

CITY OF WEST KELOWNA

BYLAW NO. 244

A BYLAW TO AUTHORIZE THE CLOSURE OF A PORTION OF A ROAD AND AN EXCHANGE OF THAT PORTION OF ROAD FOR LAND TO BE DEDICATED AS 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 City of West Kelowna deems it expedient to close to traffic, remove the dedication of highway and exchange that portion of highway comprising of 573.8m² of road area on Witt Road, for 879.1m² of land from the adjacent property at 3746 and 3748 Wetton Road to be dedicated as road; and

WHEREAS notices of Council's intentions to close that portion of highway to traffic, to remove its dedication as highway, and to exchange it for other land 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 exchange to make representation to Council;

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

1. This Bylaw may be cited for all purposes as "City of West Kelowna Road Closure and Disposition Bylaw No. 244, 2017".
2. Attached to this Bylaw as Schedule "A" and forming part of this Bylaw is a reduced copy of the reference plan (Plan EPP69263) of highway closure (the "Road Closure Plan") prepared by Ferguson Land Surveying and Geomatics Ltd. British Columbia Land Surveyors on the 19th day of January, 2017.
3. Attached to this Bylaw as Schedule "B" and forming part of this Bylaw is a reduced copy of the reference plan (Plan EPP69264) of subdivision (the "Subdivision Plan) prepared by Ferguson Land Surveying and Geomatics Ltd. British Columbia Land Surveyors on the 19th day of January, 2017.
4. Attached to this Bylaw as Schedule "C" and forming part of this Bylaw is a reduced copy of the reference plan (Plan EPP69262) of road dedication (the "Road Dedication Plan") prepared by Ferguson Land Surveying and Geomatics Ltd. British Columbia Land Surveyors on the 19th day of January, 2017.
5. The City hereby authorizes the closure to traffic and removal of highway dedication of the 573.8m² portion of highway, labelled "Closed Road" on the Road Closure Plan (the "Closed Road"), which is shown outlined in bold black on the attached reference Plan EPP69263.
6. The City hereby authorizes the exchange of the 573.8m² of land labelled as "Closed Road" on Plan EPP69263 for the 879.1m² of land labelled "Road" on the Road Closure Plan shown outlined in bold black on the attached reference plan EPP69262.

7. 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.
8. The City of West Kelowna is hereby authorized to dispose of and convey the Closed Road in fee simple to the registered owners of the Adjacent Parcel at 3746 and 3748 Wetton Road for the purpose of consolidation of the Closed Road with the Adjacent Parcel at 3746 and 3748 Wetton Road.
9. The Mayor and the City Clerk of the City are authorized to execute all deeds of land, plans and other documentation necessary to effect this road closure and exchange.

READ A FIRST, SECOND AND THIRD TIME ON THIS 19TH DAY OF SEPTEMBER, 2017

Notice of intention to proceed with this Bylaw was duly advertised in the Westside Weekly on the 27th day of September, 2017, and on the 4th day of October, 2017 as per *Section 94* of The *Community Charter*.

APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE ON
THE 5TH DAY OF OCTOBER, 2017

ADOPTED ON THIS 24TH DAY OF OCTOBER, 2017

MAYOR

CITY CLERK

Schedule "A"

REFERENCE PLAN TO ACCOMPANY CITY OF WEST
 KELOWNA ROAD CLOSURE AND REMOVAL OF
 HIGHWAY DEDICATION BYLAW No. 244 OF PART
 OF ROAD DEDICATED BY PLAN 15774
 DISTRICT LOTS 5059 AND 5069 ODYD

