

REGIONAL HIGHWAY ENGINEER
NELSON

July 29, 1980

ATTENTION: REGIONAL PROPERTY NEGOTIATOR

37-20-05/341365

Ref. yr.memo 1980-06-24

SUBJECT: Establishing Right-of-Way for Grainger Road 61

Forwarded herewith for your records please find copy of gazette notice dated July 24, 1980, and published in the British Columbia Gazette of July 24, 1980, establishing right-of-way for Grainger Road 61.

Approvals Planning Office

MB

Per: W. W. Solberg

WWS/sa

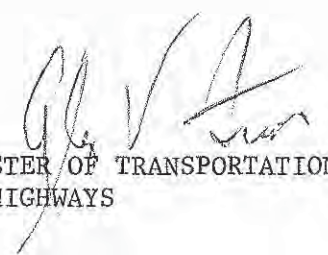
Encl.

DISTRIBUTION TO: District Highways Manager - Golden
B.C. Assessment Authority

COLUMBIA RIVER ELECTORAL DISTRICT

Establishing Right-of-Way for Grainger Road 61

NOTICE is given, pursuant to Section 6 of the "Highway Act", that all those portions of Parcel 1 (See 151446-I) of Parcel B (See 27267-I); Parcel A (D.D. 26944-I) (Except Plans 1708, 1738, 2580, 2971, 3047, 5241, 6484, 6728, and 7629; except part shown outlined in red on Explanatory Plan 60183-I; and except parts shown outlined in red on Reference Plans 70451-I and 88629-I); both within District Lot 110, Kootenay District, as shown outlined in red on a plan recorded in the Provincial Ministry of Transportation and Highways, Victoria, British Columbia, under Road Surveys 6626 (being a copy of Highways District Plan 24-109), are hereby established as public highway.


MINISTER OF TRANSPORTATION
AND HIGHWAYS

Ministry of Transportation
and Highways,
Parliament Buildings,
Victoria, British Columbia.
July 24, 1980

File: 37-20-05/341365

**MINISTRY OF TRANSPORTATION
AND HIGHWAYS**

**COLUMBIA RIVER ELECTORAL
DISTRICT**

Establishing Right of Way for
Grainger Road 61

NOTICE is given, pursuant to section 6 of the *Highway Act*, that all those portions of Parcel 1 (see 1514461) of Parcel B (see 272671); Parcel A (DD 269441) (except Plans 1708, 1738, 2580, 2971, 3047, 5241, 6484, 6728 and 7629; except part shown outlined in red on Exp. Plan 601831; and except parts shown outlined in red on Ref. Plans 704511 and 886291); both within District Lot 110, Kootenay District, as shown outlined in red on a plan recorded in the Provincial Ministry of Transportation and Highways, Victoria, B.C., under "Road Surveys 6626" (being a copy of Highway District Plan 24-109), are hereby established as public highway.

ALEX. V. FRASER
*Minister of Transportation
and Highways*

*Ministry of Transportation
and Highways,
Parliament Buildings,
Victoria, B.C., July 24, 1980.
File 37-20-05/341365 JY24-3985*

MINISTER'S NOTE ON GAZETTE NOTICE

Location *Vicinity of Canal Flats*
Project *Grainger Road 61*
Electoral District *Columbia River*
Road Name *Grainger Road 61*
Legal Description *see attached sheet*

Owners Names

Settlement Completed?

1) <i>see attached sheet</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

(if more attach sheet)

Date Owners First Contacted

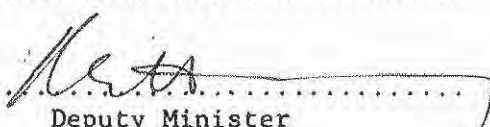
1) *Margaret Pender - May 15, 1980 - see expropriation letter dated June 24, 1980 and Region's report.*
2)
3)
4)

Expected Date of Entry .. *as soon as possible*

Reasons for Gazette *First offer made to Mr. Pender on March 30, 1978 but*
..... S22 *Entry required for the purpose*
..... *of construction as work has begun on the adjacent property.*

Special Notes

Recommended for
signing by


Deputy Minister

REGISTERED OWNERLEGAL DESCRIPTIONSETTLEMENT COMPLETED
YES NO

Margaret Pender

Pcl 1 (see 151446-I) of Pcl B (see 27267-I)

X

Crestbrook Forest
Industries Ltd.Pcl A (DD 26944-I) (except plans 1708, 1738,
2580, 2971, 3047, 5241, 6484, 6728, and 7629;
except part shown outlined in red on Exp. Plan
60183-I; and except parts shown outlined in
red on Ref. Plans 70451-I and 88629-I)

X



YOUR FILE

OUR FILE P/N 29077

Office of the Regional Highways Engineer
Ministry of Transportation and HIGHWAYS
Provincial Government Building
310 Ward Street
Nelson, British Columbia
V1L 5S4

REGISTERED

June 24, 1980

Mrs. Margaret Pender

S22

Dear Mrs. Pender,

RE: Grainger Road # 61 - Canal Flats
Parcel "B" (D.D. 27267-I) of Lot 110, K.D.
Lying south of a line parallel to and 5.60
chains perpendicularly distant Northerly
from the Southerly boundary of said Parcel "B"

Thank you for your letter of May 30, 1980 in connection with the above property and the right-of-way required for Grainger Road # 61. I will answer your questions and comment on your statements in the order they appear in the letter.

- (a) The actual area required is 0.30 of an acre. The original 0.51 of an acre was scaled down. Our offer of \$1,785.00 still stands. This offer reflects a value of approximately \$6,000.00 per acre.
- (b) Lake front lots do reflect a higher value and are probably in the range that you suggest.
- (c) With the reduction in the size of the right-of-way required, the homesite, in our opinion, will not experience too much of the impact you refer to.
- (d) If we disturb a part of the garden area or affect the water system during the road construction period you will certainly be compensated and the items restored to be useable again.

. . . . / 2

- (e) If you should subdivide in the future you will probably be required to dedicate the area for the road without being compensated - this is a usual condition in locations where roads are to be constructed or improved.
- (f) We are informed by our District Highways Manager in Golden that the proposed route, a reduction from the original, is the minimum that the Ministry can consider for the road re-alignment and improvements.
- (g) The two adjacent property owners have dedicated without compensation the part required through their properties. These dedications in part are substantially wider than the part through your property.

As you are probably aware, the Ministry has already undertaken the improvements to the road and reconstruction in certain areas. The construction crews will likely be within your property and for the purpose of entering it will be necessary to establish the road by notice in the British Columbia Gazette, which in effect extinguishes all title the right-of-way required and permits entry for construction purposes. As cited above entry is urgent at this time so that the project may proceed.

This expropriation, however, does not in itself weaken your claim should you decide to refer the matter to arbitration proceedings. However, we trust it may yet be settled in an amicable way and would be pleased to hear from you in due course. All the points raised in your letter will be researched further, we will arrange a meeting with you shortly and try our best to come to an agreement.

Prior to entry, a Ministry Official from Golden will contact you.

Partial print of revised plan 24-109 is attached.

