

Board of Trustees

1221 - 8 Street SW Calgary, AB T2R 0L4 | t | 403-817-7933 | www.cbe.ab.ca

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Patricia Bolger Wards 6 & 7

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Nancy Close Wards 11 & 13

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Susan Vukadinovic Wards 8 & 9
Charlene May Wards 12 & 14

November 27, 2024

Honourable Demetrios Nicolaides Minister of Education 228 Legislature Building 10800 – 97 Avenue Edmonton, Alberta T5K 2B6

Dear Minister Nicolaides:

The Calgary Board of Education (CBE) is requesting Ministerial approval to allow a Utility Right of Way encumbrance on CBE school lands.

The City of Calgary wishes to construct a dry pond within the playfields adjacent to CBE's Capitol Hill School, as part of the municipality's stormwater management strategy. The dry pond will continue to be accessible by the CBE as an active recreation space and will also serve as a temporary reservoir for rainwater during periods of heavy rainfall.

If approved by the Minister, the CBE will work with the municipality with respect to construction scheduling and staging to ensure impacts to school programming are minimized.

Since dry ponds are connected to stormwater infrastructure, they are recognized as a utility, and as a result the municipality will require registration of a Utility Right of Way Agreement on the school's land title once dry pond construction is complete. The CBE understands the impact of the land registration and has approved the registration.

On November 26, 2024, the CBE Board of Trustees passed the following motion:

THAT, subject to Ministerial approval, the Board of Trustees approves registration of a Utility Right of Way Agreement on school lands.

The Capitol Hill School property is located at 2210 - 18 Street NW, and the legal land parcels impacted by the dry pond location will be Plan 2864AF; Block 22; Lots 12 through 29, and Plan 2864; Block 33.

Sincerely,

Patricia Bolger, Chair Board of Trustees



AR 127835

February 18, 2025

Patricia Bolger Board Chair Calgary Board of Education 1221 8 St SW Calgary AB T2R 0L4

Dear Patricia Bolger:

Thank you for your letter requesting to dispose of the Utility Right of Way at the Capitol Hill School property located at 2210 18 Street NW with the impacted legal land parcels described as Plan 2864AF; Block 22; Lots 12 through 29, and Plan 2864; Block 33. I appreciate the opportunity to respond.

Under the <u>Real Property Governance Act</u>, consolidated entities, including school boards, must submit an Offer to Transfer package to Alberta Infrastructure for all surplus lands before they can otherwise dispose of or transfer their real property in part or in whole (unless exempted under Section 7(6) of the act). Please note that in cases where Utility Right of Ways are being considered, only the Utility Right of Way must be offered to Infrastructure, not ownership of the land itself. The <u>Offer to Transfer package</u> includes the <u>Offer to Transfer Checklist</u> and instructions for drafting an Offer to Transfer letter.

In order for Infrastructure to determine whether to accept the transfer, a property assessment will be performed, which will be completed once the Offer to Transfer package has been received. The Offer to Transfer package should be sent to the Real Property Governance mailbox at infra.rpg@gov.ab.ca. If you require assistance during this process, please contact Infrastructure through the Real Property Governance mailbox.

Once a complete Offer to Transfer package is received, Infrastructure staff will undertake an inter-departmental circulation, assess the request, and render a decision on the Offer to Transfer. Both the Ministers of Infrastructure and Education will make a final decision on the transfer request and disposition of property, under their respective legislation.

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Patricia Bolger Page 2

If you have any questions, please contact Allison Matichuk, Stakeholder Relations Manager, at Allison.Matichuk@gov.ab.ca or 780-643-1453 (toll-free by first dialing 310-000).

Best,

Demetrios Nicolaides ECA PhD

Minister of Education



Board of Trustees

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Charlene May Wards 12 & 14

April 23, 2025

Honourable Martin Long Minister of Infrastructure 419 Legislature Building 10800 - 97 Avenue Edmonton, AB T5K 2B6

Dear Minister Long:

The Calgary Board of Education (CBE) has approved registration of a utility right of way on school lands for construction of a municipal dry pond by the City of Calgary. In accordance with the terms of the *Real Property Governance Act*, the CBE is hereby providing Alberta Infrastructure with an Offer to Transfer pertaining to the utility right of way instrument.