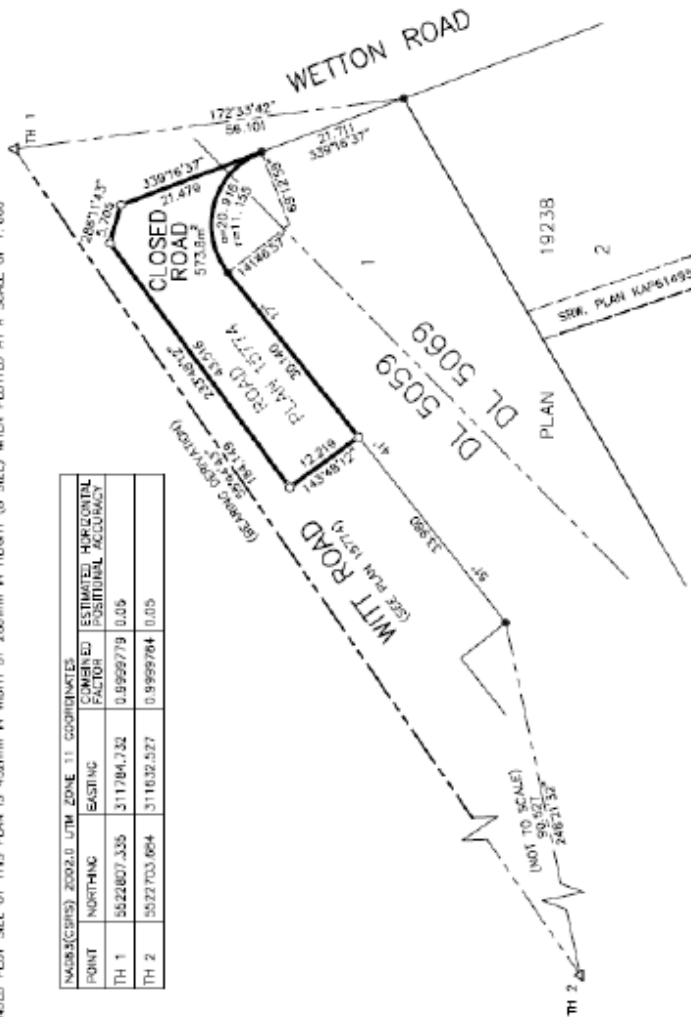
PURSUANT TO SECTION 120 OF THE LAND TITLE ACT AND SECTION 40 OF THE COMMUNITY CHARTER

BCGS 82E-082



THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 280mm IN HEIGHT (8 SIZED) WHEN PLOTTED AT A SCALE OF 1:600

POINT	NAD83(CRIS) 2002.0 UTM ZONE 11 COORDINATES	COMBINED FACTOR	ESTIMATED HORIZONTAL POSITIONAL ACCURACY
TH 1	NORTHING 5622807.335 EASTING 311784.732	0.9999779	0.05
TH 2	NORTHING 5622703.694 EASTING 311632.527	0.9999784	0.05



LEGEND

GRID BEARINGS ARE DERIVED FROM GUNN OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ARE DERIVED FROM DUAL FREQUENCY GNSS OBSERVATIONS USING THE PRECISE POINT POSITIONING SERVICE OF NATURAL RESOURCES CANADA.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES MULTIPLY BY THE AVERAGE COMBINED FACTOR OF 0.9999782. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 365.7 METERS.

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST SET
- △ DENOTES TRAVERSE PIVOT SET

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF CENTRAL OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 18th DAY OF JANUARY, 2017. COLIN FERGUSON, BCLS 858

Ferguson Land Surveying & Geomatics Ltd.
 B.C. AND CANADA LAND SURVEYORS
 404-1830 PINECROFT STREET, KELOWNA, B.C.
 TELEPHONE: (250) 763-3115 FAX: (250) 763-3321

JOB No 20869-REF

SCHEDULE 188 15, 2008(1) AND 2008(2) B.C. REGULATION 238/08-RT-006
 BFE/PLN/80 PL/PLN/SEE FILE

Schedule "B"

REFERENCE PLAN OF LOT 1 DISTRICT LOTS 5059 AND 5069 ODYD PLAN 19238 EXCEPT PLAN EPP69262 AND THAT PART OF DISTRICT LOTS 5059 AND 5069 SHOWN ON PLAN EPP69263

PLAN EPP69264

PURSUANT TO SECTION 100(1)(b) OF THE LAND TITLE ACT
BCGS 82E.082



THE INTENDED PLOT SIZE OF THIS PLAN IS 4.32mm IN WIDTH BY 200mm IN HEIGHT (9 SIZE) WHICH PLOTTED AT A SCALE OF 1:500

POINT	NORTHING	EASTING	COMBINED FACTOR	ESTIMATED HORIZONTAL POSITIONAL ACCURACY
TH 1	5522807.335	311784.734	0.9999779	0.05
TH 2	5522703.895	311832.536	0.9999784	0.05