Yours truly,

W. M. Sproul
Regional Highways Engineer

by



J. Mintak
Regional Property Negotiator

JM/jh
Attachments

cc: A. C. Brown, Director of Property Services, Victoria
W. M. Sproul, Regional Highways Engineer, Nelson
H. A. Ronmark, District Highways Manager, Golden

REQUEST TO GAZETTE UNSETTLED PROPERTY

P/N # 29077

DATE June 24, 1980

CLAIMANT Margaret Pender

ADDRESS S22

LEGAL Parcel 1 (See 151446-I) of Parcel "B" (See 27267-I), D.L. 110, K.D.

PROJECT Grainger Road # 61

DATE OF MINISTRY'S FINAL OFFER May 15 and June 24, 1980 AMOUNT \$1,785.00

CLAIMANT'S VALUE \$6,000.00

HISTORY OF NEGOTIATIONS: (i.e. dates of contacts; types of contacts; brief outline of discussions, etc.)

1. First contact made by Negotiator Art Forrest was in February 1978.
2. First offer made to Mr. R. E. Pender, S22 was on March 16, 1978. The property at that time was held by V.L.A.
3. Reply received from Mr. Pender on March 30, 1978, wherein he stated that our offer per acre was too low. He also dismissed the 1/20th resumable that was applied. He wanted compensation for the full amount.
4. Negotiator Forrest called at Mr. Pender's house on June 2, 1978 and discussed the situation. Mr. Pender reiterated his earlier demand of \$10,000.00 per acre, and no resumable. He also indicated that he was seeking "legal aid" assistance.
5. On June 9, 1978 our District Highways Official in Golden received a letter from a lawyer connected with the Legal Aid Society of B.C. asking details about the road.
6. Negotiator Forrest called on Mr. Pender again on August 22, 1978. Much the same information was discussed. In addition Mr. Pender alleged that the road was being put in to benefit the adjacent owner who was subdividing.
7. Mr. Pender came to see the Regional Property Negotiator in January of 1979 in Nelson.
s22
8. Matter left pending until we were advised that Mrs. Pender will be getting ownership of the land and we should deal with her - February 1980.
9. Made an offer to Mrs. Pender on May 15, 1980 which she did not accept.
10. Wrote a letter with a final offer as well as containing the intent to expropriate.

REASON WHY GAZETTE NECESSARY AT THIS TIME Entry required for the purpose of construction as work has begun on the adjacent property.

Property Negotiator

J. Mintak Regional Property Negotiator

P/N 13528

Office of Regional Engineer
Provincial Government Building
310 Ward Street
Nelson, British Columbia
V1L 5S4

June 8th, 1978

REGISTERED

Crestbrook Forest Industries Ltd.
Box 4600
Granbrook, British Columbia
VIC 4J7

Attention: Mr. A. Jenkins:

Gentlemen:

Re: Grainger Road #61

The Ministry will, in the near future, undertake reconstruction of Grainger Road #61. This involves encroachments in various properties, including:

- Parcel "A" (D.D. 26944-I) EXCEPT
- (1) Those parts subdivided by Plans 1703, 1738, 2580, 2971, 3047, 5241, 6484, 6728 and 7629
 - (2) That part shown outlined in red on Explanatory Plan 60183-I
 - (3) Those parts shown outlined in red on Reference Plans 70451-I and 83629-I

District Lot 110, Kootenay District.

which according to title search information from the Land Registry Office, is registered in your Company's name.

For your information, we are enclosing a print of part of Ministry Plan, showing in red outline the area required for highway purposes. In this connection it will be noted that the new right-of-way required within your property is 5.05 acres. The existing right-of-way is 46.12 acres bringing to a total area of 51.17 acres utilized for road purposes within your property.

Pursuant to the grant from the Crown and under provisions of the "Highway Act", the Ministry may resume for road purposes an area up to, but not exceeding, one-twentieth of the total area of the parcel, and where same is undeveloped, no compensation is payable therefore.

In this instance your holding comprises 1363.16 acres and it will be observed that a total of 63.40 acres are subject to statutory resumption. Since the total area of land required for road purposes is less than the one-twentieth and being undeveloped land, no compensation is payable. The Ministry will of course, replace any accesses and restore any fences disturbed due to construction.

The right-of-way will be established as a public highway by Notice in the British Columbia Gazette and a supporting notice will be filed with the Registrar of Titles to effect a notation on Certificate of Title No. 161039-I at the Nelson Land Registry Office.

Yours truly,

W.M. Sproul, P.Eng.,
Regional Highway Engineer

by

J. Mintak
Regional Property Negotiator

ARF:hg
Attach.

Silent c.c. Mr. V.A. Drew - Victoria

Mr. C.S. Shaw - Golden



Province of
BRITISH COLUMBIA

Ministry of
Highways
& Public Works

MEMORANDUM

H0118

To: Mr. C. S. Shaw
District Highways Manager
Ministry of Highways
& Public Works (Highways)
GOLDEN, British Columbia

Date: 20

Headquarters File:

Regional File: R2-

District File: 79.

RE: Proposed Subdivision of Part of
S.L. 72, D.L. 4596, and Parcel B,
D.L. 110, Kootenay District

MINISTRY OF HIGHWAYS
& PUBLIC WORKS

NOV 20 1977

GOLDEN, B.C.

Preliminary layout approval subject to:

- 1) A suitable Restrictive Covenant
 - a) on proposed lots 16-25, inclusive, specifying no built be constructed, no disturbance of the natural ground the setback zone defined by the intersection of a 2:1 slope with the ground surface; taken from the toe of the bank slope (defined as the intersection of the gravel with the bank fronting the proposed lots.)
 - b) on proposed lots 32 & 33 specifying no buildings to be constructed, no disturbance of the natural vegetation the area shown shaded on the attached sketch.
- 2) Eng. Drawings showing design of proposed road fronting Lots inclusive, to be submitted to and approved by the District Highways Manager, Golden prior to commencement of construction. The drawings must incorporate suitable features for drainage of water on saturated ground.
- 3) Existing road to be established, upgraded and paved to
- 4) Proposed roads to be established, designed, constructed to standard.
- 5) Proposed walkway between proposed lots 27 & 28 to be wide to a minimum of 66 ft. in width.
- 6) Drainage to be complete to outfall.
- 7) Provision of an approved community water system.
- 8) The requirements of the Medical Health Officer to be met and approval of the Medical Health Officer.

W. M. Sproul
Regional Highway Engineer

by:

W. P. Tuhuli
Regional Approving Officer

RTP/vp

RECEIVED
MINISTRY OF HIGHWAYS
& PUBLIC WORKS

March 12, 1979.

MAR 19 1979

ANSWERED
NOTED *RMH*
DATE *9-29-85*

Your File: 1062/334811.

Mr. R. G. Harvey,
Deputy Minister,
Ministry of Highways and
Public Works (Highways),
Parliament Buildings,
Victoria, B. C.,
V8V 2M3

Dear Sir:-

Re: Grainger Road #61, Golden Highways District.

Further to our correspondence last November, it appears that there has not been much progress in the matter of the right-of-way through the Pender property. Mr. Pender still has a gateway on the road and following the only trip the snowplow made this winter (in February) the sign "No Highways Equipment Allowed Through" re-appeared on the gatepost. Today Mr. Pender informed us that he would not allow our construction equipment to use his part of the road.

