



BOARD REPORT

TO: Chair and Directors

File No: Policy A-47

SUBJECT: Encumbrances on CSR D Owned Lands, Amendment to Policy A-47

DESCRIPTION: Report from Jennifer Sham, Assistant Deputy Corporate Officer, dated July 9, 2019.

RECOMMENDATION: THAT: the Board endorse the revised Policy A-47, Encumbrances on CSR D Owned Lands, and approve its inclusion into the CSR D Policy Manual, this 18th day of July, 2019.

SHORT SUMMARY:

According to Policy A-47, the Columbia Shuswap Regional District (CSR D) currently does not allow any easements or rights-of-way for private use on CSR D owned lands. Staff are proposing an amendment to Policy A-47 to allow for exceptions on the Sicamous-to-Armstrong Rail Trail Corridor (formerly the CP Rail lands) only.

VOTING:	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

Policy A-47 was endorsed in April 1991, providing direction to staff in circumstances wherein private individuals approached the CSR D wishing to enter into easements or other tenure agreements with the CSR D, which if permitted, would encumber CSR D owned lands. While the CSR D would like to keep the titles of its properties free from encumbrances to minimize potential liability, it does recognize that there are extenuating circumstances in which some form of tenure agreements will be required, most notably in respect of the recently acquired CP Rail Trail lands. Prior to renegotiating lease and other tenure agreements with land owners who had existing agreements in place with CP Rail, and which were assigned to the CSR D and the Regional District of North Okanagan (RDNO) as part of the purchase agreement, the CSR D will need to amend Policy A-47. In addition to the existing agreements that were assigned to the CSR D and the RDNO, there are trespass areas, unrecognized crossings, etc. that may be legalized through tenure agreements.

POLICY:

Policy A-47 currently states that "Columbia Shuswap Regional District lands not be encumbered through easements or rights-of-way for private use.

FINANCIAL:

Finance staff will issue invoices in accordance with tenure agreements. Any funds/fees collected in respect of the rail trail tenure agreements, will be allocated to the rail corridor lands function. All costs associated with preparing agreement documentation will be borne by the requestor.

KEY ISSUES/CONCEPTS:

The Columbia Shuswap Regional District (CSRD) may receive requests from local governments, corporations and private land owners for permission to obtain an interest in CSRD owned land by way of myriad types of agreements, e.g. statutory rights of way; easements; leases; and licenses; the CSRD will not authorize such encumbrances, both to minimize its liability exposure and to prevent possible restriction of future development opportunities or long term planning of its lands that would be in the public interest. However, in the case of the CP rail lands acquired by the CSRD and the Regional District of North Okanagan, the titles of which were previously encumbered by such agreements, which contain improvements, structures or objects constructed in trespass on the lands, the CSRD and RDNO may amend existing agreements or enter into new agreements, until such time as the tenure is terminated or discharged.

IMPLEMENTATION:

If the Board approves the amendment to Policy A-47, it will allow for existing and future encumbrances on the rail corridor lands only.

COMMUNICATIONS:

If approved, this updated policy will be included in the CSRD Policy Manual and on the CSRD website.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

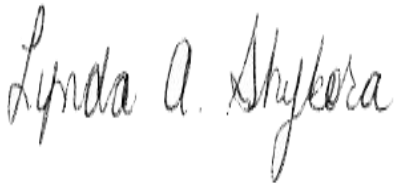
Report Approval Details

Document Title:	2019-07-18_Board_CA_Policy_A-47_Encumbrances.docx
Attachments:	- Policy A-47 - Encumbrances on CSRD owned lands.pdf - A-47 Encumbrances on CSRD Owned Lands.pdf
Final Approval Date:	Jul 11, 2019

This report and all of its attachments were approved and signed as outlined below:



Jodi Pierce - Jul 11, 2019 - 9:39 AM



Lynda Shykora - Jul 11, 2019 - 10:02 AM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Jul 11, 2019 - 11:16 AM