

CITY OF PRINCE RUPERT

ROAD CLOSURE AND REMOVAL OF HIGHWAY DEDICATION BYLAW NO. 3357, 2014 (A PORTION OF McCUTCHEON AVENUE)

A BYLAW TO CLOSE A HIGHWAY, OR A PORTION OF IT, TO TRAFFIC AND TO REMOVE
THE DEDICATION OF IT AS HIGHWAY

WHEREAS the Council of the City of Prince Rupert (“**Council**”) has the authority under the *Community Charter* to close a highway, or a portion of it, to traffic and to remove the dedication of it as highway;

AND WHEREAS Council considers it desirable to close up a portion of highway to enable its consolidation with the adjacent property for the purpose of creating a new parcel;

AND WHEREAS the portion of highway to be closed and to have the dedication removed is not a highway, or part of a highway, that provides access to the ocean or a lake, river or other stream or watercourse;

AND WHEREAS no owner will be deprived of access to their property as a result of the closure of the subject portion of highway;

AND WHEREAS no transmission or distribution facilities or works of any utility operator will be affected by the closure of the subject portion of highway;

AND WHEREAS as required by Section 40 of the *Community Charter*, notice of Council's intention to undertake this highway closure was published in a newspaper, once each week for two consecutive weeks and persons who considered themselves affected by this Bylaw have been provided an opportunity to make representations to Council;

NOW THEREFORE THE COUNCIL of the City of Prince Rupert ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "**Road Closure and Removal of Highway Dedication Bylaw No. 3357, 2014**".
2. That approximately 0.124 ha portion of McCutcheon Avenue originally dedicated as road by Plan 923A in the Land Title Office and shown outlined in bold and referred to as “Road To Be Closed” on Reference Plan EPP47177, prepared by Todd E. Basky, B.C.L.S. and certified correct on the 27th day of November, 2014, a reduced copy of which is attached hereto as Schedule "A" (the “**Closed Road**”) is hereby stopped up and closed to traffic of all types.
3. The dedication as highway of the Closed Road is hereby removed.
4. The Mayor and the Corporate Officer for the City of Prince Rupert are hereby authorized to execute such transfers, deeds of land, survey plans, land title applications and other documents, and to affix the Corporate Seal of the City of Prince Rupert thereto, as may be necessary to

effect this road closure and removal of highway dedication and to transfer title to the Closed Road to the owner of lands adjacent to the Closed Road for the purposes of consolidating the Closed Road with the said adjacent lands.

Schedule "A" attached hereto forms part of this Bylaw.

READ THE FIRST TIME THE 12th DAY OF JANUARY, 2015.

READ THE SECOND TIME THE 12th DAY OF JANUARY, 2015.

READ THE THIRD TIME THE 12th DAY OF JANUARY, 2015.

NOTICE GIVEN IN ACCORDANCE WITH SECTIONS 40 AND 94 OF THE *COMMUNITY CHARTER* BY WAY OF POSTING IN THE REQUIRED LOCATIONS ON THE 23RD DAY OF DECEMBER, 2014 AND BY PUBLICATION IN THE PRINCE RUPERT NORTHERN VIEW ON THE 31ST DAY OF DECEMBER, 2014 AND ON THE 7TH DAY OF JANUARY, 2015.

APPROVED BY THE MINISTER RESPONSIBLE FOR THE TRANSPORTATION ACT ON THE 11th DAY OF DECEMBER, 2014.

ADOPTED THIS 26th DAY OF January, 2015.

MAYOR

CORPORATE OFFICER

Schedule "A"

REFERENCE PLAN TO ACCOMPANY CITY OF PRINCE RUPERT ROAD CLOSURE BYLAW No. 3357, 2014 CLOSING A PORTION OF ROAD DEDICATED ON SECTION 9, PLAN 923A, WITHIN DISTRICT LOT 251, RANGE 5, COAST DISTRICT.

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

BOOKS 103J039

THE UNDATED PLAN DATE OF THIS PLAN IS 2014. IN ORDER TO AVOID ANY DISPUTE TO BE MADE WHEN FORMED AT A SCALE OF 1:1000 DISTANCE ARE IN METERS AND EQUALS THEREOF, UNLESS OTHERWISE SPECIFIED.