Since our previous correspondence I have sold my property to Palliser Holdings of Calgary. However I still retain an interest as a director and consultant. Palliser Holdings intend to proceed with the development as per my plans and approvals. They acknowledge the responsibility to upgrade and pave the existing public road through Parcel B as outlined in the attached letter from the Approving Officer.

We would like to see the matter of this right-of-way settled as soon as possible.

Yours respectfully,

A. T. Richardson
A. T. Richardson.*file*
338669
DM

Regional Highway Engineer
Nelson

80-06-06

Attn.: Reg. Approving Officer

R3-21-78(7997)

37-21-78(793)

RE: Plan 12479, D.L. 110 & S.L. 72 of
D.L. 4596, K. D., Lots 15, 16 &
Public Access - Canal Flats

Enclosed herewith letter dated July 30, 1980 from the "Parks Branch" which I am forwarding to you for answering.

It is the intention of the "Parks Branch" to construct a road down to Columbia Lake and provide parking and boat launching facilities.

This office has no objection to the above development and would recommend your approval of same.

H. A. Monmark
District Highways Manager

BFG:gs

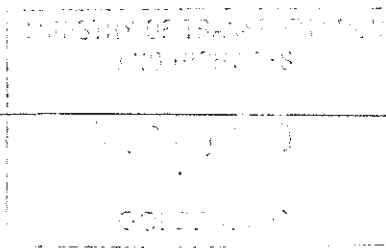
Encl.



Province of
British Columbia

Ministry of Lands,
Parks and Housing

Parks and Outdoor
Recreation Division
Kootenay Region
612 Front Street
Nelson
British Columbia
V1L 4B7



OUR FILE 1-3-2-189

YOUR FILE

July 30, 1980

Mr. H.A. Ronmark
District Highways Manager
Ministry of Transportation and Highways
P.O. Box 1200
GOLDEN, B.C.
VOA 1H0

Dear Sir:

The Parks and Outdoor Recreation Division has recently purchased Lots 15 and 16 of District Lot 110, Kootenay District, to allow for development of park facilities on the southeast side of Columbia Lake.

You will note on the attached copy of a portion of Plan 12479 that road allowances for the Subdivision on D.L. 110 were amalgamated with the intent of providing for public recreation on a well used beach. Mr. P. Puhallo, former Approving Officer in Nelson, had given tentative approval for park development on this site. However, we require a formal statement of approval from your agency to proceed with proposed park establishment and development on the site. It would be appreciated if you could give this matter early attention. Please contact Mr. M.R. Hanry of this office, at 352-2211, local 499, if you require further information.

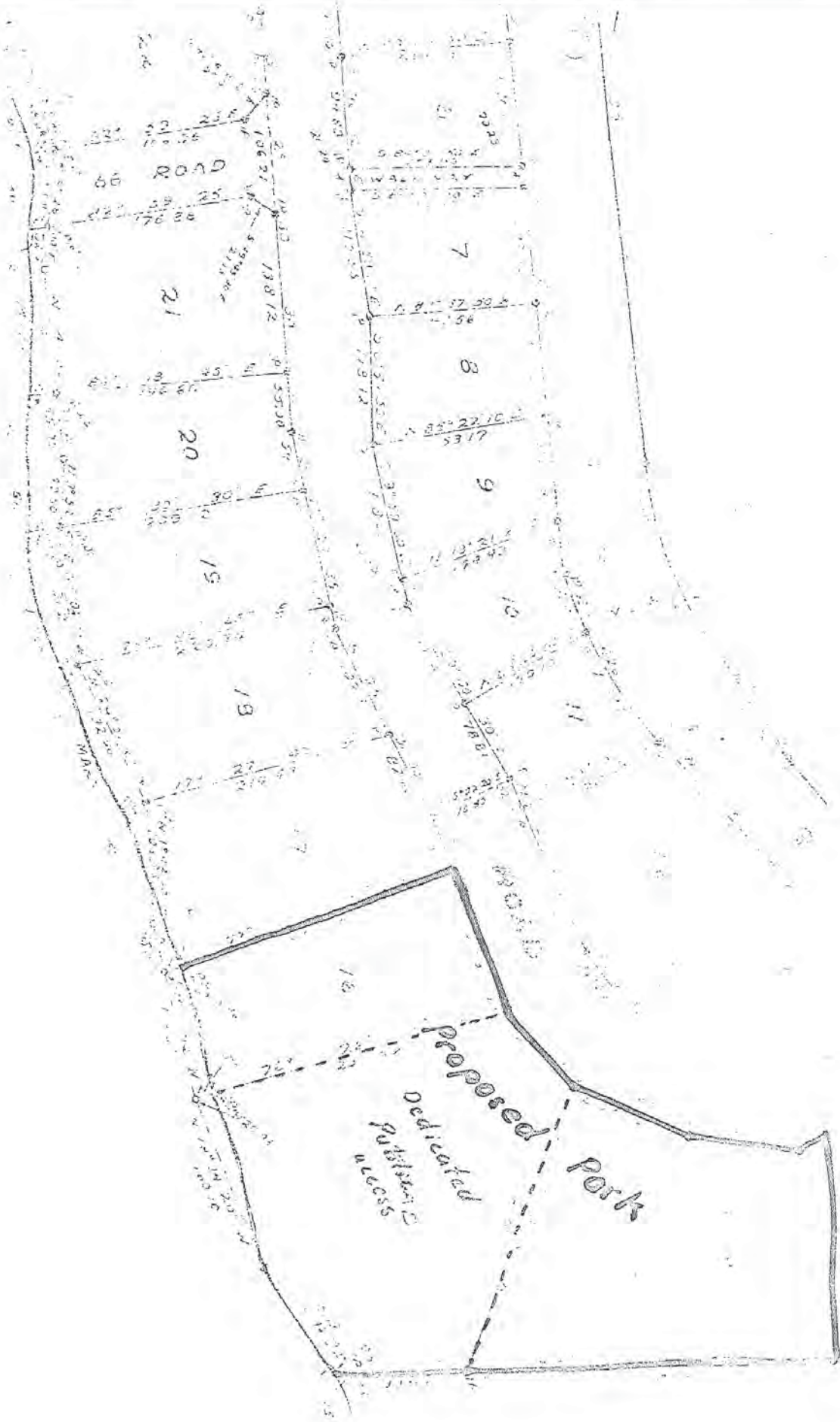
Yours truly,

M.E. Goddard
Regional Director

attach.

MRH/gh

cc: L. Joveski
Construction Superintendent



PARK ACT

I HEREBY give notice, pursuant to Order in Council 1100, approved and ordered May 8, 1981, the Crown land and foreshore situated in Kootenay Land District was established as a Class "A" Provincial Park and the name was declared to be Canal Flats Park.

Lots 15 and 16 of District Lot 110, Plan 12479; the road lying between Lots 15 and 16, as shown on Plan 12479 and described foreshore, adjacent to the upland of the park.

JAMES R. CHABOT

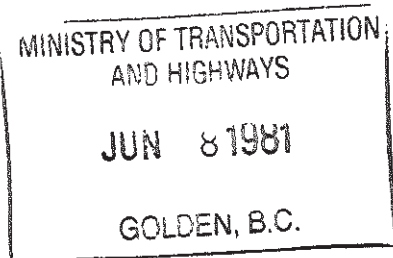
Minister of Lands, Parks and Housing

Ministry of Lands, Parks and Housing,

Victoria, B.C., May 8, 1981.

