

DISTRICT OF WEST KELOWNA

BYLAW NO. 0174

A BYLAW TO AUTHORIZE THE CLOSURE OF A PORTION OF A ROAD AND DISPOSAL OF THAT PORTION OF CRESTVIEW ROAD

WHEREAS pursuant to Section 40 and 94 of the *Community Charter*, Council may, by bylaw, close a portion of a highway to traffic and remove the dedication of the highway, if prior to adopting the bylaw, Council publishes notices of its intention in a newspaper and provides an opportunity for persons who consider they are affected by the bylaw to make representations to Council; and

WHEREAS the Council of the District of West Kelowna deems it expedient to close to traffic, remove the dedication of highway and dispose of that portion of highway comprising of approximately 370 m² of triangular shaped road area adjacent to 2355 Crestview Road, which is shown outlined in bold black on the reference plan EPP41956 prepared by Butler Sundvick, B.C.L.S. on the 7th day of July, 2014, a reduced copy of which is attached hereto (the "Road Closure Plan"); and

WHEREAS the disposition of that portion of highway will be sold to Steve Fagan and Loree Fagan for the purpose of consolidation with the adjacent property owned by Steve Fagan and Loree Fagan legally described as: Lot 13, Plan KAP17501, District Lot 1118; PID: 008-395-802 as shown on the reference plan EPP41957 prepared by Butler Sundvick, B.C.L.S. on the 7th day of July, 2014, a reduced copy of which is attached hereto (the "Subdivision Plan"); and

WHEREAS notices of Council's intentions to close that 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 Council has provided an opportunity for persons who consider they are affected by the closure and disposition to make representation to Council;

THEREFORE BE IT RESOLVED THAT the Council of the District of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. This Bylaw may be cited for all purposes as "District of West Kelowna Road Closure and Disposition Bylaw No. 0174, 2014".
2. Attached to this Bylaw as Schedule "A" and forming part of this Bylaw is a reduced copy of the reference plan of highway closure (the "Road Closure Plan").
3. The District hereby authorizes the closure to traffic and removal of highway dedication of the 370 m² portion of highway, labelled "Closed Road" on the Road Closure Plan (the "Closed Road").
4. On the deposit of the Road Closure Plan and all other documentation for the closure of the Closed Road in the Kamloops Land Title Office, the Closed Road is closed to public traffic, it shall cease to be public highway, and its dedication as a highway is cancelled.
5. The District of West Kelowna is hereby authorized to dispose of and convey the Closed Road in fee simple to Steve Fagan and Loree Fagan, the registered owners of the Adjacent Parcel, on the condition that the Closed Road is consolidated with the Adjacent Parcel.

6. The Mayor and the City Clerk of the District are authorized to execute all deeds of land, plans and other documentation necessary to effect this road closure and disposition.

READ A FIRST, SECOND AND THIRD TIME ON THIS 22ND DAY OF JULY, 2014

Notice of intention to proceed with this bylaw was published on the 3rd day of August, 2014 and the 10th day of August, 2014 in the Westside Weekly newspaper, circulating in the District of West Kelowna, pursuant to Section 94 of the *Community Charter*.

APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE ON THE 13TH DAY OF AUGUST, 2014.

ADOPTED ON THIS 26TH DAY OF AUGUST, 2014

Mayor

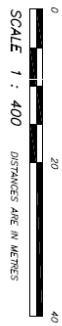
City Clerk

SCHEDULE "A"

PLAN EPP41956

REFERENCE PLAN TO ACCOMPANY DISTRICT OF WEST KELOWNA ROAD CLOSING AND ABANDONMENT BYLAW # _____ COVERING A PORTION OF ROAD DEDICATED ON PLAN 17501 DISTRICT LOT 1118 OSOYOOS DIVISION YALE DISTRICT PURSUANT TO SECTION 120 OF THE LAND TITLE ACT AND SECTION 40 OF THE COMMUNITY CHARTER

