



PERMISSION TO CONSTRUCT, USE, AND MAINTAIN ACCESS TO A PROVINCIAL HIGHWAY

The works comprising of one (1), nine (9.0) metre wide commercial access on the easterly end of Holmes Deakin Road #36 approximately 25 kms north-east of Golden, BC to serve property described as Fractional SW 1/4 Section 2, Township 29, Range 22, West of the 5th Meridian, Kootenay District; in accordance with sketch and application submitted by B. Friedli and A. Weilenmann on January 29, 1997

are hereby approved insofar as they relate to the use of highway right of way, interference with public works, or other matter under the jurisdiction of the Minister of Transportation and Highways, and permission to construct, use, maintain

and operate the said works is hereby granted to: Barbara Friedli & André Weilenmann

The said approval and permission to construct, use and maintain the said works is, however, at all times subject to the following conditions:

1. That the construction and maintenance of the said works is carried out to the satisfaction of the Regional Director -- Highways.
2. That any person appointed by the Regional Director - Highways for that purpose shall have free access to all parts of the said works for the purpose of inspecting same.
3. That the construction of the said works shall be commenced on or before the existing and shall be prosecuted with due diligence and completed to the satisfaction of the Regional Director - Highways on or before the existing or this permit is void.
4. That the safety, economy, and convenience of the travelling public must at all times be recognized and all traffic control must be undertaken by the permittee to the satisfaction of the Regional Director - Highways.
5. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
6. That the permittee shall at all times accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by the said works, and shall save harmless and keep indemnified the Crown from all claims and demands whatsoever in respect of the works. That, prior to proceeding with any excavation, the permittee will be responsible for notifying any utility company whose works may be close to or affected by the installation.
7. That the permission herein granted to use and maintain the said works is only granted for such time as the land on which the said work is constructed is under the jurisdiction of the Minister of Transportation and Highways.
8. This permission shall not be deemed to vest in the permittee any right, title, or interest whatsoever in or to the lands upon which the works are constructed.
9. This permission is contingent upon the following land use: Lodge and residential
Any change in land use shall render the permission void.
10. That should the proposed land use not be instituted within six months of the date of this permit or should it be instituted and subsequently discontinued for a period of 30 days, this permit shall be void.
11. This permission is granted only to the person or corporation named above, and any change in ownership to the property renders this permit void.
12. That while reasonable care will be taken on the part of the Crown to do as little damage as possible to any works authorized by this permit in the carrying-out of the construction, extension, alteration, improvement, repair, maintenance or operation of any public work adjacent thereto, the Crown and its employees accept no responsibility of any kind for such damage.
13. That, after receiving notice in writing of the intention of the Crown to construct, extend, alter, or improve any public works, the permittee shall within 30 days move or alter works authorized by this permit at his own expense to such new position or in such manner as may be necessitated by the construction, extension, alteration, or improvement, and that where such movement of access point or change of grade takes place there shall be no claim against the Crown for damages arising out of the changed access condition.
14. (a) This permit may be cancelled in the absolute discretion of the Minister of Transportation and Highways without any notice of hearing.
(b) This permit may be cancelled by the Regional Director - Highways when alternative access becomes available as a result of the construction of a frontage road or other service road.
15. Any existing access to the property not covered by a valid permit shall be removed within 90 days of the date of this permit.
16. That the access or accesses may be restricted as to allowable movements as traffic safety and flow conditions warrant, and at that time this permit may be cancelled and a new permit issued.
17. Clauses 22, 25, 28, 34, 36, 40, 43 and 44
as printed or typed overleaf on this permit, shall be deemed to apply and form part of these conditions.

Dated at Revelstoke, BC
this 17th day of February 19 97


N.S. Fujino, District Development Technician
For Minister of Transportation and Highways

18. This permit cancels and replaces Permit No. _____
19. This property shall not be connected to any other property by private roadway.
20. The access (or accesses) shall be defined to the satisfaction of the Regional Director - Highways by the erection of standard white-painted delineator posts, guard-rail, nonmountable curb, or some other substantial barrier to traffic satisfactory to the Regional Director - Highways.
21. This permit includes permission to construct channelization with the highway right of way as specified by the Regional Director - Highways, and such channelization shall be constructed at the permittee's expense and maintained and operated by the Ministry of Transportation and Highways.
22. The access (or accesses) shall be gravelled to an extent satisfactory to the Regional Director - Highways to prevent the tracking of mud and soil onto the highway surface.
23. The access (or accesses) shall be paved to the satisfaction of the Regional Director - Highways.
24. The highway shoulder between these accesses shall be paved to the satisfaction of the Regional Director - Highways.
25. The finished grade of the access (or accesses) at the ditch-line shall be 15 cm below the highway shoulder elevation.
26. The access (or accesses) shall be restricted to the following movements only _____

and the permittee shall construct and erect all necessary channelization, signs, and other traffic-control devices at his cost.