File 2-3-2-189

my21-4896



THIS INDENTURE MADE This 30th day of September 1979, AD.

BETWEEN: PALLISER HOLDINGS LTD, a body corporate duly incorporated pursuant to the laws of the Province of British Columbia, with registered office at 1309 - 7th Avenue, Invermere, British Columbia, V0A 1K0 and Incorporation Number 180,155

(hereinafter called the 'Grantor')
OF THE FIRST PART

AND: HER MAJESTY THE QUEEN, Right of the Province of British Columbia
(hereinafter called the 'Grantee')
OF THE SECOND PART

WHEREAS the Grantor has proposed a plan of subdivision of:

Lots 1 - 25 inclusive of a proposed subdivision of part of sub-lot 72 of lot 4596 and part of parcel B (D.D.27267-I) of lot 110, all of Kootenay District, prepared by R. Robert Lemaster, B.C.L.S. and sworn the 5th day of September, 1979, a copy of which is attached hereto;

AND WHEREAS the Grantee, as a condition to its granting its approval to the subdivision, has requested the Grantor to enter into the covenant hereinafter contained, pursuant to Section 24A of the Land Registry Act R.S.B.C. 1960, Chapter 208 as amended, and whereas the Grantor has consented to enter into the same;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and the sum of One dollar (\$1.00) of lawful money of Canada, paid by the Grantee to the Grantor (the receipt whereof is hereby acknowledged) the Grantor does hereby covenant and agree with the Grantee that:

Hereinafter, no disturbance of the land from its natural state shall be permitted, and in particular, no habitable dwelling or dwellings nor any sewerage disposal field or similar convenience will be located, constructed or positioned, on the said lands proposed for subdivision being situated within the areas outlined in red upon the said plan, a copy of which is attached hereto.

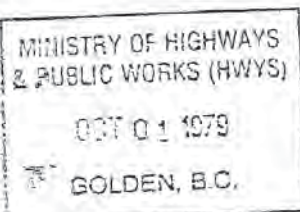
AND IT IS UNDERSTOOD AND AGREED between the parties hereto that the words Grantor and Grantee wherever used in the Agreement shall include the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Grantor and the Grantee have hereunto affixed their Common Seals the day and year first above written.

THE CORPORATE SEAL OF THE GRANTOR
WAS AFFIXED IN THE PRESENCE OF:

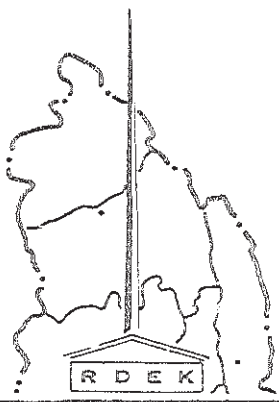
William F. Vargo
VICE PRESIDENT

This is the Instrument creating the condition or covenant entered into under Section 24(a) of the Land Registry Act by the registered owner(s) referred to herein.



[Signature]
Approving Officer
Ministry of Transportation, Communications and Highways
TRA-2013-00045
Page 17

793



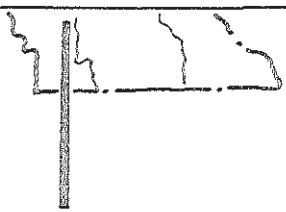
REGIONAL DISTRICT OF EAST KOOTENAY

19 - 24th Ave. South
CRANBROOK, B.C.
V1C 3H8
604 - 489 - 2791

Your File:

Our File: ThE 500 079 07

May 09, 1979



Reply to the attention of: R. D. Hough

Mr. A. C. Jorgensen, P. Eng.
200 - 110A Meridian Road N. E.
Calgary, Alberta
T2A 2N6

Dear Sir:

RE: SUBDIVISION OF PARCEL B, D. L. 110 (EXCEPT PARCEL 1), PARCEL A,
S. L. 72, D. L. 4596, PLAN X-32

I am pleased to inform you that your subdivision proposal has been approved in principle in respect to planning and zoning, insofar as the Regional District is concerned.

Approval granted subject to the following conditions:

- where one highway intersects another, a minimum of fifty (50) feet of the intersecting highway, measured on the side of the contained angle, shall form a right angle with the intersected highway
- the minimum highway allowance for vehicular use shall be sixty-six (66) feet
- minimum parcel size is to be 7,500 square feet on approved community water system

I wish to draw to your attention that pursuant to the requirements of the Land Registry Act, you must obtain final approval from the Approving Officer of the Department of Highways, Golden, B. C.

One copy of your plan has been forwarded to the Department of Highways.

