

# Report to Council



**Date:** January 27, 2020  
**To:** Council  
**From:** City Manager  
**Subject:** License of Occupation – Swim Area, Dock and Water Intake  
**Department:** Partnerships and Investments

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## **Recommendation:**

THAT Council approve the City entering into a License of Occupation with the Province of British Columbia for a term of 30-years for all that unsurveyed Crown foreshore being part of the bed of Okanagan Lake and fronting on District Lots 3457 except Plan 33137, District Lot 5296 and Lot 1 KAP 46717 all of Osoyoos Division Yale District, containing 3.3 hectares, more or less, more commonly known as the area in front of Waterfront Park for swimming and boating control buoy purposes, in the form attached to the Report of the Manager, Property Management dated January 27, 2020;

AND THAT Council approve the City entering into a License of Occupation with the Province of British Columbia for a term of 30-years for all that unsurveyed Crown foreshore being part of Okanagan Lake and fronting on District on Lot 1 of District Lots 139, 4041, 4082 and 5199, Osoyoos Division of Yale District, Plan KAP46717 containing 0.2945 hectares, more or less, more commonly known as the dock near the locks at Waterfront Park for the purpose of moorage, in the form attached to the Report of the Manager, Property Management dated January 27, 2020;

AND THAT Council approve the City entering into a sub-license agreement with the Delta Grand Hotel for at term of 10-years at market rates determined by the Manager of Property Management;

AND THAT Council approve the City entering into a License of Occupation with the Province of British Columbia for a term of 10-years for the surveyed Crown land with the legal description of Block A, District Lot 1720A and 5246, Osoyoos Division Yale District, and containing 17.40 hectares, for the purposes of water intake and all the associated works, in the form attached to the Report of the Manager, Property Management dated January 27, 2020;

AND THAT the Manager, Property Management be authorized to execute all documents necessary to complete the sublease agreement;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the attached Licenses of Occupation and Management Plans.

**Purpose:**

To execute the renewal of three Licenses of Occupation with the Province of British Columbia to secure tenure of the swim area in front of Waterfront Park, and dock in front of the Delta Grand Hotel and a water intake in Hydraulic Creek.

**Background:**

As part of the City's on-going mandate to optimize the community benefit and user experience associated with waterfront parks and beaches, the City proactively seeks to maximize the land tenure (in the form of Water Lots or Licenses of Occupations) for the associated foreshore areas.

These types of land tenure grant the City care and control over the waterfront areas adjacent to key municipal assets and allows the City to actively manage these areas through the installation of infrastructure.

Three License of Occupation with the Province of British Columbia require renewal:

**Waterfront Park Swim Area**

The first tenure is for the swim area of +/-3.3 hectares in front of Waterfront Park. The term of the proposed license is for a period of 30 years, with a nominal fee of \$1. The tenure allows the City to install infrastructure (such as swimming and boating buoys) and by enforcing regulations regarding undesired uses (such as the moorage of houseboats).

**Dock in front of Delta Grand**

The second tenure is for the small dock near the locks at the Delta Grand Hotel (DG). The term of the proposed license is for a period of 30 years, with an annual fee of \$2,500. As the City is the upland owner, only the City can hold the license for the dock. The license is then subleased to the DG for their use. With the approval of the License of Occupation, we request agreement to enter into another sublease with the DG for a period of 10 years. The new sublease will be structured the same as the previous lease where DG will pay a sublease fee based on market rents, as well as reimbursement for the City's fee to the Province.

**Water Intake**

The third tenure is for a 17.40-hectare parcel of land near Hydraulic Creek. The term of the proposed license is for a period of 30 years, with a nominal fee of \$1. The property and its facilities associated with the South East Kelowna Irrigation District, now integrated into the City of Kelowna water supply system. The integration of the system will be completed in 2020 and this work will provide City of Kelowna drinking water for domestic consumption in the service area and will maintain the SEKID water supply for irrigation and firefighting purposes. The land and facilities at the Intake are critical elements to the irrigation supply system. The operation and maintenance of this infrastructure is carried out by the Civic Operations Division.

**Considerations not applicable to this report:**

Internal Circulation:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

**Submitted by:** J. Adamson, Manager, Property Management

**Approved for inclusion:** J. Säufferer, Department Manager, Real Estate

- Attachments
1. Schedule A - License of Occupation # 3403815
  2. Schedule B - Management Plan #3403815
  3. Schedule C - License of Occupation #3407115
  4. Schedule D - Management Plan #3407115
  5. Schedule E- License of Occupation # 3402739
  6. Schedule F - Management Plan #3402739
  7. Schedule G - PowerPoint