

# Report to Council



**Date:** March 13, 2023  
**To:** Council  
**From:** City Manager  
**Subject:** Crown Tenure Mission Creek Greenway – License of Occupation  
**Department:** Real Estate

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## **Recommendation:**

THAT Council receive, for information, the Crown Tenure Mission Creek Greenway – License of Occupation report from the Real Estate Department dated March 13, 2023;

AND THAT Council agree to acquire the License of Occupation as presented, for a term of fifteen (15) years, from the Province, over those parts of Section 15 and 22, township 26, Osoyoos Division of Yale District, shown as returned to Crown on Plans 23003, 24818, and 30231, containing 2.11 hectares, more or less, for the purpose of a Pedestrian Walkway;

AND THAT the Mayor and City Clerk be authorized to execute the License of Occupation;

AND FURTHER THAT Council authorize staff to execute any further License of Occupation with the Province in relation to the subject lands, on similar terms and conditions.

## **Purpose:**

To secure an interest on behalf of the City over those lands identified in the attached License of Occupation for a portion of the Mission Creek Greenway, in order to maintain access to the existing pedestrian walkway and permit on-going maintenance of the walkway infrastructure.

## **Background:**

On December 17, 2007, the City and the Province of British Columbia (the "Province") entered into a License of Occupation for Crown lands legally described as:

"Those parts of Sections 15 and 22, Township 26, Osoyoos Division Yale District, shown as returned to Crown on Plans 23003, 24818 and 30231, containing 1.451 hectares, more or less,"

in relation to certain property that makes up a portion of the Mission Creek Greenway Regional Park (the "Lands"). The 2007 License of Occupation had a term of ten (10) years and expired December 16, 2017.

The City received correspondence from the Province dated February 6, 2023, offering a new License of Occupation over the Lands for a term of fifteen (15) years, commencing December 17, 2017, a copy of which is attached as Schedule A.

**Discussion:**

The Lands constitute a portion of the Mission Creek Greenway Regional Park/Scenic Canyon Regional Park, which are subject to a Management and Regulation Contract between the City and the RDCO, attached as Schedule B.

Pursuant to the terms of that Management Agreement, the RDCO is responsible for the management, regulation, operation, and maintenance of the Mission Creek Greenway as a Regional Park.

The Province requires Council to pass a resolution agreeing to enter into the 2017 License of Occupation, allowing the City to continue to meet its obligations to the RDCO with respect to maintaining our interest in the Mission Creek Greenway.

**Internal Circulation:**

Parks

**Considerations not applicable to this report:**

*Legal/Statutory Authority*

*Legal/Statutory Procedural Requirements*

*Existing Policy*

*External Agency/Public Comments*

Submitted by: J. Buck, Manager, Property Management

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

Attachments: Schedule A – License of Occupation, Mission Creek Greenway  
Schedule B – Mission Creek Greenway Regional Park/Scenic Canyon Regional Park  
Management and Regulation Contract  
Schedule C – PowerPoint