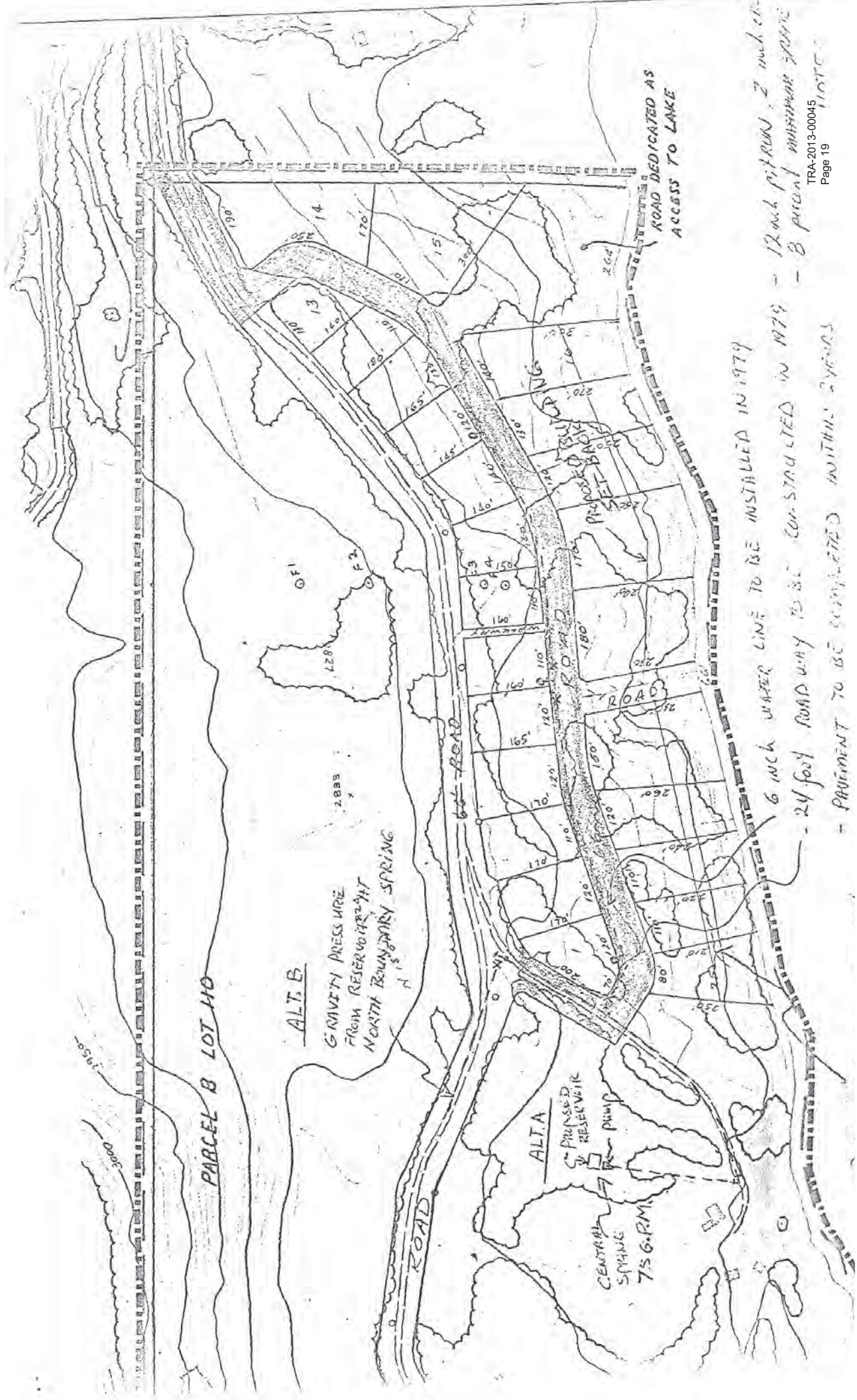
Yours truly,

D. E. Colton
Director of Planning

MINISTRY OF HIGHWAYS
& PUBLIC WORKS (HWYS)

MAY 14 1979

GOLDEN, B.C.



12 inch PIPERUN 2 inches
- 8 percent maximum slope
- 24 foot ROAD WAY TO BE CONSTRUCTED WITHIN 2 YEARS
- PAVEMENT TO BE COMPLETED WITHIN 2 YEARS



Province of
British Columbia

Ministry of
Transportation,
Communications
and Highways
HIGHWAYS

Box 1200
Golden, B. C. VOA 1H0
Telephone No. 344-2295

YOUR FILE

OUR FILE 37-21-78(793)

August 16, 1979

Mr. A. C. Jorgensen, P. Eng.
200 - 110A Meridian Road, N.E.
Calgary, Alta. T2A 2N6

Dear Mr. Jorgensen:

RE: Proposed Subdivision of Pcl. B, D.L. 110 (except Pcl. 1),
Pcl. A, S.L. 72, D.L. 4596, Plan X-32.

Please be advised your subdivision has been exempted from O.I.C.
1916 which enjoined the Approving Officer from approving the
subdivision by O.I.C. 2139/79 and your 25 lot subdivision may
now proceed subject to all previous conditions.

Yours truly,

H. A. Ronmark
District Highways Manager

HAR:gs

cc: Reg. Approving Officer
Nelson

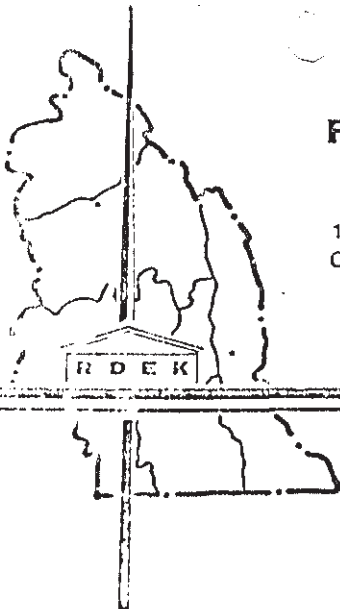
REGIONAL DISTRICT OF EAST KOOTENAY

19 - 24th Ave. South
CRANBROOK, B.C.
V1C 3H8
604 - 489 - 2791

Your File:

Our File: Phh 501 077 - 15

February 28, 1978



J.G. Russell and Associates,
Suite 203, 14A - 13th Ave. S.,
Cranbrook, B.C.
V1C 2V3

MINISTRY OF HIGHWAYS
& PUBLIC WORKS (HWYS)

APR 27 1978

GOLDEN, B.C.

Dear Mr. Russell:

RE: Application for release from the Official Regional Plan
Parcel Size Restrictions for parcel B, D.L. 110, and part
S.L. 72, D.L. 4596.

I wish to advise that the Board of the Regional District of East Kootenay at a meeting held on February 25, 1978, considered a recommendation submitted by the Planning Committee of the Regional District pertaining to your application.

After discussion, the following resolution was duly adopted:

"RESOLVED that the application for release from the Official Regional Plan Parcel Size Restrictions, as submitted by J.G. Russell and Associates on behalf of Mr. A.T. Richardson, on December 8, 1977, pertaining to Parcel B, D.L. 110, and part S.L. 72, D.L. 4596, located near Canal Flats, be approved."

The above approval is based on a revised plan of subdivision drawing prepared and submitted by Mr. Robert Lemaster on February 24, 1978, containing 33 lots. This approval will allow you to proceed with an application to subdivide. Such application must be submitted to the Regional District Planning Office and conform to the Regional District Subdivision Bylaw.

Yours very truly,

REGIONAL DISTRICT OF EAST KOOTENAY

Harry V. Porter, C.A.M., Secretary-Treasurer.

HVP/ds

CC: Director of Planning, Mr. Robert Lemaster.



Province of
British Columbia

Ministry of
Highways and
Public Works

Victoria
British Columbia
V8V 2M3

793

OFFICE OF THE
DEPUTY MINISTER

HIGHWAYS

Sec 37-20-0

YOUR FILE
OUR FILE 1062/334811

November 20, 1978

Mr. A. T. Richardson,

S22

Dear Mr. Richardson:

This is in reply to your letter of November 6, 1978, regarding the status of a road through Parcel B of Lot 110, Kootenay District, which is an extension of Grainger Road #61 in the Golden Highways District.

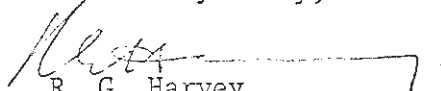
I have a report from our Regional Highway Engineer, Nelson, who has been in touch with the District Highways Manager, Golden, with respect to your concerns for the actions of Mr. Robert Pender in erecting a fence with a gate across the road through Parcel B and for the snowplowing of the road to your property.

Our Regional Highway Engineer agrees with the position taken by the Golden Highways District that the road in question is public under Section 6 of the Highway Act because it has been shown as such in the District Road Register and there is some evidence that it has been maintained as such in past years. The District was endeavouring to resolve the controversy surrounding this portion of Grainger Road by negotiating with yourself and Mr. Pender for the establishment and gazetting of an adequate right-of-way. However, as Mr. Pender has refused to negotiate a settlement for the necessary right-of-way through his property, the District is proposing to assume 1/20th of the land through Mr. Pender's property under the provisions of the original Crown grant and gazette a right-of-way on this basis.

While the District will be taking the necessary steps to establish the right-of-way for Grainger Road through Parcel B, they consider that, under Section 6 of the Highway Act, it must be kept open so they will undertake procedures to have the gate removed and snowplowing of the road effected as required this winter.

I note that you are in the process of subdividing your portion of Parcel B and I would suggest that you receive tentative approval for any proposal in this regard as there may be some objection by our Ministry as to the adequacy of the public road through Mr. Pender's property.

Yours very truly,


R. G. Harvey,
Deputy Minister

67

793

S22

See 37-20-0

March 12, 1979.

Your File: 1662/334811.