The utility right of way pertains to a 0.59 hectare (5,900.00 square metres) portion of the Capitol Hill School property. While the lands will continue to be owned by the CBE, the utility right of way will allow the City of Calgary to construct a dry pond on the property for collection of surplus rainwater. The dry pond will exist in perpetuity, serving as an important part of the City of Calgary's stormwater management system. Construction on the dry pond is currently scheduled to commence in Spring 2026.

As part of this Offer to Transfer package, please find the enclosed appendices with additional details regarding the planned location of the utility right of way and the lands that will be impacted by this encumbrance. To confirm, this Offer to Transfer pertains to the Utility Right of Way instrument only, not the lands on which the Utility Right of Way will be registered. As Utility Rights of Way do not hold market value, this Offer to Transfer is provided without compensation.

Yours sincerely,

Patricia Bolger, Chair

Board of Trustees

Cc: Honourable Demetrios Nicolaides, Minister of Education

Joanne Pitman, Chief Superintendent of Schools

Dany Breton, Superintendent, Facilities & Environmental Services

Appendix 1: Drawing Overview

Appendix 2: Survey Plan

Appendix 3: List of lands affected by the Utility Right of Way

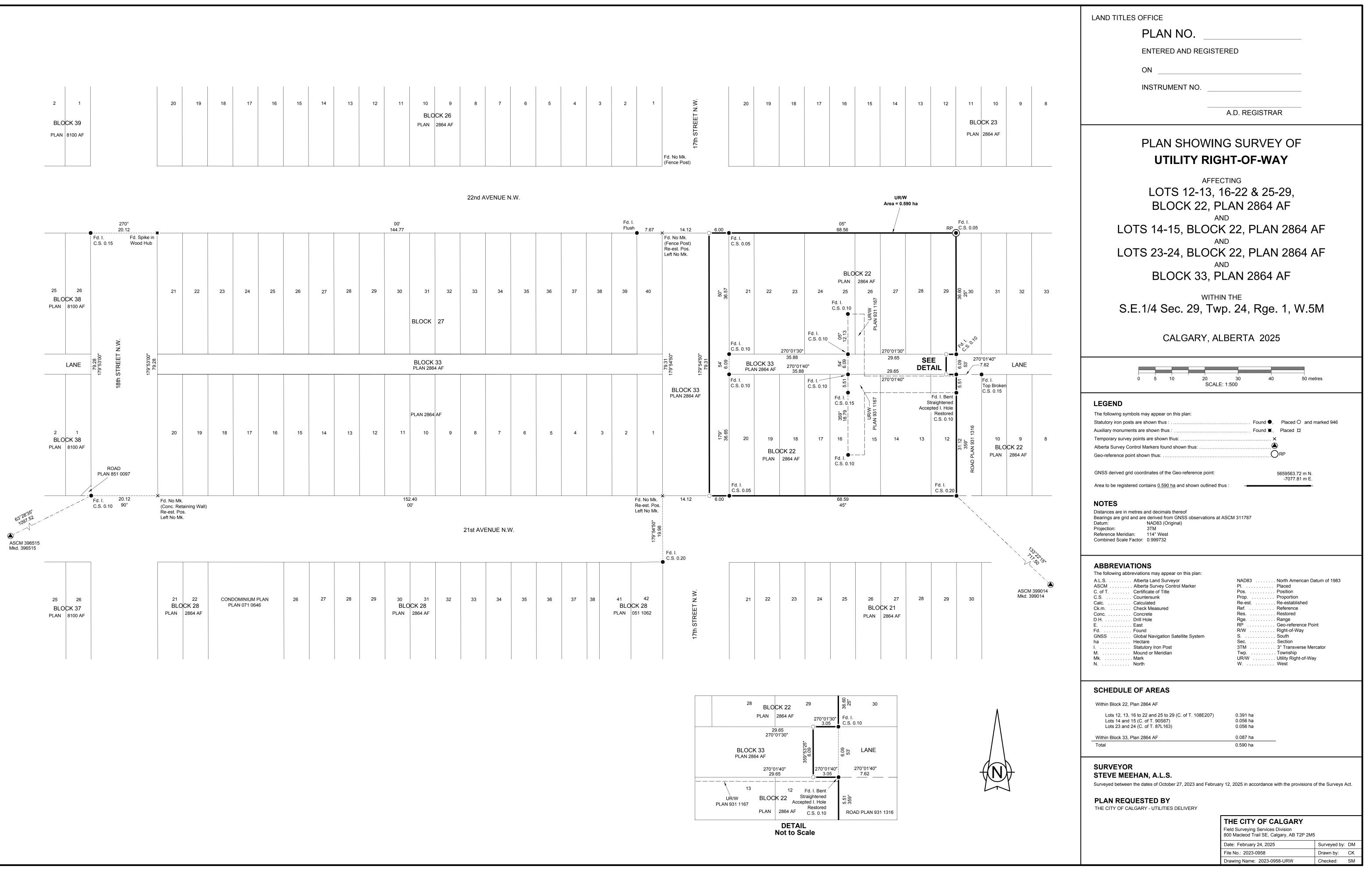
Appendix 4: Certificate of Title documents for the affected lands



