

510–255 17 Avenue SW
Calgary, AB T2S 2T8
403.228.1336



o2design.com

August 4, 2023

To: Mary Quinlan, CSLA, AALA
Landscape Architect, The City of Calgary

cc: Jonathan Slaney, P.Eng.
River Engineer, The City of Calgary

Subject: Bow River 10th St Gravel Bar Project: Land Ownership and Utilities Review

Background and Introduction

As part of the background literature review for the Bow River 10th St. Gravel Bar project, information on land ownership and utilities was reviewed to fulfill Task 1.2.5 in the project work plan. This technical memorandum prepared by O2 on behalf of The City of Calgary (The City) summarizes the findings and discusses implications for the project's planning and design process, including flagging areas to avoid potential conflicts.

Land Ownership

There are three landowners and seven titled parcels that intersect or are immediately adjacent to the study area (Figure 1). Ownership can be summarized as follows:

- As per the *Public Lands Act*, the Provincial Crown owns all the riverbed and shore of the Bow River¹.
- A large parcel (#5) spanning across most of the southern portion of the study area is owned by the Provincial Crown but managed by The City.
- Parcel #6 overlaps a small portion the eastern edge of the study area and extends east across the Eau Claire Plaza. Surface rights here are also owned by the Provincial Crown (Lands and Forests), although title to subsurface mineral rights appears to remain private².
- A large parcel (#1) on the north side of the river between the river and Memorial Dr., in the North Channel area, is owned by The City of Calgary (Parks).

¹Provincial ownership of the bed and shore applies regardless of whether a land title exists.

²Land title 0187 shows mineral rights belonging to the Calgary Water Power Company since 1892. This corporation was purchased in 1928 by Calgary Power, the predecessor of TransAlta Utilities.

- Several other smaller parcels (#2, #3, #4) are also owned by The City of Calgary.
- Parcel 7 on St. Patrick's Island is also owned by The City. However, this area is well downstream of the Study Area and unlikely to be affected by the project unless a staging area is located there, which is unlikely.

Utilities / Encumbrances / Rights of Way (ROW)

- An Enmax ROW and associated subsurface electric transmission line passes directly through the Louise Bar and the Wave Deck sites, which will require careful consideration in the design phase, as construction may be limited in this area. The standard Enmax offset is 7m; however, this ROW features a 138 kV transmission line, and the offset may be more extensive. Engaging Enmax to discuss the location of the underwater line will be required. This must occur early in the process.
- City engineers (Katherine Hikita and Jonathan Slaney) also indicated that in preliminary discussions, Enmax stated they *may* be decommissioning this line soon. This needs to be discussed, confirmed, and coordinated with Enmax through The City. Whether this line remains in place or not could have significant implications for the design solution.
- A water main (concrete, 1500mm in diameter) passes through the study area, crossing the North Channel area and the Bow River, as well as the middle portion of the South Slopes. The block profile indicates that this pipe is approximately 3-4 m beneath the surface at most locations (Figure 3). This water main also runs parallel to Memorial Drive and the regional pathway just north of the study area, prior to turning sharply south and crossing the Bow River.
- Parcel 1 lists a utility ROW for a gas line granted to the Canadian Western Natural Gas Company Limited³ in 1969. There appears to be an ATCO gas line in the location described, but it falls outside of the Study Area, near parcel 2. Two additional encumbrances are on title for parcel 1, a Builders' Lien and a Certificate of Lis Pendens. UCanu Manufacturing Corp. claims the Lien against the City concerning the work for Poppy Plaza for \$1,584,198.16, dated August 2013. A Certificate of Lis Pendens on a property title typically indicates the property owner has been sued, but the suit has not yet been resolved. In this case, Ucanu Manufacturing Corp. is the plaintiff suing The City, among others, related to the Lien described above.
- There are no utility ROWs or encumbrances on the titles of parcels 2 and 3; however, the City's spatial data indicates an ATCO gas pipe and Enmax cable passing through the parcel and continuing along Louise Bridge. These utilities may be above grade and do not impact the surface, but The City should confirm.
- Parcel 4 notes a utility ROW; however, the plan indicates this was a road closure of 3rd Ave circa 1985 which remains closed to this day.

³ Canadian Western Natural Gas Company Limited was purchased by ATCO in the 1980's.

