



eDAS File #: 2014-06066

Date: Apr/15/2016

Armstrong Group
Suite 3005-700 West Georgia Street
PO Box 10095 Pacific Centre
Vancouver, British Columbia V7Y 1B6

COPY

BY MAIL

Attention: Debbie Wang, Financial Manager

**Re: Proposed Road Closure Approval Application for:
(Lot 12/13 Consolidation BB3021461)
3182 Malaspina Promenade, Savary Island**

The Ministry has reconsidered Mr. Armstrong's request to close a portion of Malaspina Promenade on Savary Island adjacent to lots 12 and 13. The Ministry is maintaining its original position on this request and will **not recommend** that the subject area of Provincial Public Highway Right of Way be closed for disposition. In rendering this decision, the Ministry carefully considered your information package dated November 5, 2015; the Ministry files regarding the previous Road Closure approval of Malaspina Promenade and subsequent sea wall work; and current Ministry policies affecting this request. To that end, the Ministry offers the following:

- A review of the previous Road Closure application and file from 2000-2002 has shown that this approval was granted in contradiction to Ministry policy at that time. There was considerable concern with the previous application with respect to the public interest in closing waterfront public right of way. Nevertheless, the closure and sale of the right of way and subsequent permit to undertake the sea wall work were granted.
- After reviewing your information package dated November 5, 2015, the Ministry certainly appreciates the personal expense Mr. Armstrong has assumed; however, the works that Mr. Armstrong financed was permitted and granted in exchange for the closure and disposition of Provincial Public Highway Right of Way adjacent to Mr. Armstrong's Lot "D" property. Future road closure and disposition of Provincial Public Highway Right of Way was not contemplated in any prior approvals.

Local District Address

Powell River Area Office
6953 Alberni Street
Powell River, British Columbia V8A 2B8
Canada
Phone: (604) 485-3610 Fax: (604) 485-3611

- Since the Ministry granted approval of the Road Closure adjacent to Lot "D", the Ministry has clarified its policy with respect to closing highway right of way that provides access to water (T-Circular: T-07/03). This technical circular makes clear that "rights of way under the ministry's jurisdiction which provide public access to water are to be retained and managed with both present and future public use in mind".

To that end, the Ministry maintains its position that this new proposal put forth by Mr. Armstrong is not in the public interest in terms of public access to water. With respect to the sea wall constructed by Mr. Armstrong, if there are issues with the portion of the sea-wall on **Ministry Highway Right of Way** that require attention, the Ministry is happy to discuss further.

If you have any questions please feel free to call Michael Braun at (604) 527-2244.

Yours truly,



Michael Braun
Senior District Development Technician

Attachment: T-Circular: T-07-03



Ministry of Transportation

Policy on Closure of Rights of Way that provide Access to Water

POLICY:

Existing rights of way that provide public access to water are to be retained for public use.

PURPOSE:

It is the goal of the ministry to ensure that public access to water is preserved and dealt with consistently across the province. To that end, rights of way under the ministry's jurisdiction which provide public access to water are to be retained and managed with both present and future public use in mind. Any development of specific sites should be carried out in collaboration with interested members of the public and with relevant local governments.

SCOPE:

This policy applies to all existing rights of way that access the boundary of a body of water. Dedication of new rights of way is a requirement of subdivision and is enforced by the Provincial Approving Officer.

AUTHORIZATION:

Approved By:

Assistant Deputy Minister, Transportation
Planning and Policy

Initiating Director:

Director, Highway Planning

Manager/Supervisor:

Manager, Development Approvals

Working Contact:

Development Approvals Coordinator

REFERENCES:

Land Title Act

Real Estate Act

Highway Act

Ministry Development Approvals Subdivision Policy & Procedure Manual

November 5, 2015

Michael Braun, MPA
Senior District Development Technician
Ministry of Transportation and Infrastructure | Lower Mainland District
#310-1500 Woolridge Street
Coquitlam, BC
V3K 0B8

RE: Road closure and transfer to Peter R. B. Armstrong and statutory right of way in favour of the Ministry of Transportation.

Dear Mr. Braun:

Further to our phone conversation, please find attached background information pertaining to the application for the discontinuation and closing of a portion of Malaspina Promenade and amalgamating it with the adjoining parcel, Parcel E (Being a consolidation of Lots 12 & 13, BB3021461) DL 1372, BL 2, Group 1 NW District PL 2732, PID 029-296-081 herein referred to as "3182 Malaspina".

Background:

Continued coastal erosion storm waves caused the disappearance of much of the eastern side of Savary Island. By year 2000, this constant and steady erosion had reached the point that much of the shoreline was claimed and it was inevitable that the erosion would continue to the roadway and subsequently to private land. The erosion was most severe in front of 3182 Malaspina and Lot D, Block 2, PL BCP4110, DL 1372, PID 029-296-153 herein referred to as "3200 Malaspina".

After being informed that the Ministry of Transportation and Infrastructure (MoTI) did not have the funds to stop further erosion, the Armstrong Family offered a solution. The Armstrongs would bear the cost of building a stone retaining wall fronting both 3200 and 3182 Malaspina, in exchange for the closing of the road in front of 3200 Malapsina.