Capitol Hill School Utility Right of Way Overview



- Utility Right of Way Area (.59 hectares)





Utility Right of Way Affected Lands

Land Parcels Impacted the Capitol Hill Dry Pond Utility Right of Way:

- 1. PLAN 2864AF; BLOCK 22; LOTS 14 AND 15 Municipally known as 1728 21 Avenue N.W., Calgary, Alberta Landowner: The Calgary Board of Education
- 2. PLAN 2864AF; BLOCK 22; LOTS 12, 13, 16 TO 22 AND 25 TO 29 Municipally known as 1736 21 Avenue N.W., Calgary, Alberta Landowner: The Calgary Board of Education
- 3. PLAN 2864AF; BLOCK 22; LOTS 23 AND 24 Municipally known as 1737 22 Avenue N.W., Calgary, Alberta Landowner: The Calgary Board of Education
- 4. PLAN 2864AF; BLOCK 33

 Municipally known as 1770 21 Avenue N.W., Calgary, Alberta
 Landowner: The Calgary Board of Education



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LINC SHORT LEGAL TITLE NUMBER

0019 970 417 2864AF;22;14,15 90S67

LEGAL DESCRIPTION

PLAN 2864AF

BLOCK 22

LOTS 14 AND 15

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;29;SE

MUNICIPALITY: CITY OF CALGARY

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

90S67 . 27/03/1952 \$600 REF. 6198GJ

OWNERS

THE CALGARY BOARD OF EDUCATION.

OF 1221 8 STREET S.W

CALGARY

ALBERTA T2R 0L4

(DATA UPDATED BY: CHANGE OF ADDRESS 131098065)
(DATA UPDATED BY: CHANGE OF NAME 201071613)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

931 186 587 04/08/1993 UTILITY RIGHT OF WAY

GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY

LIMITED.

AS TO PORTION OR PLAN: 9311167

TOTAL INSTRUMENTS: 001

ORDER NUMBER: 53142006

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.



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LINC SHORT LEGAL TITLE NUMBER 0019 970 326 2864AF;22;12,13,16-22,25-29 108E207 .

LEGAL DESCRIPTION

PLAN 2864AF

BLOCK 22

LOTS 12, 13, 16 TO 22 INCLUSIVE AND 25 TO 29 INCLUSIVE

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;29;SE

MUNICIPALITY: CITY OF CALGARY

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

108E207 . 19/12/1957 \$1 REF. 8514HG

OWNERS

THE CALGARY BOARD OF EDUCATION.

OF 1221 8 STREET S.W

CALGARY

ALBERTA T2R 0L4

(DATA UPDATED BY: CHANGE OF ADDRESS 131098009)
(DATA UPDATED BY: CHANGE OF NAME 201071613)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

931 186 587 04/08/1993 UTILITY RIGHT OF WAY

GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY

LIMITED.