- Parcel 5 does not show an encumbrance on title; however, the SPIN database indicates a ROW plan for a sewer line (Plan# 1149 JK), shown in Figure 2 as a "Storm Utility ROW."
- Parcel 6 only intersects with a small portion of the Study Area; however, it contains two encumbrances: relating to the surface rights owned by the Province, there is a utility ROW granted to the City of Calgary for a "Utility Easement" but does not specify the type. This easement does intersect the Study Area. The second relates to the Mineral rights owned by the Calgary Water Power Company (now TransAlta). An instrument listed on the title states that the CWPC expropriated a portion of the land in parcel 6, but the riverbed remains vested in either the C.P.R. or the Crown.
- Parcel 7 is not within the Study Area and unlikely to have any design implications, but does contain a Caveat for the River Café, as well as another, separate Enmax ROW.
- The Canadian Western gas line ROW mirrors the location of the existing ATCO gas line, which passes through Poppy Plaza and is adjacent to but not within the Study Area. It is unlikely to be affected by the project. It should be confirmed with The City that the ATCO gas line is the same as the Canadian Western line listed on the title. An ATCO gas line intersects the Louise Bar; however, it is likely above grade and embedded in the 10th St ROW/ Louise Bridge and, therefore, unlikely to be affected by this project. It must be confirmed with The City that the ATCO gas line is embedded in the Louise Bridge.
- There are 13 storm outfall locations and associated storm pipes in The City's asset database to be aware of within and adjacent to the Study Area. This includes the 'Sewer ROW' identified in parcel 6 that may affect the project. Another utility easement runs through parcel 5, which appears to also be associated with the stormwater pipe. Further investigations into implications may be required in future design stages.
- During field visits, a smaller storm outfall near the retaining wall just west of the 10th St. bridge was also observed but does not appear in The City's database. It is speculated that this might be connected to a smaller drainage tile installed by Roads for local overland flow and is therefore not owned and maintained by Water Resources as a stormwater asset.
- Two additional ROWs were identified in the 2019 report by Surf Anywhere: Calgary Transit ROW for the existing CTrain bridge (Plan # 8811094) and a bridge ROW (Plan # 7410447). However, both are elevated on the two bridges and unlikely to be disturbed by project activities that would remain at ground level.

Summary, Conclusions, and Implications

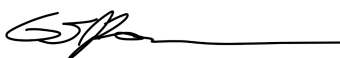
- Utility rights-of-way (ROW) affect what can be built over the utility. Usually, no new structures or trees are permitted, but paving, grass, or perennials are acceptable.
- A 138 kV Enmax electricity transmission line runs through the Wave Deck and Louise Bar sites. It is also adjacent to - but does not overlap - the proposed location of the Wave site. The City must engage with Enmax for utility clearance through the design development process.
- If Enmax does intend to decommission and move this line, this should be confirmed as early as possible, as it may have implications for the design solutions.
- The 1500 mm concrete water main passing through The North Channel and crossing the Bow River requires careful consideration for the potential excavation of the proposed fish habitat side channel in the North Channel area. As major earthworks along the South Slopes are not anticipated, risks are lower there. This pipe is approximately 3-4 m under the surface based on the block profile (Figure 3). Project engineers will need to ensure sufficient cover and mitigate any risks of damaging this water main in their designs.
- Several storm outfalls and associated stormwater infrastructure also require consideration during design, especially at the Landing, the Wave Deck, and the South Slopes. These could be moved if necessary to accommodate designs but should be avoided if possible.
- The Provincial Crown and The City of Calgary are the two main landowners. *Public Lands Act* approvals will be required for any disturbances or structures on provincially owned lands.

Closing

This preliminary background data review highlights utilities and property boundaries to inform the planning and conceptual design development of the Bow River 10th St. Gravel Bar project. This assessment is sufficient for the development of the preliminary conceptual designs. Topographic surveys confirming the locations of property boundaries, utilities, easements, and ROWs will be necessary for future detailed design.



