



Committee of the Whole Report For the Meeting of May 18, 2023

To: Committee of the Whole **Date:** May 5, 2023
From: Philip Bellefontaine, Director, Engineering and Public Works
Subject: 612 Constance Avenue (Township of Esquimalt) – Statutory Right of Way Agreement Acquisition

RECOMMENDATION

1. That Council authorize that the City of Victoria enter into a Statutory Right of Way agreement for the lands at 612 Constance in the Township of Esquimalt (the “**Agreement**”) on the terms satisfactory to the Director of Engineering and Public Works, and in the form satisfactory to the City Solicitor, for an area of approximately 16.0m² (4.0m * 4.0m) at 612 Constance Avenue, Esquimalt for the purpose of the City’s installation, maintenance and operation of a water meter and associated vault on the lands legally described as Lot A, Suburban Lots 44 and 45, Esquimalt District, Plan EPP86051 (PID 031-206-379) .
2. That no legal right or obligation will be created and none shall arise until the Agreement is fully executed by the City.
3. That Council direct staff to add to the delegation authority that Statutory Right of Way considerations for services determined necessary for a development (sanitary, water or storm drainage) be delegated to the Director of Engineering and Public Works to consider and enter into Statutory Right of Way agreements in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval of a Statutory Right of Way agreement (SRW) for a City of Victoria water meter vault, at 612 Constance Avenue, within the Township of Esquimalt (Lot A, Suburban Lots 44 and 45, Esquimalt District, Plan EPP86051 [PID 031-206-379]). The City of Victoria owns, operates and maintains water systems in the Township of Esquimalt and related infrastructure is the property of the City of Victoria. This water meter and associated vault is located on private lands due to space limitations in the road right-of-way.

The landowner is in agreement to providing the SRW to the benefit of the City.

Staff from the City of Victoria have been involved in this review and location acceptance with the Township of Esquimalt and agree that the most suitable location is within private property and requires the SRW. The proposed SRW plan is included in Attachment A.

The SRW would allow for the water meter and vault to occupy space within the private lands, and the ability for the City to operate and access the water vault. The developer has borne all costs for design and will be responsible for costs of registration at the BC Land Title Office.

SRW agreements as contemplated in this report are to be considered by Council where they have not been previously, such as with Rezoning or Development Permits, and a report is required. For Subdivisions, the necessity to enter the agreement is formed through the Approving Officer (and a report to Council is not required). When SRW agreements are proposed, it is only after extensive review by staff, the developer and their consulting team. For the purpose of municipal services, staff recommend Council consider an amendment to the delegation authority provided to staff, to enable the Director of Engineering and Public Works to consider and enter into agreements that are necessary for services (sanitary, water or storm drainage) in a form satisfactory to the City Solicitor. The resolution would form a part of a future Delegation Bylaw which would be considered by Council when brought forward.

Respectfully submitted,

Brent Molnar
Supervisor, Land Development

Philip Bellefontaine
Director, Engineering and Public Works

Report accepted and recommended by the City Manager.

List of Attachments

Attachment A – Proposed Plan for SRW