



The Board of Education of School District No. 83 (North Okanagan-Shuswap)

BRIEFING NOTE

TO: Board of Education **DATE:** November 23, 2021
FROM: Dale Culler, Secretary-Treasurer
RE: City of Armstrong Easement/Right of Way Amendment

Purpose

This briefing note is to provide the Board of Education of School District No. 83 with information on a request by the City of Armstrong to amend an easement on Lots 1, 3 and 4, Plan 34670, Section 6, Township 35 located at 3015 Pleasant Valley Road in Armstrong.

Background

In October 2021, the District received notice of an application by the City of Armstrong requesting a development variance permit for the property that the City owns at 3385 and 3395 Pleasant Valley Road. The City owns two of the four subdivided lots that were located on the former site of Armstrong Junior-Senior High School that was originally built in 1954 and subsequently demolished when Pleasant Valley Secondary was built. Currently the District owns and operates the Gateway building located on Lot 3. The Odd Fellows Hall is located to the east on Lot 4 and the City owns Lot 1 and 2 to the south. The City of Armstrong plans on building a new City Hall on Lot 2, and Lot 1 will be used for parking. The City is currently demolishing the Boys and Girls Club that is located on Lot 2 and the Boys and Girls Club have relocated and leased the Gateway building to run their programming.

I met with Dan Passmore, City Planner on October 8, 2021 to gain a better understanding of the history of the lots and to be updated on the City's proposed construction project for the new City Hall. Travis Elwood and I also met with the Mayor, CAO and City Planner from the City of Armstrong on November 15, 2021 to walk the site and ensure that we could visually see how the proposed project would impact the District's interest; specifically the easement that is in place.

The easement was created to ensure that no building or improvements take place over any underground water, sewer or storm water infrastructure located between Lots 1, 3 and 4 of Plan 34670 as described above. The easement states:

The Grantor hereby covenants with the Grantee: not to make, place, erect or maintain any building, structure, foundation, pavement, excavation, well, pile of material or obstruction, or to plan any growth upon the Easement Area, which in the opinion of the Grantee might interfere with or endanger the excavation for, installation, operation, maintenance, removal or replacement of the works or any part thereof or which might obstruct access of the Grantee's servants, agents, licensees or workmen to the works or any part thereof.

The primary concern is to ensure that the construction of the proposed City Hall doesn't significantly alter the existing infrastructure that is in place for storm water management. Currently the area on top of the easement has been sloped and paved (which is actually in contravention of the easement) to facilitate drainage to the catch basin on the north end of the property. The proposed construction won't impact this area. However, there is also a second catch basin located on the southwest end of the easement that could be impacted by the construction of the proposed City Hall. The City indicated that the planning for

the construction project will ensure that proper drainage remain in place and that the site be landscaped to utilize the existing drainage. This will require an amendment to the easement.

The development variance permit also recognizes that there is not sufficient parking on site for the size of the proposed City Hall. To mitigate this issue, the City is proposing to increase street parking and will propose to use portions of Lots 3 and 4. Currently there are faint parking lines on Lot 4 to the east of the chain link fence that is used for parking when the Odd Fellows hold events. However, the development variance permit application states that, "The applicant is required to enter into appropriate reciprocal parking easements with the adjacent property owner of Lot 4, Plan KAP34670 to allow each other to make use of parking areas proposed".

Supporting Documentation

1. City of Armstrong Development Variance Permit Application – File 21-019-DVP
2. Plan of Easement in Lots 1, 3, and 4, Plan 34670, Sec. 6, TP 35, ODYD
3. Photos of Easement storm drains/catch basins

Recommendation

That the Board of Education of School District No. 83 (North Okanagan-Shuswap) authorize Administration to negotiate the amendment of Easement W18792 and W18794 in co-operation with the City of Armstrong to help facilitate the construction of their new City Hall.

Respectfully submitted,

Dale Culler

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Secretary-Treasurer