Reinaldo Jordan, CSLA
Landscape Architect, O2



George Roman, PMP
Project Manager, O2

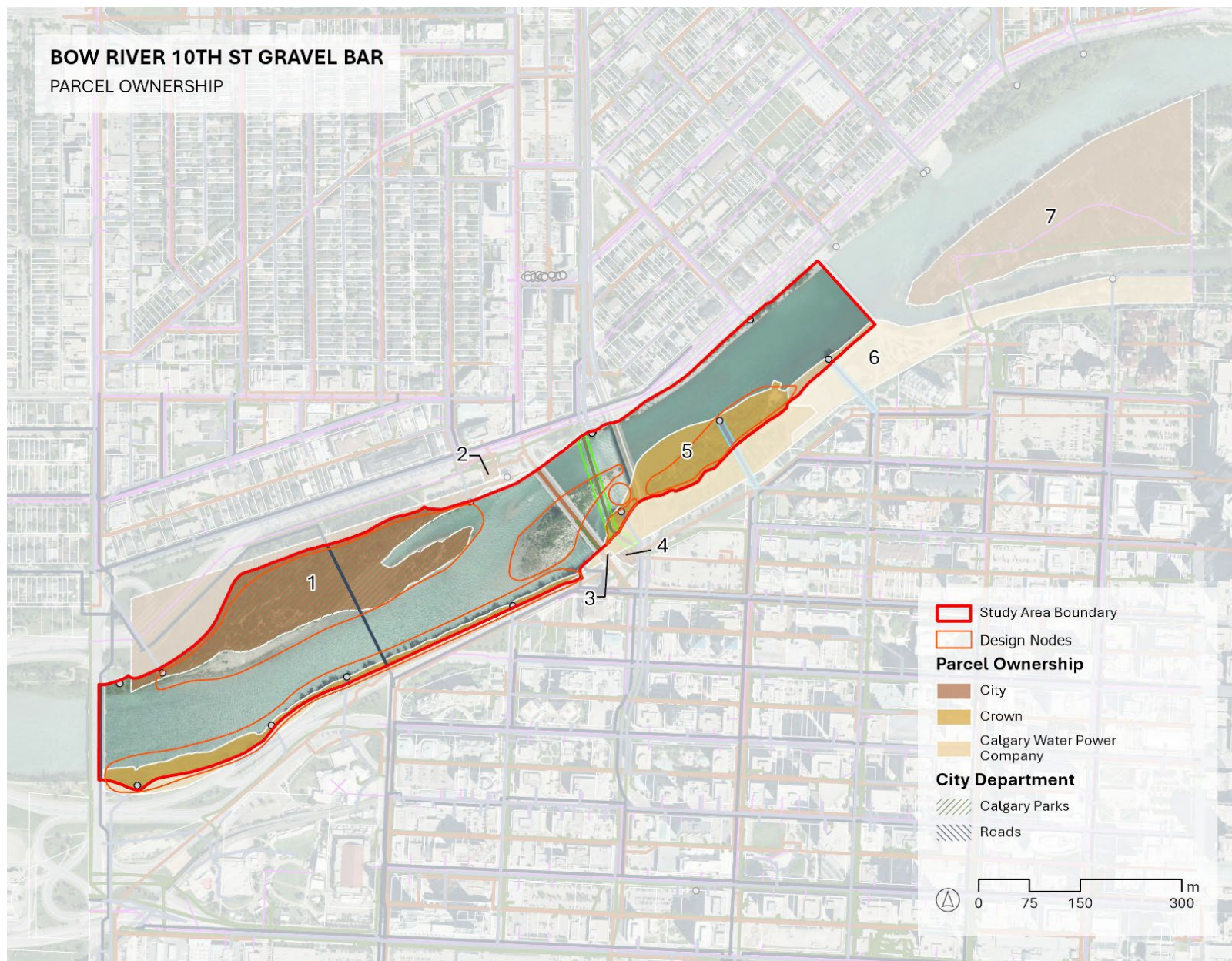


Figure 1. Land titles on file and parcel ownership in and adjacent to the Study Area

