

# CITY OF PRINCE RUPERT

## ROAD CLOSURE AND REMOVAL OF HIGHWAY DEDICATION BYLAW NO. 3391, 2016

BEING A BYLAW TO CLOSE A HIGHWAY, OR A PORTION OF IT, TO TRAFFIC  
AND TO REMOVE THE DEDICATION OF IT AS HIGHWAY (PORTION OF 3<sup>RD</sup>  
AVENUE WEST, BESNER BLOCK)

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**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 an easement associated with the Besner Block building;

**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;

**AND WHEREAS** as required by Section 41(3) of the *Community Charter*, this Bylaw has been approved by the Minister responsible for the *Transportation Act*.

**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. 3391, 2016**".
2. That approximately 42.2m<sup>2</sup> portion of Road Right of Way abutting Lots 23 and 24, Block 20, Section 1, District Lot 251, Range 5, Coast District, Plan 923, located on Third Avenue West and as shown bolded on Reference Plan EPP62563, prepared by Todd E. Basky, BCLS 899 on July 18<sup>th</sup>, 2016, 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.
5. Schedule "A" attached hereto forms part of this Bylaw.

Read a First time this 6<sup>th</sup> day of February, 2017.

Read a Second time this 6<sup>th</sup> day of February, 2017.

Read a Third time this 6<sup>th</sup> day of February, 2017.

Notice given in accordance with Sections 40 and 94 of the *Community Charter* by way of posting in the required locations on the 15<sup>th</sup> day of April, 2016 and by publication in the Northern View on the 20<sup>th</sup> day of April, 2016 and on the 27<sup>th</sup> day of April, 2016.

Ministry of Highways' Approval received on this 15<sup>th</sup> day of February, 2017.

Final Consideration and Adopted this 20<sup>th</sup> day of February, 2017.

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Mayor

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Corporate Administrator

REFERENCE PLAN TO ACCOMPANY CITY OF PRINCE GEORGE ROAD CLOSURE BYLAW No. 3391, 2016 CLOSING PORTION OF ROAD DEDICATED ON SECTION 1, PLAN 923, WITHIN DISTRICT LOT 251, RANGE 5, COAST DISTRICT.

PLAN EPP62563

RESUANTO TO SECTIONS 120 OF THE LAND TITLE ACT AND 40 OF THE COMMUNITY CHARTER.

GS 103J.039

INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 760mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:500. DIMENSIONS ARE IN METRES AND DECIMALS THEREOF, UNLESS OTHERWISE INDICATED.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9998877. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 22 METRES. BEARINGS DERIVED FROM DUAL FREQUENCY GNSS OBSERVATIONS AND REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 8. UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY DERIVED ARE DERIVED FROM DUAL FREQUENCY GNSS OBSERVATIONS PROCESSED BY NATURAL RESOURCES CANADA'S PRECISE POINT POSITIONING SERVICE.

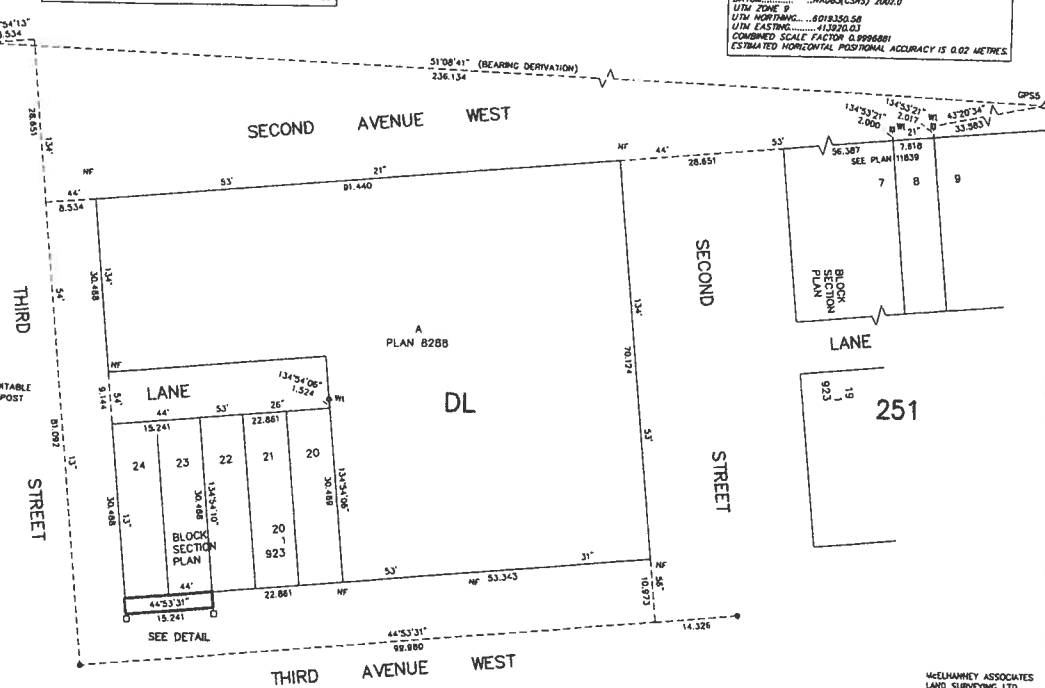
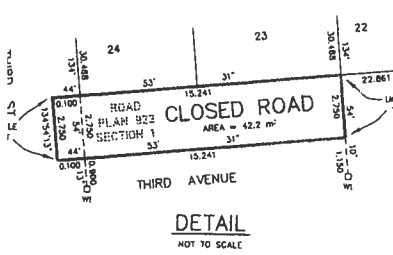
**GEND**  
STANDARD IRON POST FOUND  
LEAD PLUG FOUND  
LEAD PLUG PLACED  
TRAVERSE HUB PLACED

PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH NOT SET ON THE TRUE CORNER(S). POSTS AND LINES HAVE BEEN EXAGGERATED FOR CLARITY.



**DPS22**  
DATUM.....NAD83(CSRS) 2002.0  
UTM ZONE 8  
UTM NORTHING.....6019202.48  
UTM EASTING.....413236.20  
COMBINED SCALE FACTOR 0.9998873  
ESTIMATED HORIZONTAL POSITIONAL ACCURACY IS 0.04 METRES.

**GPS5**  
DATUM.....NAD83(CSRS) 2002.0  
UTM ZONE 8  
UTM NORTHING.....6018350.58  
UTM EASTING.....413270.03  
COMBINED SCALE FACTOR 0.9998881  
ESTIMATED HORIZONTAL POSITIONAL ACCURACY IS 0.02 METRES.



SURVEY REPRESENTED BY THIS PLAN SET ON THE 12th DAY OF JULY, 2016. SKY, BCLS 899

N LIES WITHIN THE SKEENA-QUEEN CHARLOTTE REGIONAL DISTRICT.

WELHAMMEY ASSOCIATES  
LAND SURVEYING LTD.  
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FILE: 2321-44932-00