27. This permit is temporary and expires the _____
28. The permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by construction of the works allowed by this permit. Replacement must be by a British Columbia land surveyor at the permittee's expense.
29. The access (or accesses) will only be open to traffic between the _____ and the _____ each year, and when not open shall be closed with a suitable barrier and signs.
30. Before commencing construction, intimation in writing of the intention to do so must be given to the District Highways Manager at least seven days before the work is begun.
31. The access (or accesses) shall be used jointly with the access covered by Permit No. _____ which serves the property legally described as _____

32. The permittee shall erect a tight board fence or thick evergreen hedge so that no part of the property is visible from the highway at any point along its frontage at an eye elevation 2.5 m above highway pavement.

33. The access (or accesses) shall be constructed with _____ culvert pipe manufactured to CSA or ASTM standards and laid at ditch invert elevation. Maintenance and periodic cleaning of this culvert is the responsibility of the permittee.

34. Any mud, soil, debris, or other foreign material tracked onto the highway from the access (or accesses) shall be removed by the permittee at his expense, at least daily, or at any time the material unduly inconveniences traffic.

35. The access (or accesses) shall be constructed of standard concrete drop curb and sidewalk crossing, to the satisfaction of the Regional Director - Highways.

36. The profile of the access (or accesses) shall not exceed $\pm 2\%$ grade from the ditchline for a distance of at least 5.0 metres as measured away from the highway along the centreline of the access.

37. The layout shown on permittee's drawing _____

is a condition of this permit and any change in layout without prior consent in writing to the Regional Director - Highways shall render this permit void.

38. Placing of speed arresters on the access (or accesses) or in the permittee's property without the prior consent in writing of the Regional Director - Highways shall render the permit void.

39. The permittee shall, at his cost, supply, erect, and maintain standard traffic control signs, as specified by the Regional Director - Highways.

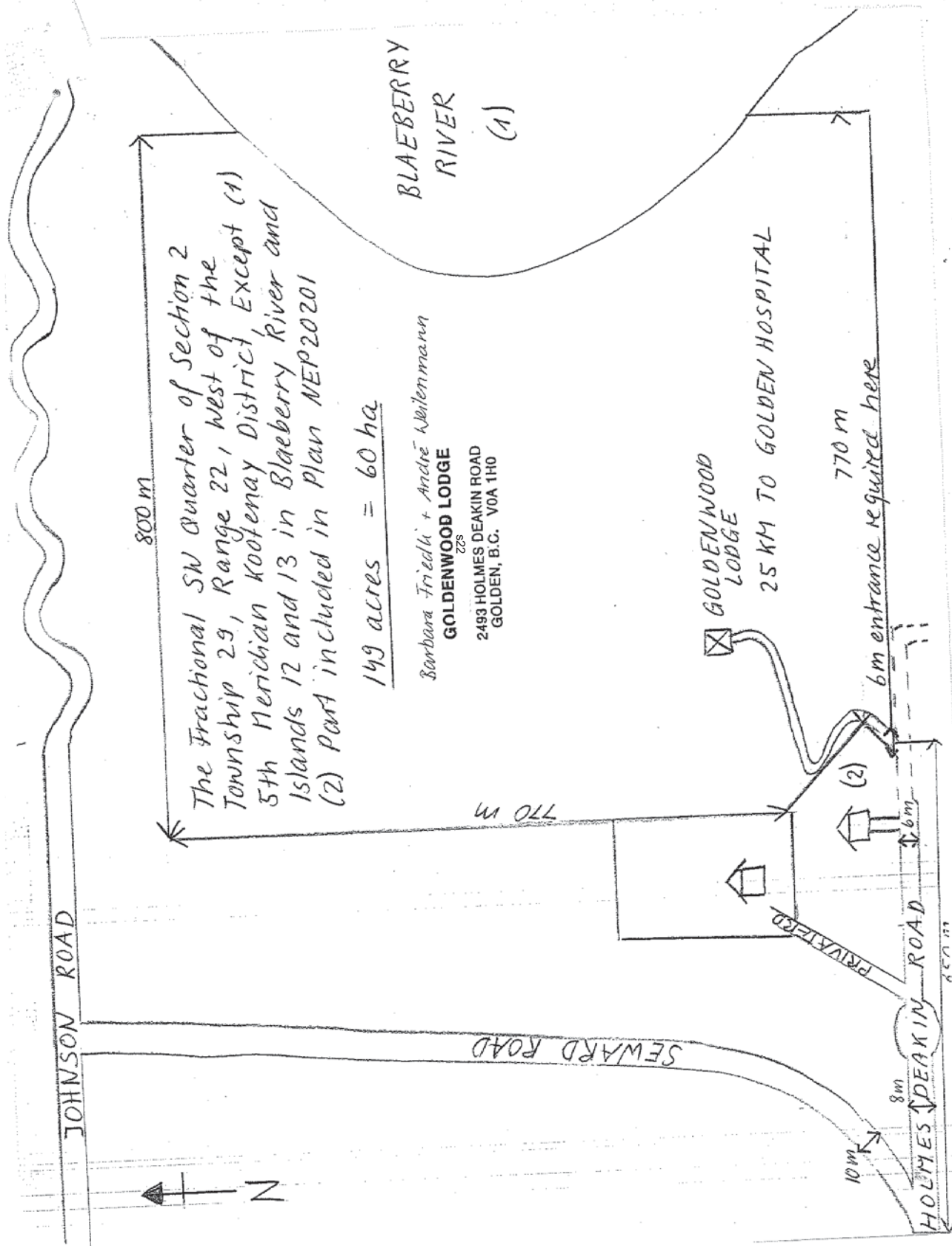
40. The permittee shall provide offstreet parking in the amount of a minimum of fourteen (14) spaces