BCOS 82E.083



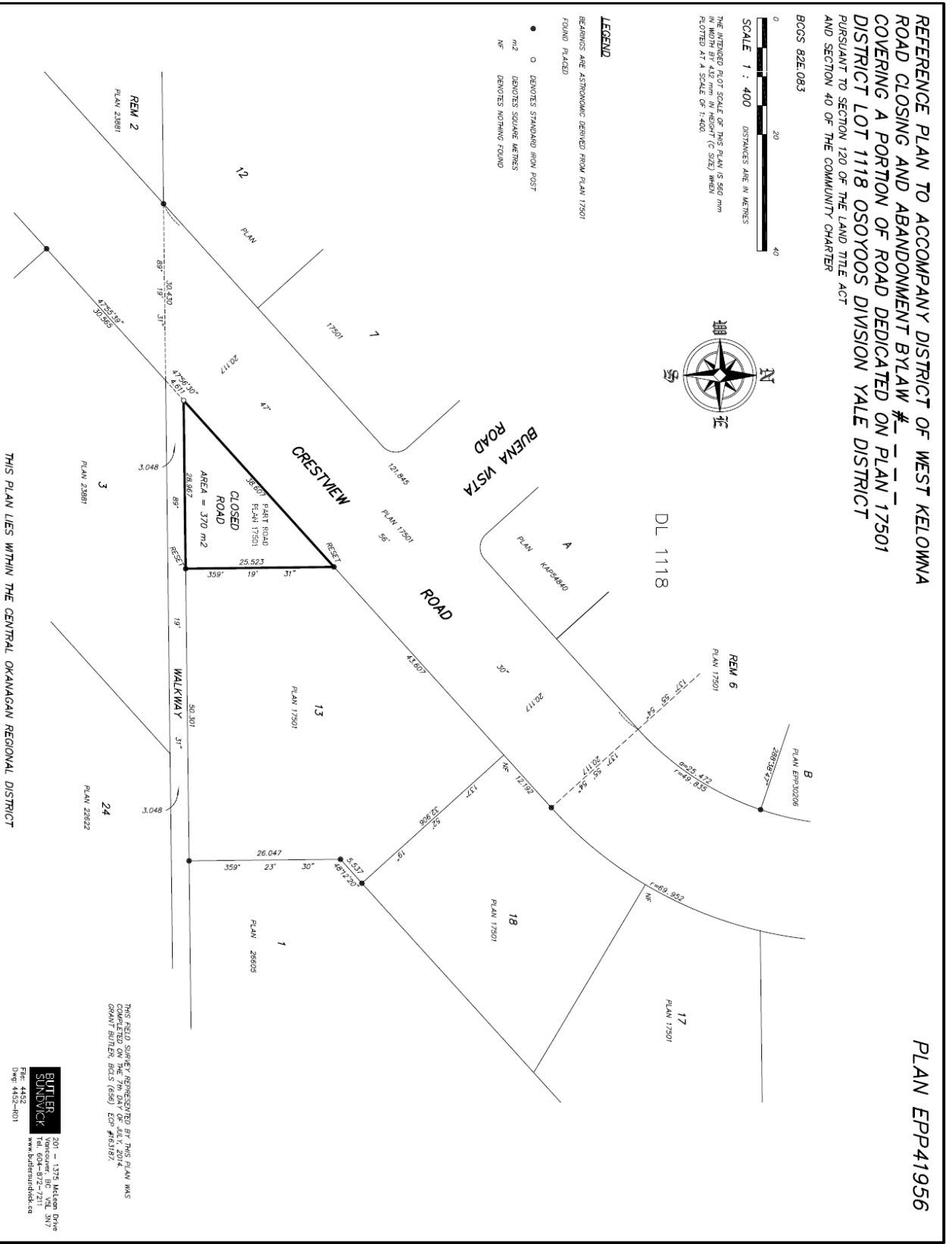
THE INTENDED PLOT SCALE OF THIS PLAN IS 500 mm IN WIDTH BY 432 mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:400.



DL 1118

LEGEND
 BEARINGS ARE ASTRONOMIC DERIVED FROM PLAN 17501 FOUND PLACED

- DENOTES STAKE/AND IRON POST
- m² DENOTES SQUARE METRES
- MP DENOTES NOTHING FOUND



THIS PLAN LIES WITHIN THE CENTRAL OKANAGAN REGIONAL DISTRICT

THIS FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 7th DAY OF JULY, 2014. OKANAGAN DISTRICT REGISTERED PROFESSIONAL ENGINEER #163187.

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