LINE	AZIMUTH	DISTANCE
1	217°05'	27.0
2	215°58'	80.9
3	214°04'	64.4
4	211°05'	50.5
5	208°54'	84.8
6	205°14'	56.2

LEGEND

GRID BEARINGS ARE DERIVED FROM GNSS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ARE DERIVED FROM DUAL FREQUENCY GNSS OBSERVATIONS USING THE PRECISE POINT POSITIONING SERVICE OF NATURAL RESOURCES CANADA.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY BY THE AVERAGE COMBINED FACTOR OF 0.9999781. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 366.7 METERS.

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST SET
- △ DENOTES TRAVERSE HUB SET

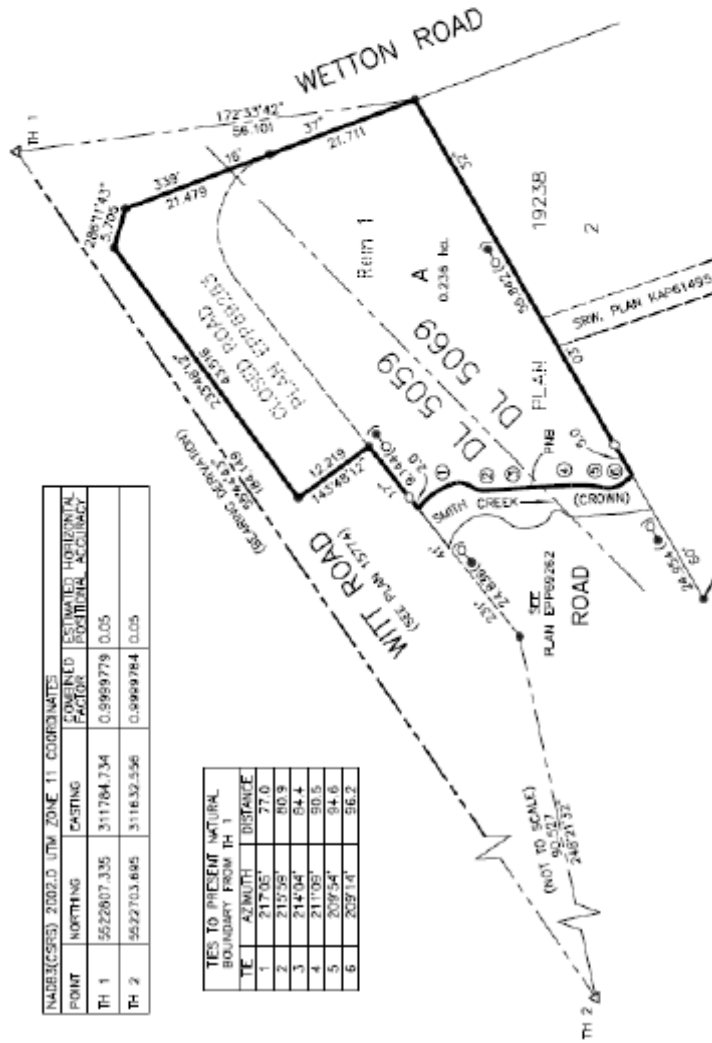
THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF CENTRAL OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 19th DAY OF JANUARY, 2017. COLIN FERGUSON, BCLS BSB

Ferguson Land Surveying & Geomatics Ltd.
B.C. AND CANADA LAND SURVEYORS
404-1630 PINECREEK STREET, KILLOWIN, B.C.
TELEPHONE (250) 763-3115 FAX (250) 763-0321

JOB No 20869-CON

REGISTERED (PART 15) SURVEYORS/ENGINEERS/GEOMATICS CONSULTANTS INC.
SFTS, PLS, RES, RPTG, SEE REG



Schedule "C"