Mr. R. G. Harvey,
Deputy Minister,
Ministry of Highways and
Public Works (Highways),
Parliament Buildings,
Victoria, B. C.,
V8V 2M3

Dear Sir:-

Re: Greinger Road #61, Golden Highways District.

Further to our correspondence last November, it appears that there has not been much progress in the matter of the right-of-way through the Pender property. Mr. Pender still has a gateway on the road and following the only trip the snowplow made this winter (in February) the sign "No Highways Equipment Allowed Through" re-appeared on the gatepost. Today Mr. Pender informed us that he would not allow our construction equipment to use his part of the road.

Since our previous correspondence I have sold my property to Palliser Holdings of Calgary. However I still retain an interest as a director and consultant. Palliser Holdings intend to proceed with the development as per my plans and approvals. They acknowledge the responsibility to upgrade and pave the existing public road through Parcel B as outlined in the attached letter from the Approving Officer.

We would like to see the matter of this right-of-way settled as soon as possible.

Yours respectfully,

A. T. Richardson.

17



H118

To: Mr. C. S. Shaw
District Highways Manager
Ministry of Highways
& Public Works (Highways)
GOLDEN, British Columbia

Date: 78-11-16

Headquarters File:

Regional File: R3-21-78 (7997)

District File: 793

RE: Proposed Subdivision of Part of
S.L. 72, D.L. 4596, and Parcel B,
D.L. 110, Kootenay District

MINISTRY OF HIGHWAYS
& PUBLIC WORKS (HWYS)

NOV 20 1978

GOLDEN, B.C.

Preliminary layout approval subject to:

- 1) A suitable Restrictive Covenant
 - a) on proposed Lots 16-25, inclusive, specifying no buildings to be constructed, no disturbance of the natural ground within the setback zone defined by the intersection of a 2:1 (26°) slope with the ground surface; taken from the toe of the bank slope (defined as the intersection of the gravel beach with the bank fronting the proposed lots.)
 - b) on proposed Lots 32 & 33 specifying no buildings to be constructed, no disturbance of the natural vegetation with the area shown shaded on the attached sketch.
- 2) Eng. Drawings showing design of proposed road fronting Lots 26-32, inclusive, to be submitted to and approved by the District Highways Manager, Golden prior to commencement of construction. Design must incorporate suitable features for drainage of water over saturated ground.
- 3) Existing road to be established, upgraded and paved to standard.
- 4) Proposed roads to be established, designed, constructed and paved to standard.
- 5) Proposed walkway between proposed Lots 27 & 28 to be widened to a minimum of 66 ft. in width.
- 6) Drainage to be complete to outfall.
- 7) Provision of an approved community water system.
- 8) The requirements of the Medical Health Officer to be met and approval of the Medical Health Officer.

W. M. Sproul
Regional Highway Engineer

by:

W. P. Puhallo
Regional Approving Officer

WPP/vp

c.c. P. Barnes, Nelson

D. R. Haughton, Victoria



Province of
British Columbia

Ministry of
Health

Public Health Programs
East Kootenay Health Unit
2205 Second Street North
Cranbrook, B.C. V1C 3L4
Phone: 426-3361

793

January 24, 1979

Mr. Bev Green
District Highways Technician
Box 1200
Golden, B.C. VOA 1H0

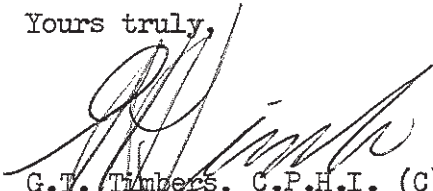
Dear Mr. Green:

RE: Proposed subdivision of Sub Lot 72, D.L. 4596
and Parcel B of D.L. 110. Your file #37-21-78 (793)

The proposed water system for the above mentioned proposed subdivision has received its final certificate and I am satisfied that at present all lots except for Lots 15, 27, 29, 31, and 32 comply with the Sewage Disposal Regulations. The problem with the above mentioned proposed lots is related to springs and spring runoffs. In my discussion with Mr. Richardson of November 8, 1978 and his written submission of November 19, 1978 he has assured me that he can install drainage systems to insure that the above mentioned lots will comply with the Sewage Disposal Regulations.

I therefore request that this office's final recommendation on Lots 15, 27, 29, 31, and 32 be withheld until road construction and drainage ditches are completed. If you have any questions, please contact me directly.

Yours truly,


G.T. Timbers, C.P.H.I. (C)
Public Health Inspector

GTT/bls
cc. Mr. Richardson

MINISTRY OF HIGHWAYS
& PUBLIC WORKS (HWYS)

JAN 29 1979

GOLDEN, B.C.

637

Tel: S22

S22

Oct. 26, 1978

A. T. Richardson,

S22

Dear Sir:

RE: Proposed Subdivision of part of Sub.Lot 72, D.L. 4596 and Parcel B, D.L. 10
Dept. of Highway file 37-21-78 (793).

With regard to the above proposed subdivision please submit the following information to this office:

1. Percolation test results for proposed lots 1 and 13. Percolation test must be conducted as per Section (2) of enclosed percolation test information sheet.
2. Proposed sites for sewage disposal systems on lots 15, 18, 21, 27, 29, 31 and 32. Site information required is as per points (1) and (2) of percolation test information sheet. Site size and location must be as per enclosed plate 1978-2.

If you have any questions or wish joint site inspection please contact me directly.

Yours truly,


G.H. Timbers, C.P.H.I.(c),
Public Health Inspector.

Encls.

→ Copy: Dept. of Highways

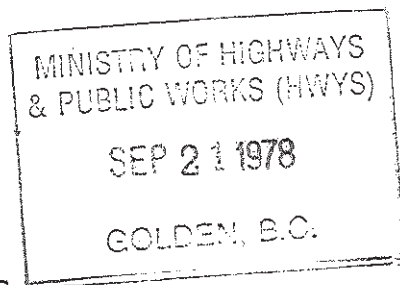
MINISTRY OF HIGHWAYS
& PUBLIC WORKS (HWYS)

OCT 26 1978

GOVERNMENT OF CANADA

September 18, 1978.

Your File 37-21-78(793)



Mr. C. S. Shaw,
District Highways Manager,
Ministry of Highways and Public Works,
Box 1200,
Golden, B. C. VOA 1H0.

Dear Sir:-

Re; Proposed Subdivision of Sub Lot 72 of
Lot 4596 and Parcel B of Lot 110.

Regarding your letter of July 28, 1978 with communication from the Regional Approving Officer the following action has been taken:

- (1) Lots 14 to 25 inclusive, and Lots 26 to 33 inclusive, have been flagged and staked in the field.
- (2) On Lots 16 to 25 profiles have been run on each lot line from the lake shore to the road. The 2:1 slope has been drawn on the profiles and the point of intersection of the slope line with the profile line has been marked with a red stake in the field. The profiles are enclosed with this letter.

The survey work on the above has been done by the undersigned and checked in the field by R. Lemaster, B.C.L.S.

Engineering drawings showing design of proposed road fronting Lots 26-33 inclusive are being prepared. Please address future communication on this matter to the undersigned instead of J. G. Russell & Associates.

Yours truly,

A. T. Richardson
A. T. Richardson.

Copy: R. Lemaster.

