



Agricultural Land Commission Staff Report

DATE: July 29, 2010
TO: Vice Chair and Commissioners - Interior Panel
FROM: Simone Rivers

RE: Application # 51845

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.

PROPOSAL INFORMATION

Background: The sewer pipe exists and has been in place for 14 years.
Received Date: July 19, 2010
Applicant: City of Merritt
Agent: N/A
Local Government: City of Merritt

DESCRIPTION OF LAND

PID: 012-969-800

Legal Description: That Part of District Lot 123 Shown in Red on Plan Attached to D.D. 4612; Kamloops Division Yale District Except Such Undersurface Rights as are Registered in Absolute Fees Book Volume 18 Folio 152 No. 98370 Also Except Plans 28083, 29363, KAP53627, KAP53869 and KAP55590

Civic Address:

Area: 1.5 ha
ALR Area: 1.5 ha
Purchase Date: September 22, 1995
Owner: Eugen, Edith, Eugen, Monique Klein

PID: 007-634-889

Legal Description: That Part District Lot 171 Shown on Plan A17788 Kamloops Division Yale District Shown on Plan Attached to DD 4330 Except Plan 28083

Civic Address:

Area: .8 ha
ALR Area: .8 ha
Purchase Date: March 29, 2000
Owner: BC Transportation Financing Authority

Total Land Area: 2.3 ha

Total ALR Area: 2.3 ha

Current Land Use: Sewer pipe is existing - the remainder of the property is used for agriculture.

PROPOSAL DETAILS

Non Farm Use

| Area | Agricultural Capability | Agricultural Capability Source |
|-------------|--------------------------------|---------------------------------------|
| 0.5 | Prime Dominant | CLI |

Surrounding Land Uses:

Official Community Plan

Bylaw Name:

Designation:

OCP Compliance:

Zoning

Zoning Bylaw Name:

Zoning Designation:

Minimum Lot Size:

Zoning Compliance:

STAFF COMMENTS

The sewer has been in existence for 14 years. At this time the City of Merritt is proposing to purchase and dedicate the right-of-way in order to formalize ownership of the infrastructure.

The City is currently in a dispute with the land owner over who built and owns the sewer and the city has initiated expropriation procedures in order to purchase the right-of-way. The lawyer for the landowners provided the Commission with information clarifying that the statutory right-of-way shown on the plan submitted with the application does not currently exist.

The property on which the majority of the right-of-way is to be located appears to be a portion of an abandoned rail corridor. The subject property is 1.5 ha in size and approximately 0.3 ha of the property would be dedicated as right-of-way.

The use of the property will not change as the sewer pipe has already been installed.

The large agricultural property to the north is owned by a different landowner.

A second part of the proposal involved dedicating a 0.183 ha portion of a second property (owned by the crown) on which an existing storm drainage outfall is located.

ATTACHMENTS

51845 airphoto.pdf

51845 letter from landowner.pdf

51845 proposal sketch.pdf
51845 10 k context map.pdf

END OF REPORT

Signature _____

Date _____