41. This permission is subject to compliance with the conditions of approval stated in the Public Works (Canada) letter to the permittee dated _____

42. The layout shown on the attached drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Regional Director - Highways shall render the permit void.

44. No Parking on Holmes Deakin Road #36.

45. Private signs are not allowed on Highway right-of-ways.



JAN 29 1997

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District File No.

PROVINCE OF BRITISH COLUMBIA
Ministry of Transportation and Highways

**APPLICATION FOR PERMISSION TO CONSTRUCT WORKS WITHIN HIGHWAY
RIGHT-OF-WAY FOR THE PURPOSE OF PROVIDING ACCESS TO A HIGHWAY**

I/We hereby apply for permission to construct, use, and maintain access works within the right-of-way of a highway in accordance with the particulars, plan, and specifications submitted herewith. I/We understand that the submission of this form constitutes an application only and the works may not be commenced unless and until a permit is received. (In the case of an access already installed, but not covered by a permit, this application is still required in order to authorize use of same.)

The full legal description of the property to be served is (1) Fractional Southwest Quarter of Sect. 2, Township 29, Range 22, West of the 5th Meridian Kootenay District

(I attach a sketch-plan showing the information required by Form H20B)

The name of the highway is Holmes Deakin Road

The property is located approximately 24.93 km km N/S. E/W. of community of Golden, and the requested access is on the N/S. E/W. side of the highway.

(Please see notes below for guidance.)

I/We request access at (2) one locations, as shown on the accompanying sketch-plan.

The intended land use is (3) Tourist Lodge

and the size and scope of the operation is (4) Lodge (2 units), Cabins (4 units) Tipicamp (6 units)

The access is required for period of (5) indefinitely

I/We am/are the registered owner or lessee of the above-described property.

Signed .. s22 Dec 3, 96 Jan 24, 97

Name and address Barbara Friedli + Andre Weilenmann, s22
2493 Holmes Deakin Rd., Golden BC V0A 1H0 (Block capitals) Telephone (250) 344-7685

I/We wish to have the access permit issued in the name of (6) ourselves

NOTES

- (1) Property described must have highway frontage.
- (2) Insert number of accesses requested.
- (3) Insert specific land use proposed (for example, single-family dwelling, farm, motel and restaurant, service-station, furniture factory, etc.).
- (4) Insert figures indicating number of dwelling units, square metres of floor area of buildings, sleeping units, employees, seats in restaurant, etc.
- (5) (a) Insert the word "indefinitely" if required for long-term use; or (b) insert specific number of months or years if required for temporary period.
- (6) (a) Insert "myself" or "ourselves", if required by owner or lessee; or (b) insert name and address of person or company who will actually develop the property and construct, use, and maintain the access works, if required by other party (for example, property is under option, and owner proposes to sell or lease same); or (c) if access required for land beyond, given name of owner(s) and legal description of parcel involved.