AB



H118

To: Mr. C.S. Shaw,
District Highways Manager,
Ministry of Highways & Public
Works (Highways),
GOLDEN, British Columbia.

Date: 78-07--19

Golden R#3

Headquarters File:

Regional File: R3-21-78 (7997)

District File: 37-21-78 (793)

Re: Proposed Subdivision of Part of
Sublot 72, District Lot 4596, &
Parcel B of District Lot 110,
Kootenay District.

Your H.235P June 22, 1978.

MINISTRY OF HIGHWAYS
& PUBLIC WORKS (HWS)

JUN 21 1978

GOLDEN, B.C.

Please advise applicant we have reviewed the proposed subdivision and find a large number of the lots are subject to a hazard due to soil instability and falling rock. We do believe, however, that most of the lots may be acceptable provided building sites are restricted to certain areas. In order to define the precise boundaries of the setback or safe zones, and complete our evaluation of this proposal, we will require the following:

- 1) Lots 14-25 inclusive, and Lots 26-33 inclusive, to be flagged and staked in the field.
- 2) The establishment of a setback line, on Lots 16-25 inclusive. This line would be established by the intersection of a 2:1 slope with the ground surface, taken from the toe of the bank slope (defined as the intersection of the gravel beach with the bank fronting the properties).
- 3) Eng. Drawings showing design of proposed road fronting Lots 26-32 inclusive. This design must incorporate suitable features for drainage of water over saturated ground.

W.M. Sproul,
Regional Highway Engineer.

by:

W.P. Puhallio,
Regional Approving Officer.

WPP/kh

DATE June 22, 1978

REPORT ON PRELIMINARY SUBDIVISION

HIGHWAY DISTRICT Golden (R#3) REGIONAL DISTRICT B. C. MUNICIPALITY _____ DISTRICT FILE No. 37-21-78(795)
 REGIONAL FILE No. _____ HEADQUARTERS FILE No. _____ DATE DISTRICT RECEIVED March 27, 1978
 REFERENCE/DATE _____ ROAD NAME ROUTE No. Grainger Road # 61
 LEGAL DESCRIPTION Part of Sub-Lot 72 of Dist. Lot 4596 & Parcel B of Dist. Lot 110
Kootenay District.
 LOCATED 3 km N-SE-W OF Canal Flats HIGHWAY SECTION No. _____
 TOPOGRAPHIC DESCRIPTION Bench land with high rock bluff on East side of Grainger Road.
 REPORTED BEFORE AS ZONING/LUC/ACCESS/SUBDIVISION? OUTCOME? _____
 REFERENCE/DATE _____
 PRESENT LAND USE? Wild land (2 houses in S.L. 72 & 1 house in Parcel B)
 PROPOSED LAND USE? Residential
 WHAT LAND USES ARE ALLOWED PRESENT ZONING? N/A
 CONFORM WITH REGIONAL PLAN? Yes CONFORM WITH COMMUNITY PLAN? N/A IN ALR? No SPEED ZONE 80 km/h
 STREET SYSTEM ADEQUATE FOR ADDITIONAL TRAFFIC? See below OFF-STREET PARKING OK? Yes
 SECONDARY STREET SYSTEM EXIST? No REQUIRE FRONTAGE WIDENING? No
 866? Yes ACCESS ALL LOTS? Yes CONFLICT LOCATION LINE? No COMMON LOT? No PIPE-LINE CROSSING? No
 RR CROSSING? No FRONTAGE RULE? U.R. ACCESS BY WATER? No ACCESS BY EASEMENT? No
 REQUIRE COMM. WATER? Yes PARCEL SIZE OK BY ZONING? N/A SEWAGE DISPOSAL? Below REQUIRE COMM. SEWER? Below
 ROAD/LAND DRAINAGE OK? See Below REQUIRE COVENANT? No EROSION? Below LANDSLIP? Below FLOODING? No
 ROCKFALL? See Below SNOWSLIDE? No WILDLIFE? See Below ROAD CLOSURE? No IF YES, CONTINUE
 IS ROAD REQUIRED FOR NETWORK? _____ HOW WAS ROAD CREATED? _____
 WHY DOES APPLICANT WANT CLOSURE? _____ DID CROWN PAY FOR ROAD? _____
 WHY VEST AND NOT LEASE? _____ IF ALTERNATE EXISTS, DID CROWN PAY FOR IT? _____
 WHAT BENEFIT TO APPLICANT? _____ NAME/ADDRESS APPLICANT (not agent) _____
 COMMENTS Mr. A. T. Richardson
Box 258
Canal Flats, B. C. V0B 1B0

ATTACHED:

2 Paper Prints

Letter from Ministry of Recreation & Conservation-dated June 13/78

Letter from Public Health Inspector -dated May 15/78

Letter from Regional District of East Kootenay-dated March 10/78

Certificates of Encumbrances (2)

RECOMMENDATION: Approve providing:

- (1) Soil report favorable (No copy forwarded to this office)
- (2) Water system to be installed & approved prior to final approval.
- (3) Roads to be constructed & paved prior to final approval.

NOTE:

Grainger Road #61 is in the process of being gazetted (See Regional Property Negotiator for further details)

Need Approval of P.H.I.

C. S. Shaw
District Highways Manager



Province of
British Columbia

Ministry of
Recreation and
Conservation

201 - - 6th Avenue South
Cranbrook, B.C.
V1C 2H3

793

FISH AND WILDLIFE BRANCH

489-2311 loc. 275, 276, 278

YOUR FILE

OUR FILE0758.....

June 13, 1978

District Highways Manager
Ministry of Highways
Box 1200
Golden, B.C.

MINISTRY OF HIGHWAYS
& PUBLIC WORKS (HWYS)

JUN 15 1978

GOLDEN, B.C.

Attention: B.F. Green

Subject: Proposed subdivision on D.L. 110 K.D. located two (2)
miles north of Canal Flats

Dear Sir:

The above-noted subdivision is located within an area of Class IW winter range for elk, deer, and specifically Rocky Mountain bighorn sheep. The area (private land in D.L. 110) is completely surrounded by two reserves (one of them O.I.C. #1133) for purposes of wildlife management and to prevent further alienation. Because of this area's significant capability and contribution to the maintenance of wildlife populations, we are firmly opposed to any subdivisions in this locality. Improved access, increased density and use of the area would have a detrimental effect on these wildlife populations.

Also, you should be aware of the presently ongoing Columbia - Windermere Lakes Land Use Study being conducted by the E.L.U.C. Secretariat.

You may be able to obtain relevant information resulting from this study by contacting Mr. Erik Karlsen, Acting Assistant Director, E.L.U.C. Secretariat, Parliament Buildings, Victoria, B.C. V8V 1X4.

