions of subdivision approval;

AND WHEREAS complying with the policy adopted by BC Gas would compromise municipal control over roads and raise issues of increased municipal liability and administrative concerns;

AND WHEREAS the City of Surrey has suggested that legislation be amended as a solution which will address the safety concerns raised by BC Gas in respect of high pressure transmission pipelines;

NOW THEREFORE BE IT RESOLVED that the Province of British Columbia provide a solution, by legislation or otherwise, ensuring that BC Gas and other utilities do not delay the registration of subdivision plans on the basis that portions of statutory rights of way in their favour will be extinguished by dedicated roads.