

CITY OF WEST KELOWNA

BYLAW NO. 299, 2022

A BYLAW TO AUTHORIZE THE CLOSURE OF A PORTION OF A ROAD AND DISPOSAL OF THAT PORTION OF ASQUITH 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 dispose of that portion of highway comprising 2280 m² of road area on Asquith Road adjacent to 3030 Asquith Road; 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 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 Removal of Highway Dedication Bylaw No. 299, 2022".
2. Attached to and forming part of this Bylaw as Schedule "A" this Bylaw is a reduced copy of the reference plan of highway closure (the "Road Closure Plan") drawing number 23068-REF, prepared by Ferguson Land Surveying and Geomatics Ltd. BC and Canada Lands Surveyors, on the 23rd day of June, 2022.
3. The City hereby authorizes the closure to traffic and removal of highway dedication of the 2280 m² 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 EPP122050.
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 City of West Kelowna is hereby authorized to dispose of and convey the Closed Road in fee simple to the registered owner, Smith Creek Holdings Ltd., for the purpose of consolidation of the Closed Road with Lot A District Lot 3485 ODYD Plan KAP18545 LTO PID: 008-216-941 and in anticipation of a future road dedication of approximately equal area realigning Asquith Road to the Future Smith Creek Rd.
6. The Mayor and the Corporate Officer of the City 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 XX DAY OF XXXXXXXXXXXX, 2022

Notice of intention to proceed with this Bylaw was duly advertised in the WestK Newspaper on XXXXXXXX XX, 202X, and on XXXXXXXX XX, 202X as per Section 94 of the *Community Charter*.

ADOPTED ON THIS XX Day of XXXXXXXX, 2023

MAYOR

CORPORATE OFFICER

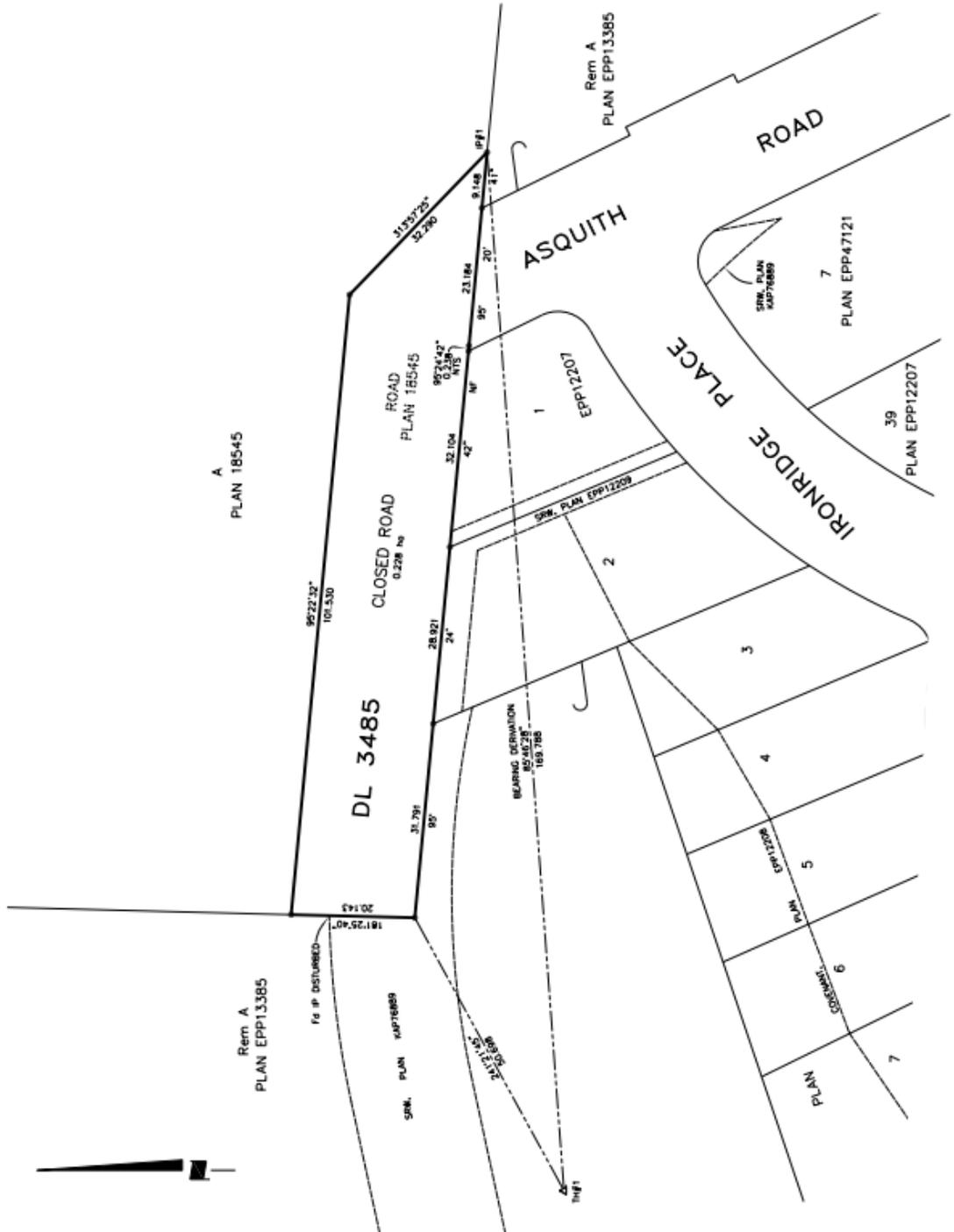
REFERENCE PLAN TO ACCOMPANY CITY OF WEST KELOWNA ROAD CLOSURE AND REMOVAL OF HIGHWAY DEDICATION (PORTION OF ASQUITH ROAD) BYLAW No. 0299 OF PART OF ROAD DEDICATED ON PLAN 18545 DISTRICT LOT 3485 ODYD

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 560mm IN WIDTH BY 432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:500



INDEX (EASERS)	2022.0 UTM ZONE 11 COORDINATES	EASTING	NORTHING	ACCURACY	ABSOLUTE
IP#1	5525846.688	311028.749	0.04		
IP#1	5525879.197	311196.068	0.04		

LEGEND

GRID BEARINGS ARE DERIVED FROM GNS SURVEILLATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11.
 THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE DERIVED FROM LONG DUAL FREQUENCY OBSERVATIONS USING THE PRECISE POINT POSITIONING SERVICE OF NATURAL RESOURCES CANADA.
 THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE DISTANCES FROM THE SURFACE TO THE GROUND, THE FACTOR OF 0.999873 MUST BE MULTIPLIED BY THE COMBINED FACTOR OF CORRECTION. THE AVERAGE CORRECTION HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 548.4 METRES

- ⊙ DENOTES STANDARD IRON POST FOUND
- △ DENOTES TRAVERSE HUB PLACED
- N/S DENOTES NOT TO SCALE

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF CENTRAL OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 23RD DAY OF JUNE, 2022
 COLIN FERGUSON, BCLS 698

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

JOB No 23068-REF

BYLAW No 15, 2022 (enacted 15/06/2022) PLAN No 23068-REF/002
 PART 01 OF 02