Yours truly,

David E. Phelps

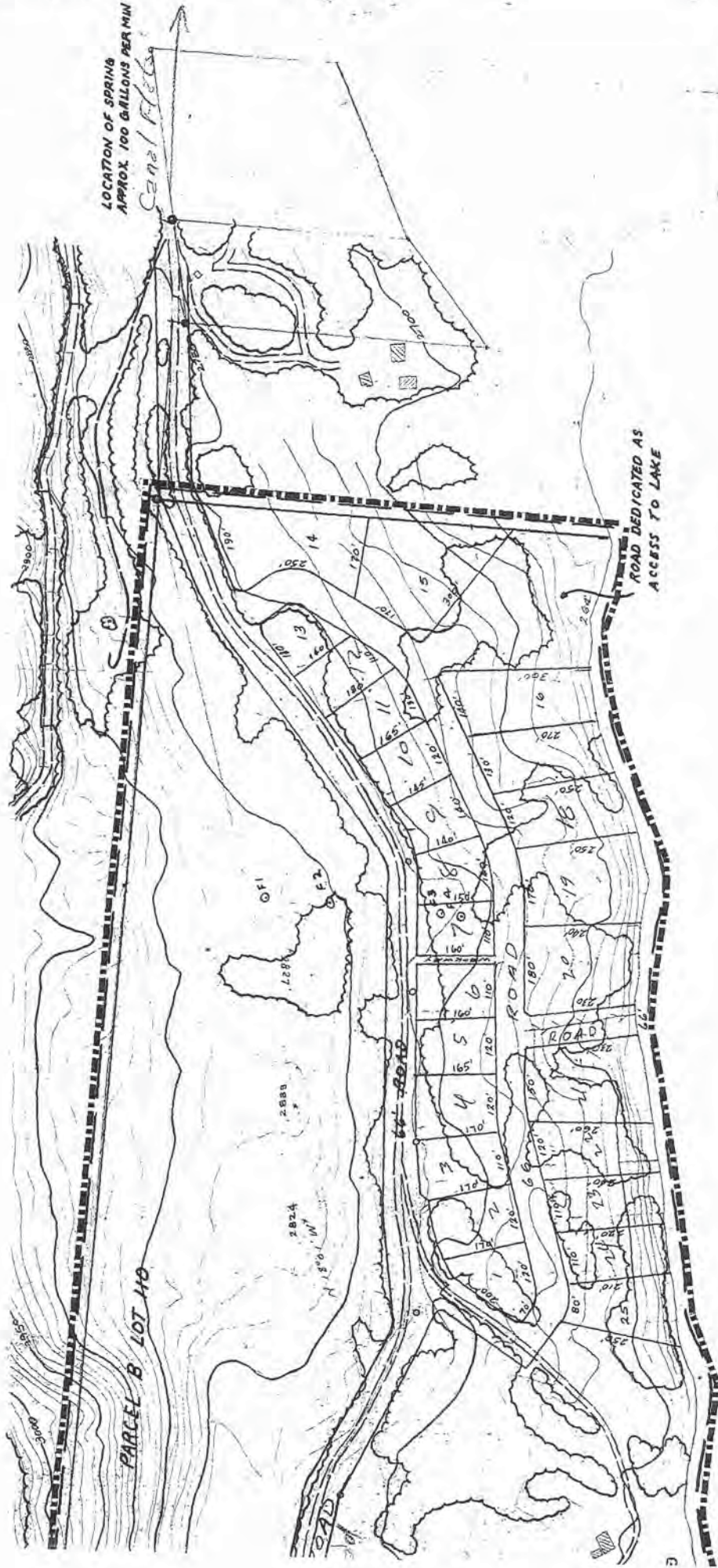
DAVID E. PHELPS
Regional Land Management Biologist

for: HARVEY ANDRUSAK
Acting Regional Director

c.c. Erik Karlsen

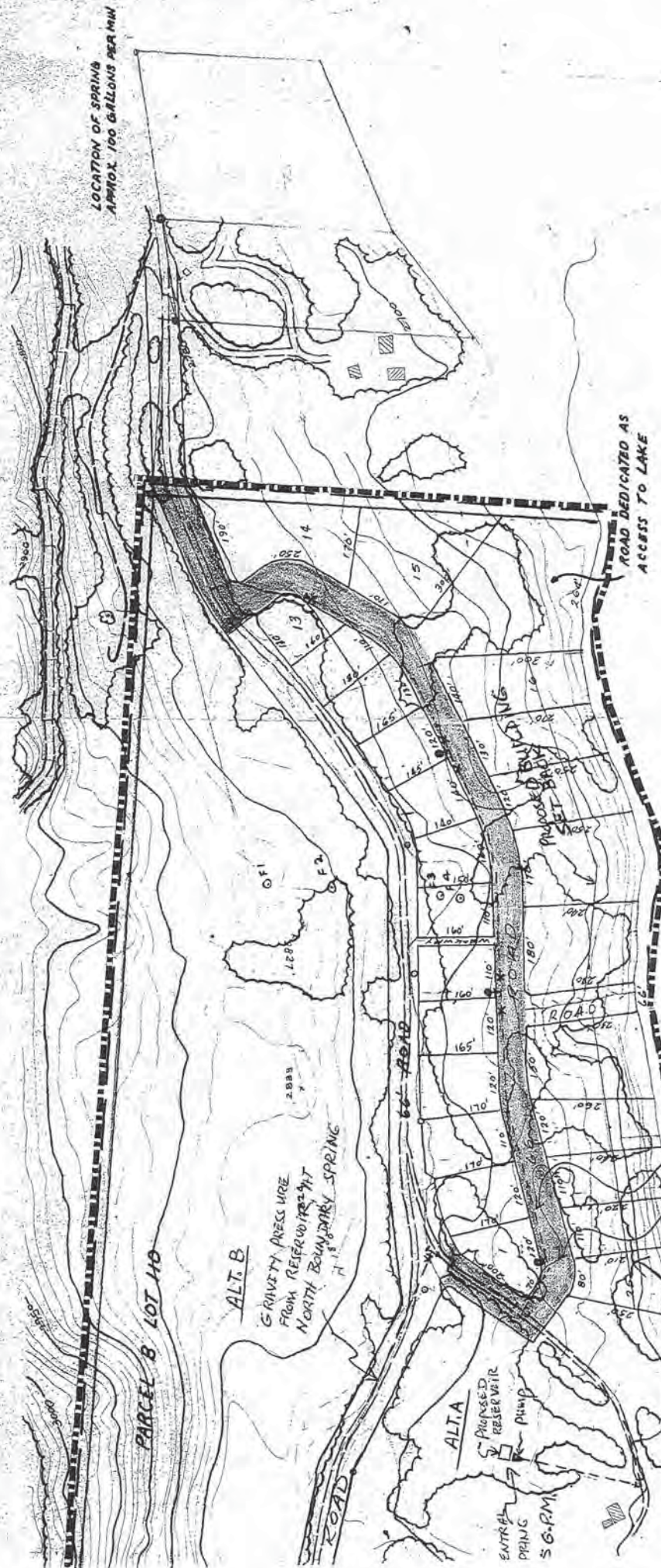
DEP:bjs

793



MINISTRY OF HIGHWAYS
& PUBLIC WORKS (IHWYS)
MAR 2 7 45 20 3-00045
Page 31
GOLDEN, B.C.

NOTES:
TOTAL NO. OF LOTS - 33



- NOTES:
- 6 INCH WATER LINE TO BE INSTALLED IN 1979
 - 24 foot ROAD WAY TO BE CONSTRUCTED IN 1979 - 12 inch PIPERUN, 2 inch CRUSHED.
 - PAVEMENT TO BE COMPLETED WITHIN 2 YEARS
 - OR AFTER SEWERAGE SYSTEM IS INSTALLED
 - 8 percent MINIMUM GRADE.