AS TO PORTION OR PLAN: 9311167

"AS TO LOTS 12,13,16,25 AND 26 BLOCK 22 PLAN 2864

AF"

(DATA UPDATED BY: 931186601)

TOTAL INSTRUMENTS: 001

(CONTINUED)

ORDER NUMBER: 53142006

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.



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LINC SHORT LEGAL TITLE NUMBER 0016 767 345 2864AF;33 108E207B .

LEGAL DESCRIPTION

PLAN 2864AF

BLOCK 33

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;29;SE

MUNICIPALITY: CITY OF CALGARY

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

108E207B . 19/12/1957 \$1

OWNERS

THE CALGARY BOARD OF EDUCATION.

OF 1221 8 STREET S.W

CALGARY

ALBERTA T2R 0L4

(DATA UPDATED BY: CHANGE OF ADDRESS 131098065)
(DATA UPDATED BY: CHANGE OF NAME 201071613)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

ORDER NUMBER: 53142006

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.



s

LINC SHORT LEGAL TITLE NUMBER

0019 970 425 2864AF;22;23,24 87L163

LEGAL DESCRIPTION

PLAN 2864AF

BLOCK 22

LOTS 23 AND 24

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;29;SE

MUNICIPALITY: CITY OF CALGARY

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

87L163 . 08/01/1952 \$500 REF. 8192GH

OWNERS

THE CALGARY BOARD OF EDUCATION.

OF 1221 8 STREET S.W

CALGARY

ALBERTA T2R 0L4

(DATA UPDATED BY: CHANGE OF ADDRESS 131098065)
(DATA UPDATED BY: CHANGE OF NAME 201071613)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

ORDER NUMBER: 53142006

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.



Assistant Deputy Minister 3rd Floor, Infrastructure Building 6950 – 113 Street NW Edmonton, Alberta T6H 5V7 Telephone: 780-644-5624

AR 58448

May 2, 2025

Patricia Bolger Chair, Board of Trustees Calgary Board of Education 1221 - 8 Street SW Calgary, AB T2R 0L4

Dear Patricia Bolger,

Thank you for your April 23, 2025, letter to the Minister of Infrastructure regarding the Calgary Board of Education's (CBE) Offer to Transfer the proposed Utility Right of Way instrument affecting the Capitol Hill School Property under the *Real Property Governance Act* (RPGA).

Infrastructure requests clarification on if the municipal dry pond, proposed to be under a Utility Right of Way with CBE on title, can co-exist with the continued use of the portion of the Capitol Hill School property for school purposes such as playground or field space.

If the dry pond area will remain available for school programming, no Offer to Transfer may be required under the RPGA as the property would continue to serve an educational program purpose. However, if the land is being permanently removed from program use due to flood risk, public safety, or other hazards arising from the dry pond, Alberta Infrastructure will proceed with assessing the Offer to Transfer.

If you would like to discuss this matter, please contact Lyle Markovich, Director, Land Planning at lyle.markovich@gov.ab.ca or 780-644-1288. In the meantime, no disposition or transfer of the Utility Right of Way instrument may proceed until a decision is provided in writing. Should additional information be required, our staff will contact you directly.

If you have any general questions regarding the RPGA process, please contact infra.rpg@gov.ab.ca.

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Patricia Bolger Page 2

Sincerely,

Husam Alimami Acting Assistant Deputy Minister

cc: Brad Smid

Acting Deputy Minister, Alberta Infrastructure

Lora Pillipow

Deputy Minister, Alberta Education



AR 58431

June 5, 2025

Patricia Bolger Chair, Board of Trustees Calgary Board of Education 1221 - 8 Street SW Calgary, AB T2R 0L4

Dear Patricia Bolger:

Thank you for your April 23, 2025, letter regarding the Calgary Board of Education's (Division) Offer to Transfer the proposed Utility Right of Way portion of the Capitol Hill School property (Property) under the Real Property Governance Act (RPGA). As Minister of Infrastructure, I appreciate the opportunity to respond.