REFERENCE PLAN OF PART OF LOT 1
DISTRICT LOTS 5059 AND 5069 ODYD
PLAN 19238

PURSUANT TO SECTION 107 OF THE LAND TITLE ACT

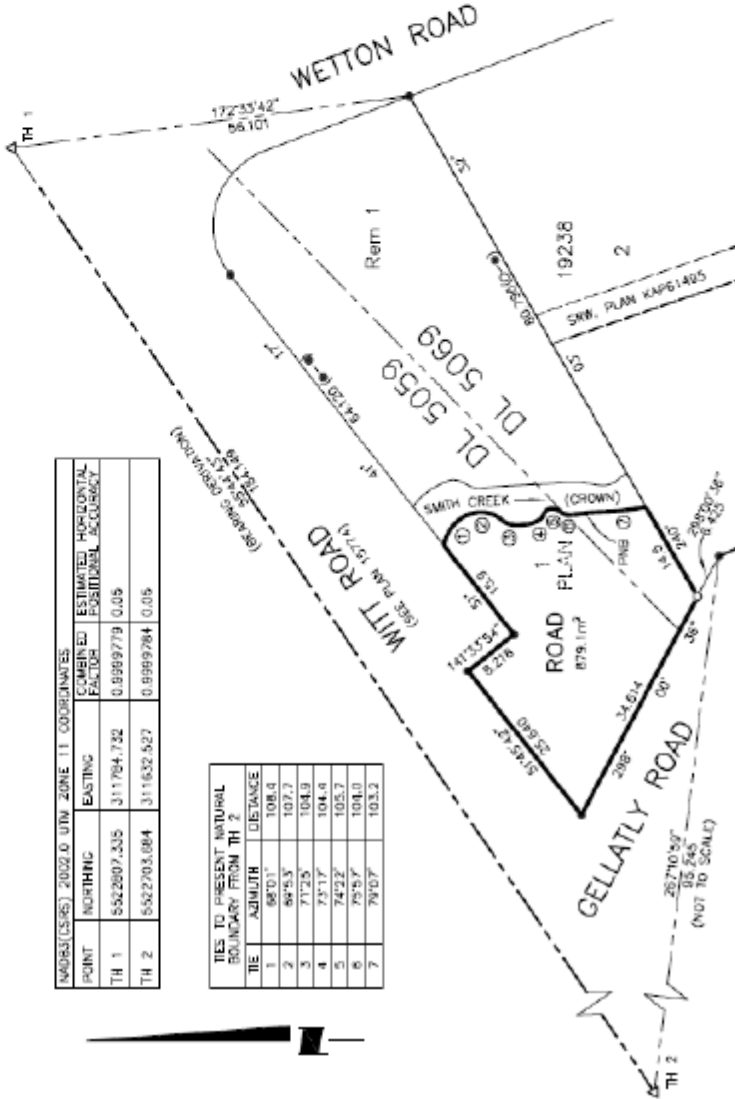
BCGS 82E.062



THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 280mm IN HEIGHT (8 SIZE) WHEN PLOTTED AT A SCALE OF 1:800

POINT	NORTHING	EASTING	COMBINED FACTOR	ESTIMATED HORIZONTAL POSITIONAL ACCURACY
TH 1	5522807.535	311784.752	0.9999779	0.05
TH 2	5522703.884	311632.527	0.9999784	0.05

TIE	AZIMUTH	DISTANCE
1	68°10'	108.4
2	66°53'	107.7
3	71°25'	104.9
4	75°17'	104.6
5	74°27'	105.7
6	75°57'	104.0
7	79°07'	103.2



THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE CITY OF WEST KEDLOVNA.

LEGEND

GRID BEARINGS ARE DERIVED FROM GNSS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONS ACCURACY ARE DERIVED FROM GNSS OBSERVATIONS USING THE PRECISE POINT POSITIONING SERVICE OF NATURAL RESOURCES CANADA.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY BY THE AVERAGE COMBINED FACTOR OF 0.9999783. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 366.7 METERS

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST SET
- △ DENOTES TRAVERSE HUB SET

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF CENTRAL OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 19th DAY OF JANUARY, 2017
COLIN FERGUSON, BCLS 858

Ferguson Land Surveying & Geomatics Ltd.
P.L. AND CANADA LAND SURVEYORS
404-1630 PANDOSY STREET, KELOWNA, B.C.
TELEPHONE (250) 763-3115 FAX (250) 763-0321

JOB No 20869-REF2

5/20/2017 10:16 AM
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DATE PLOTTED: 01/19/2017 10:16 AM