

## CITY OF SALMON ARM

### BYLAW NO. 4589

Being a Bylaw to Close to Traffic, Remove the Dedication as Highway and Dispose of a Portion of Road, a portion of 42 Street SW, dedicated on Plan 27888, shown on Reference Plan EPP132032.

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WHEREAS, pursuant to Section 40 of the *Community Charter*, SBC, 2003 Chapter 26, and amendments thereto, Council may, by bylaw, close a portion of highway to traffic and remove the dedication of a highway, if prior to adopting the bylaw, Council publishes notice of its intention in a newspaper and posts the notice in public notice posting place, and provides an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

AND WHEREAS the Provincial Government's right of resumption under Section 35(8) of the *Community Charter*, SBC, 2003, Chapter 26 and amendments thereto, in relation to a highway or portion of a highway that was vested in a municipality pursuant to Section 35(1) of this Act, is cancelled if the Corporate Officer of the municipality files with the Land Title Office a statement certifying that the highway closure and removal of dedication complies with the Regulation of the Minister of Transportation B.C. Regulation 245/2004 (June 4, 2004) as amended by B.C. Regulation 18/2008 (January 25, 2005), made under the authority of the *Community Charter*, Section 35(10)(b);

AND WHEREAS the Council deems it expedient to close to traffic, remove the dedication of highway and dispose of that portion of Road, comprising a 183.3 m<sup>2</sup> portion of 42 Street SW, dedicated at the Kamloops Land Title Office by Plan 27888 which is shown outlined in bold black ("Closed Road") on the Reference Plan EPP132032 prepared by Browne Johnson Land Surveyors, a reduced copy of which is attached hereto (the "Plan");

AND WHEREAS notices of the Council's intention to close the portion of highway to traffic, to remove its dedication as highway, and to dispose of it were published in a newspaper and posted in the public notice posting place;

AND WHEREAS the Council does not consider that the closure of the portion of highway will affect the transmission or distribution facilities or works of utility operators;

NOW THEREFORE, the Council of the City of Salmon Arm, Province of British Columbia in open meeting assembled hereby enacts as follows:

1. Attached to this Bylaw, as Schedule "A" and forming part of this Bylaw is a copy of the Reference Plan EPP132032 (the "Plan").
2. The City of Salmon Arm hereby authorizes the closure to traffic and removal of the highway dedication of that portion of of Road, comprising 183.3 m<sup>2</sup> dedicated at the Kamloops Land

title Office by Plan 27888 which is shown outlined in bold black ("Closed Road") on the Reference Plan 132032.

3. On deposit of the Plan and all other applicable documentation for the removal of the highway dedication, in the Kamloops Land Title Office, the highway dedication of that portion of the road is cancelled.
4. The Mayor and Corporate Officer are hereby authorized to execute such conveyances, deeds, maps, plans, receipts and documents on behalf of the City of Salmon Arm as may be necessary for the purposes aforesaid and to affix the Corporate Seal of the City of Salmon Arm thereto.
5. The Council shall, before adopting this Bylaw, cause public notice of its intention to do so to be given by advertisement once each week for two consecutive weeks in a newspaper published or circulated in the City of Salmon Arm, and has provided an opportunity for persons who consider they are affected by the closure and disposition of the Closed Road to make representations to Council.

#### SEVERABILITY

6. If any part, section, sub-section, clause, or sub-clause of this bylaw for any reason is held to be invalid by the decision of a Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this bylaw.

#### ENACTMENTS

7. Any enactments referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.

#### EFFECTIVE DATE

8. This bylaw shall come into full force and effect upon adoption of same.

CITATION

9. This Bylaw may be cited for all purposes as the “City of Salmon Arm Road Closure Bylaw No. 4589”.

READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023

APPROVED PURSUANT TO SECTION 41 (3) OF THE COMMUNITY CHARTER ON THE  
DAY OF \_\_\_\_\_, 20\_\_\_\_.

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For Minister of Transportation and Infrastructure

PUBLIC NOTICE OF INTENTION TO PROCEED ADVERTISED IN THE SALMON ARM  
OBSERVER ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AND THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 20\_\_\_\_.

PUBLIC INPUT PROVIDED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

ADOPTED BY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

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MAYOR

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CORPORATE OFFICER

PLAN EPP132032

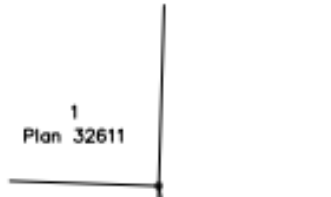
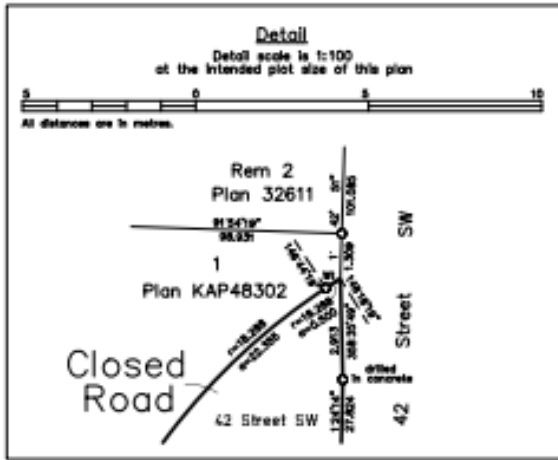
Reference Plan to Accompany  
 City of Salmon Arm Road Closure  
 Bylaw No. 4589  
 of a Portion of 42 Street SW  
 Dedicated on Plan 27888, Sec 16,  
 Tp 20, Rge 10, W6M, KDYD

Pursuant to Section 120 of the Land Title Act  
 and Section 40 of the Community Charter

BCGS 82L.064



All distances are in metres.  
 The intended plot size of this plan is 432mm in width by 560mm in height (C size)  
 when plotted at a scale of 1:500



GNSS 8018  
 NAD83(CSRS) 2002.0  
 UTM Zone 11  
 E = 330213.048  
 N = 330213.631  
 Estimated absolute  
 accuracy = 0.07m

LEGEND

Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 11.

This plan shows horizontal ground level distances, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.99988023. The average combined factor has been determined based on an ellipsoidal elevation of 338.8 metres.

The UTM coordinates and estimated absolute accuracy achieved are derived from differential dual frequency GNSS observations post processed using the Natural Resources Canada Precise Point Positioning Service.

- Standard Iron Post Found (OIP)
- Standard Iron Post Placed (PIP)
- ▲ Traverse Hub Placed
- W Denotes Witness

Note: This plan shows one or more witness posts which are not set on the true corner(s).

This plan lies within the Columbia Shuswap Regional District

The field survey represented by this plan was completed on the 1st day of May, 2023  
 Nicole L. Bird, BCLS (928)

