



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

May 5, 2011

Reply to the attention of Ron Wallace
ALC File: 51845

City of Merritt
2185 Voght Street
Box 189
Merritt, BC
V1K 1B8

Attention: Sean O'Flaherty, Development Services Officer

Re: Application for Utility Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #177/2011 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B. Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

RW
/51845d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on May 5, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application: (Submitted pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation)

Application: 51845

Applicant: City of Merritt

Proposal: To dedicate a 6 m right-of-way. The right-of-way contains an existing sewer pipe which has never been formally surveyed or dedicated. The City also proposed to dedicate an existing storm drainage outfall.

Legal: PID: 012-969-800

PID: 007-634-889

Location: 2437 Nicola Avenue, Merritt

Background: The sewer pipe exists and has been in place for 14 years.

Attachment: Staff Report, Attachments including letters from legal counsel regarding the dispute with the land owner over who built and owns the sewer. The city has initiated expropriation procedures in order to purchase the right-of-way.

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On January 26, 2011 the Commission delegated decision-making to the CEO by Resolution #008N-2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications may be decided by the CEO.

Criterion 4

Non-farm use applications made pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);

Considerations:

- In reviewing this application to dedicate a 6 meter right-of-way, the ALC is aware that the sewer pipe has been in existence for approximately 14 years, but has never been formally surveyed or dedicated.
- The ALC is aware of the ongoing litigation between the City of Merritt and the owner of the subject property (the Klein's) regarding the legal rights over the sewer pipe portion of the property.
- Notwithstanding the above, the ALC has received this application and believes it can render a decision without influencing or having any bearing on the City's statutory right to expropriate a statutory right of way over the subject property.

DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 4 of Resolution #008N/2011 and approve the application on behalf of the Commission.

Approval is subject to the following conditions:

- The final statutory right-of-way for the existing sewer pipe be no larger than 6 meters.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

RESOLUTION # 177/2011

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

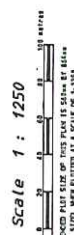


Richard Bullock, Chief Executive Officer

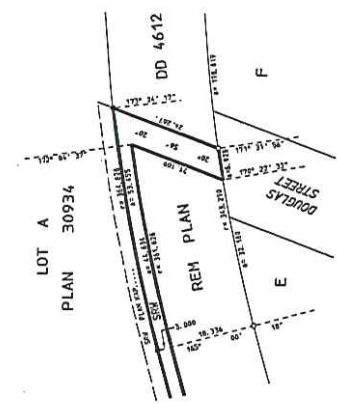
**STATUTORY RIGHT OF WAY PLAN OF PART OF
 THAT PART OF DISTRICT LOT 123 SHOWN IN RED
 ON PLAN ATTACHED TO DD 4612
 KAMLOOPS DIVISION YALE DISTRICT
 EXCEPT PLANS 28083, 29363, KAP53627, KAP53869 AND KAP55590**

PLAN KAP _____
 REPORTED BY THE LAND TITLE OFFICE AT KAMLOOPS, B.C.
 ON _____ DAY OF _____ 19____
 REGISTERED

REGS 921.017
 PURSUANT TO SECTION 113 OF THE LAND TITLE ACT AND
 SECTION 4 OF THE EXPROPRIATION ACT

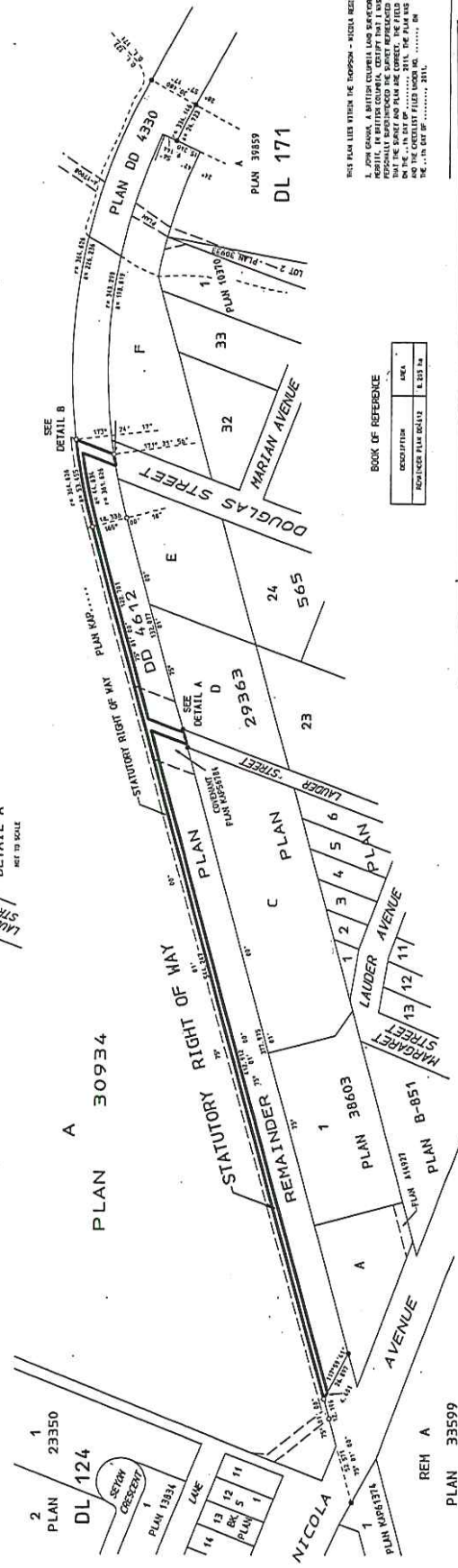


PRELIMINARY



LEGEND
 MARKERS ARE ARBITRARY, DERIVED FROM PLAN 30934.
 DISTANCES ARE IN METERS.
 STATIONS SHOW POINT FROM
 STATIONING FROM POST SET