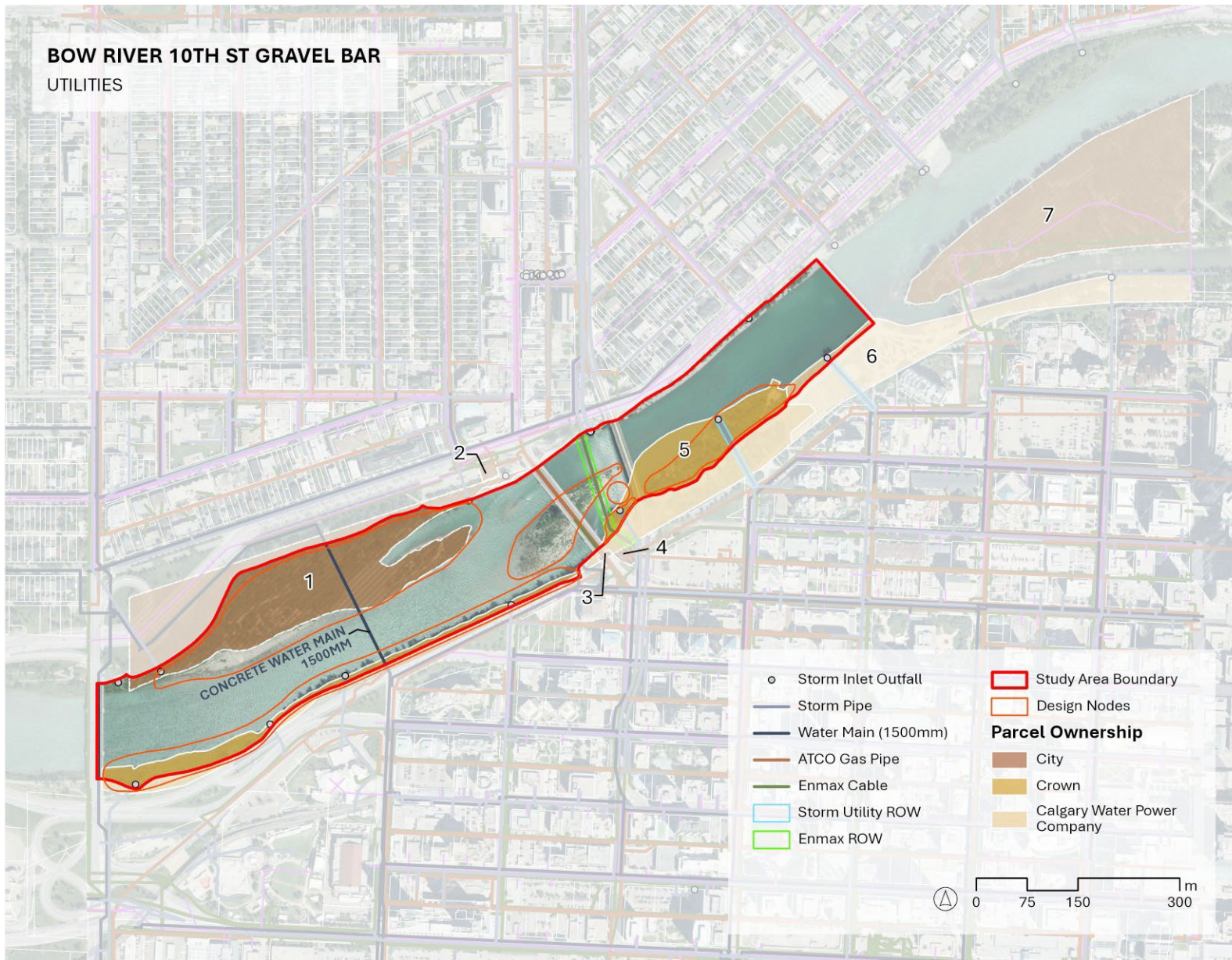


Figure 2. Utilities and Rights-of-Ways in and adjacent to the Study Area

Table 1. Land ownership and encumbrances in and adjacent to the Study Area

Parcel	Title #	Ownership/ Management	Encumbrances		Design Node
1	931 218 240	City of Calgary/ Parks	Utility ROW Registration # 4716KM	Natural Gas (Canadian Western Natural Gas Company)	The North Channel
			Builder's Lien Registration # 131189744	Leinor – Ucanu Manufacturing Corp - \$1,584,198.00	
			Certificate of Lis Pendens Registration # 141025014		
2	171 010 915	City of Calgary/ Parks	None		The North Channel
3	24F36	City of Calgary/ Roads	None		Wave Deck
4	851 214 731 A	City of Calgary/ Roads	Utility ROW Plan # 8510908	City of Calgary – Road Closure	Wave Deck
5	149U174	Provincial Crown Land/ Calgary Parks	None on title		The Wave, The Landing, The South Slopes
6	149U173	Provincial Crown Land (Surface rights)	Utility ROW Plan # 8110408	City of Calgary – Utility Easement	The Landing
	O187	Calgary Water Power Company (Mineral rights)	Instrument 603E		The Landing
7	73M84	City of Calgary/ Parks	Caveat Registration # 021279432	River Café Limited	None
			Utility ROW Plan # 2011635	City of Calgary – Enmax	