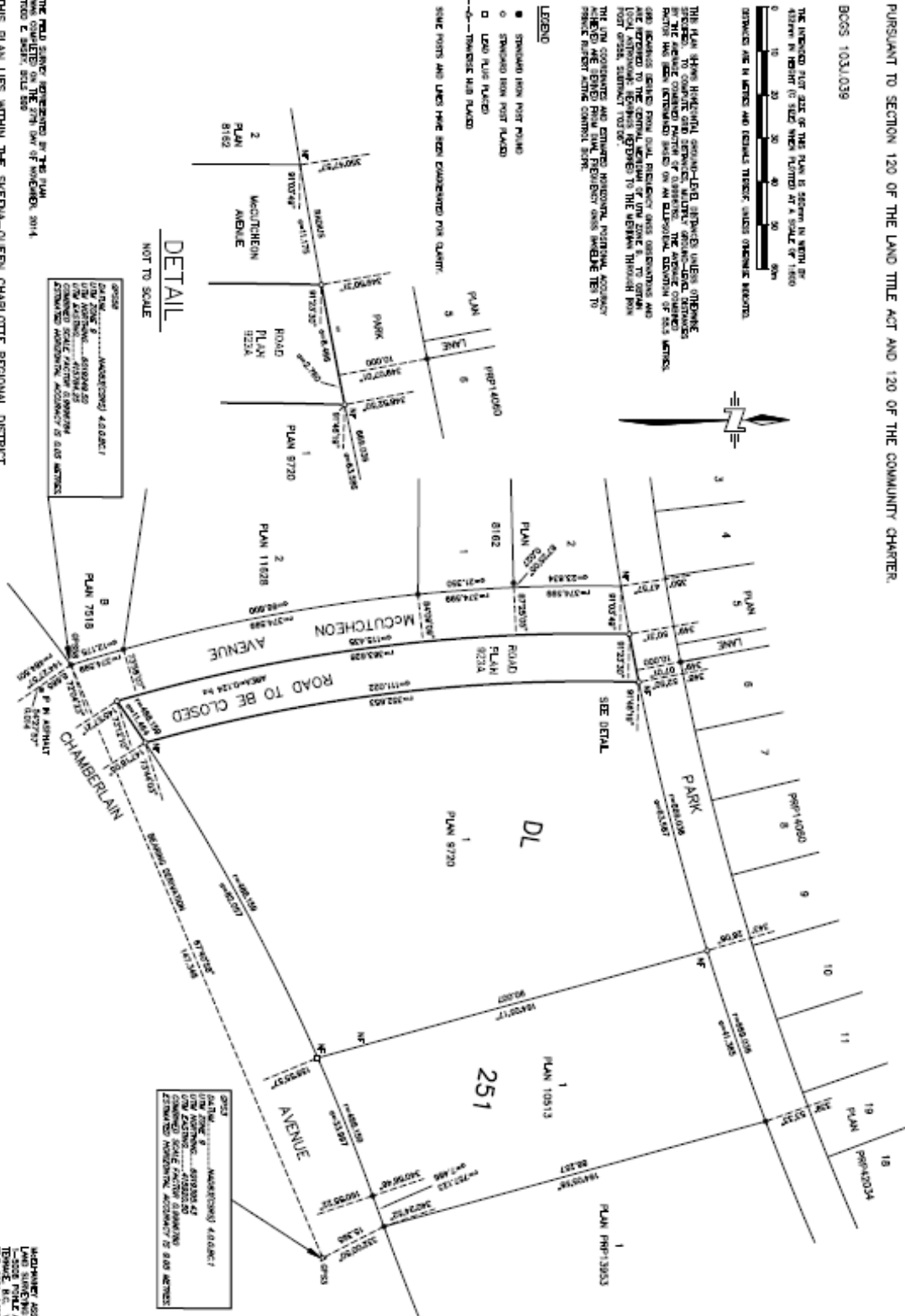


THIS PLAN SHOWS THE PROPOSED ROAD CLOSURE WITHIN THE DISTRICT LOT 251, RANGE 5, COAST DISTRICT, WITHIN SECTION 9, PLAN 923A, WITHIN DISTRICT LOT 251, RANGE 5, COAST DISTRICT. THE UNDATED PLAN DATE OF THIS PLAN IS 2014. IN ORDER TO AVOID ANY DISPUTE TO BE MADE WHEN FORMED AT A SCALE OF 1:1000 DISTANCE ARE IN METERS AND EQUALS THEREOF, UNLESS OTHERWISE SPECIFIED.

LEGEND

- STATIONED IRON PEG POINT
- STATIONED IRON PEG POINT PLACED
- LOTS (LINE PLACED)
- TRAILING LINE PLACED

SIZE FEET AND LINES HAVE BEEN CONVERSION FOR QUANTITY.



DETAIL

NOT TO SCALE

DATE OF SURVEY: 2014
 DATE OF PLAN: 2014
 DATE OF BYLAW: 2014
 DATE OF PLAN: 2014
 DATE OF BYLAW: 2014

THE ROAD CLOSURE REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 27th DAY OF NOVEMBER, 2014. THIS PLAN LIES WITHIN THE SKEDYA-QUEEN CHARLOTTE REGIONAL DISTRICT.

ADDITIONAL ASSURANCES:
 1-2014
 2-2014
 3-2014
 4-2014
 5-2014
 6-2014
 7-2014
 8-2014
 9-2014
 10-2014
 11-2014
 12-2014
 13-2014
 14-2014
 15-2014
 16-2014
 17-2014
 18-2014
 19-2014
 20-2014

PLAN EPP47177