We acknowledge the clarification provided in your May 5, 2025, follow-up email, confirming the municipal dry pond installation will not permanently impact the Division's instructional use of the playfield area.

Under the RPGA, only properties that are surplus to the program needs of a school jurisdiction are required to be offered to the Minister of Infrastructure for consideration. Given that the Property will remain in program use, no Offer to Transfer application is required.

While no further action is required regarding your Offer to Transfer application, please note approvals under the Education Act may be required from Alberta Education and Childcare.

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Patricia Bolger Page Two

If there are additional modifications planned that may alter the program use of the site, please contact us to review the requirements under the RPGA at infra.rpg@gov.ab.ca.

For questions regarding the RPGA, please contact Husam Alimami, Executive Director, Asset Management Branch, at husam.alimami@gov.ab.ca or 587-588-8319.

Thank you for taking the time to write.

Sincerely,

Martin Long Minister

cc: Honourable Demetrios Nicolaides

Minister of Education and Childcare

Joanne Pitman Chief Superintendent of Schools, Calgary Board of Education

Dany Breton Superintendent, Facilities and Environmental Services Calgary Board of Education



Board of Trustees

1221 - 8 Street SW Calgary, AB T2R 0L4 | t | 403-817-7933 | www.cbe.ab.ca

June 6, 2025

Board Chair

Patricia Bolger Wards 6 & 7

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Nancy Close Wards 11 & 13

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Laura Hack Wards 3 & 4
Marilyn Dennis Wards 5 & 10
Susan Vukadinovic Wards 8 & 9
Charlene May Wards 12 & 14

Honourable Demetrios Nicolaides

Minister of Education

228 Legislature Building

10800 - 97 Avenue

Edmonton, Alberta T5K 2B6

Dear Minister Nicolaides:

As required under the terms of the *Real Property Governance Act*, the Calgary Board of Education (CBE) submitted an Offer to Transfer for a Utility Right of Way to the Minister of Infrastructure on April 23, 2025, Alberta Infrastructure confirmed it does not wish to acquire the Right of Way. In follow up to this confirmation, the CBE is requesting Ministerial approval to allow the Utility Right of Way to be register as an encumbrance on CBE school lands.

The Utility Right of Way pertains to a municipal dry pond that will be constructed by the City of Calgary in the playfield area adjacent to CBE's Capitol Hill School, where it will serve as part of the municipality's stormwater management strategy. The dry pond area will act as a reservoir for rainwater during periods of significant rainfall but will otherwise continue to function as an outdoor playfield area accessible to CBE students.

Since dry ponds are connected to stormwater infrastructure, they are recognized as a utility, and as a result the municipality will require registration of a Utility Right of Way Agreement on the school's land title once dry pond construction is complete. The CBE supports construction of the dry pond and an encumbrance on the lands. Alberta Land Titles will require Ministerial approval to register the Utility Right of Way on the land title.

The Capitol Hill School property is located at 2210 - 18 Street NW. The legal land parcels impacted by the dry pond location will be Plan 2864AF; Block 22; Lots 12 through 29, and Plan 2864; Block 33.

Sincerely,

Patricia Bolger, Chair Board of Trustees

Pholga

cc: Joanne Pitman, Chief Superintendent of Schools
Dany Breton, Superintendent, Facilities & Environmental Service

MLA, Calgary - Bow

AR 130692

June 20, 2025

Ms. Patricia Bolger Chair Calgary Board of Education 1221 8 Street SW Calgary AB T2R 0L4

Dear Ms. Bolger:

Thank you for your letter requesting approval for registration of a Utility Right of Way at the Capitol Hill School site. I am pleased to respond.

I hereby approve the registration of a Utility Right of Way on the Calgary Board of Education properties legally described as:

- Plan 2864AF; Block 22; Lots 12 through 29; and
- Plan 2864; Block 33.

Please ensure that the final right-of-way agreement releases the school division from any obligation or liability regarding the affected property after the registration.

Should you have any questions, please contact Allison Matichuk, Capital Planning Manager, at allison.matichuk@gov.ab.ca or 780-690-2317.

Best.

Demetrios Nicolaides ECA PhD Minister of Education and Childcare