References

- Alberta Government Services – Land Titles Office. (1892, March 17). Instrument 603E. Government of Alberta – Alberta Land Titles Spatial Information System.
- Archives Society of Alberta. (n.d.). Canadian Western Natural Gas Company. Retrieved from: <https://albertaonrecord.ca/canadian-western-natural-gas-company> on July 13, 2023.
- City of Calgary. (2023). Major Road Network. Open Data.
- City of Calgary. (n.d.). City Owned Land. City Owned Land Inventory. Accessed May 31, 2023.
- City of Calgary. (n.d.). Electrical Enmax. City Online. Accessed July 5, 2023.
- City of Calgary. (n.d.). Gas ATCO. City Online. Accessed July 5, 2023.
- City of Calgary. (n.d.). Ownership Parcel Fabric by Section. City Online. Accessed July 5, 2023.
- City of Calgary. (n.d.). Storm Utilities by Section. City Online. Accessed July 5, 2023.
- City of Calgary. (n.d.). Water Utilities by Section. City Online. Accessed July 5, 2023.
- de Korte, S. (2023). Personal Communication. Discussion of Utility Rights-of-Way and Landscape Architecture. July 12, 2023.
- Hikita, K. (2023). Personal Communication. Discussion of Enmax ROW. July 13, 2023.
- Reference for Business. (2023). History of TRANSALTA UTILITIES CORPORATION. Retrieved from: TRANSALTA UTILITIES CORPORATION - Company Profile, Information, Business Description, History, Background Information on TRANSALTA UTILITIES CORPORATION (referenceforbusiness.com) on July 12, 2023.
- Registrar of Land Titles. (1892, September 19). Land Title Certificate – Title Number O187. Government of Alberta – Alberta Land Titles Spatial Information System.
- Registrar of Land Titles. (1920, June 9). Land Title Certificate – Title Number 24F36. Government of Alberta – Alberta Land Titles Spatial Information System.
- Registrar of Land Titles. (1947, March 5). Land Title Certificate – Title Number 73M84. Government of Alberta – Alberta Land Titles Spatial Information System.
- Registrar of Land Titles. (1961, May 25). Plan Showing Survey of Sewer Right of Way - Plan Number 1149JK. Government of Alberta – Alberta Land Titles Spatial Information System.
- Registrar of Land Titles. (1967, October 11). Land Title Certificate – Title Number 149U173. Government of Alberta – Alberta Land Titles Spatial Information System.
- Registrar of Land Titles. (1967, October 11). Land Title Certificate – Title Number 149U174. Government of Alberta – Alberta Land Titles Spatial Information System.
- Registrar of Land Titles. (1969, August 27). Easement – Registration Number 4716KM. Government of Alberta – Alberta Land Titles Spatial Information System.

Registrar of Land Titles. (1980, August 8). Easement – Registration Number 821013835. Government of Alberta – Alberta Land Titles Spatial Information System.

Registrar of Land Titles. (1981, April 2). Right of Way Plan – Plan Number 8110408. Government of Alberta – Alberta Land Titles Spatial Information System.

Registrar of Land Titles. (1985, December 6). Easement – Registration Number 851214732. Government of Alberta – Alberta Land Titles Spatial Information System.

Registrar of Land Titles. (1985, December 18). Land Title Certificate – Title Number 851214731A. Government of Alberta – Alberta Land Titles Spatial Information System.

Registrar of Land Titles. (1993, September 3). Land Title Certificate – Title Number 931218240. Government of Alberta – Alberta Land Titles Spatial Information System.

Registrar of Land Titles. (2013, July 5). Builders Lien – Registration Number 131189744. Government of Alberta – Alberta Land Titles Spatial Information System.

Registrar of Land Titles. (2014, January 27). Certificate of Lis Pendens – Registration Number 141025014. Government of Alberta – Alberta Land Titles Spatial Information System.

Registrar of Land Titles. (2017, January 13). Land Title Certificate – Title Number 171010915. Government of Alberta – Alberta Land Titles Spatial Information System.

Surf Anywhere. (2019). DRAFT River & Waves Urban Beach Initial Design Report. Calgary, Alberta.