DL 123



THIS PLAN LIES WITHIN THE TOWNSHIP - NICOLA REGIONAL DISTRICT.
 I, JOHN GORDON, A REGISTERED SURVEYOR OF THE CITY OF
 KAMLOOPS, B.C., HEREBY CERTIFY THAT I AM THE
 PERSONAL SUPERVISOR OF THE SURVEY INSTRUMENTS
 THAT THE SURVEY AND PLAN ARE CORRECT, THE FIELD SURVEY WAS COMPLETED
 AND THE CALCULATIONS WERE MADE BY ME. THE SURVEY WAS COMPLETED AND CHECKED
 ON _____ DAY OF _____ 2011.

BOOK OF REFERENCE

DESCRIPTION	BOOK	FOLIO
APPLICABLE PLAN SHEETS	L. 203	34

Provincial Agricultural Land Commission
 Application #51845
 Resolution #177/2011

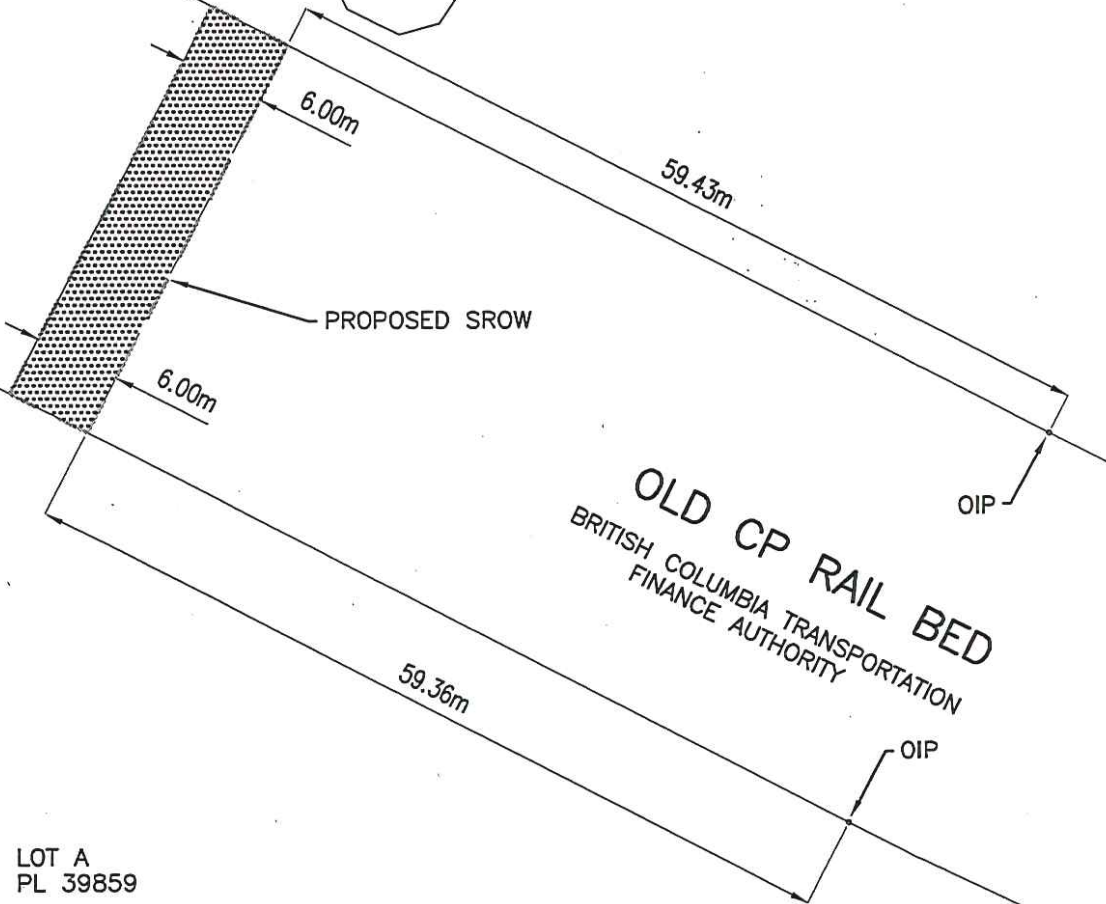
Area approved for statutory right-of-way for
 existing sewer pipe

GERMAN, A. REGISTERED
 SURVEYOR
 B.C. AND CANADA LAND SURVEYORS
 700 - 21ST ST. N.E.
 EDMONTON, ALBERTA T6A 4K4

Schedule A

LOT A
PL 30934

A17788



LOT A
PL 39859

Provincial Agricultural Land Commission
Application #51845
Resolution #177/2011



Area approved for statutory right-of-way for storm drainage outfall

SROW DATA

AREA OF SROW 183.0m²

PROJECT: I2720198



SCALE 1:500

RIVER RANCH STORM – SROW REQUIREMENTS

REV. JUNE 15, 2010



Stantec



NORTH

LEGAL DESCRIPTION:

A17788

MUNICIPAL ADDRESS:

MERRIT RAIL ROW

REGISTERED OWNERS ARE :

BRITISH COLUMBIA TRANSPORTATION
FINANCE AUTHORITY

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