The cost to build the wall was^{s.22} plus subsequent repairs of^{s.22} totaling^{s.22}
The value of the closed road was assessed at \$227,000.

In 2003, the road in front 3200 Malaspina was closed and formed part of the adjoining lot. A statutory right of way was granted in favour of MoTI, allowing public access for pedestrians and

cyclists. As agreed, the Armstrongs have maintained insurance on the easement, and access to the road by the public has been uninterrupted.

Present:

In 2013, Mr. Armstrong purchased 3182 Malaspina and is now applying for the road allowance fronting his lot to preserve the land and minimize vehicular traffic from further eroding this road. A statutory right-of-way would be granted in favour of MoTI for access by pedestrians and cyclists. The public would also benefit should the road allowance be granted, as payment for the value of that section of land could be applied towards improvements on Savary Island as the MoTI deems appropriate.

The existing stone retaining wall already fronts 3182 Malaspina and there is no intention of extending it. If the MoTI deems this section to be surplus to its needs, then as part compensation for this road closure, Mr. Armstrong will continue to maintain the stone wall which costs approximately ^{s.22} per year or another ^{s.22} over the next 20 years.

- Will need to fully understand the history of the previous road closure & construction (old permit)
- Maintenance of current "sea-wall"
- Consider the public interest in closing more ocean front public right of way

Timeline:

Year			
2003	Stone retaining wall fronting both 3200 and 3182 Malaspina built.	3200 Malaspina owned by Wendy Armstrong.	3182 Malaspina owned by ^{s.22}
2003	Road fronting 3200 Malaspina closed and amalgamated to adjoining lot. Right of way granted for pedestrian and cyclist access.		Road fronting 3182 Malaspina still owned by the Crown.
2013	Mr. Peter Armstrong purchases 3182 Malapsina from ^{s.22}		
Present	Application to close road in front of 3182 Malaspina. Right of way to be granted for pedestrian and cyclist access, similar to the precedent set in 2003.		Mr. Peter Armstrong now owns 3182 Malaspina.

**Application to
acquire Public
Road**

DL 1372

Savary Island

Electoral A

**By Peter R.B.
Armstrong**

November 5, 2015

1 Introduction and Background
Information

2 Exhibit A: Extension of Road
Closure.
Exhibit B: Site plan of Parcel E

3 Exhibit C: Site plan of Malaspina
Promenade prior to the stone wall

4 Exhibit D: Freehold transfer of
closed road to Wendy G. Armstrong
and application for deposit of
statutory right of way

5 Exhibit E: Business liability
insurance covering easement

6 Exhibits F, G, and H: Photos of
stone wall being built

7 Exhibits I and J: Photos of the
completed stone wall

8 Exhibit K: Photo of completed stone
wall funded by the Armstrong Family

9 Exhibit L: Form H0819-Application
for Permission to Discontinue,
Close and Acquire the Land in a
Public Road

10 Exhibit M: Request for Decision
Report by Jason Gow, Planner

Debbie Wang, B. Com.
Financial Manager

Suite 3005 ~ 700 West Georgia Street,
PO Box 10095 Pacific Centre, Vancouver, BC V7Y 1B6 Canada
D 604.606.8412 T 604.606.7330 F 604.682.2466
dwang@agroup.ca

ARMSTRONG
GROUP

Please see attached exhibits:

- Exhibit A: Extension of road closure.
- Exhibit B: Site plan of Parcel E (Being a consolidation of Lots 12 & 13 BB3021461) DL 1372, BL 2, Group 1 NW District PL 2732.
- Exhibit C: Site plan of Malaspina Promenade prior to the stone wall being built.
- Exhibit D: Freehold transfer of closed road to Wendy G. Armstrong and application for deposit of statutory right of way plan.
- Exhibit E: Business liability insurance covering easement.
- Exhibit F: Pre-2003. Destructive effects of the erosion prior to the stone retaining wall being built.
- Exhibit G: Barging in stones to build the retaining wall, illustrating the large scope of scale of the project.
- Exhibit H: The stone retaining wall being constructed.
- Exhibit I: Steps of completed stone wall.
- Exhibit J: Completed stone wall. There will always be a cost to repair and maintain it.
- Exhibit K: The completed stone retaining wall funded and maintained by the Armstrong family and enjoyed by all.
- Exhibit L: Form H0819-Application for Permission to Discontinue, Close and Acquire the Land in a Public Road.
- Exhibit M: Request for Decision Report from Jason Gow, Planner to the Powell River Regional District Planning Committee Planning Committee August 18, 2015.

I look forward to receiving the Ministry's decision with respect to Mr. Peter Armstrong's application to close that portion of land in front of his property at 3182 Malaspina.

Sincerely,



Debbie Wang
Financial Manager

**SUBDIVISION PLAN OF LOT C (SEE BL94131), BLOCK 2,
DISTRICT LOT 1372, PLAN 2732 AND OF
CLOSED ROAD (EXPLANATORY PLAN BCP4109),
BLOCK 2, DISTRICT LOT 1372, PLAN 2732, ALL OF GROUP 1,
NEW WESTMINSTER DISTRICT.**

Exhibit A: extension of road closure PLAN BCP4110

DEPOSITED IN THE LAND TITLE OFFICE
AT NEW WESTMINSTER, B.C.
THIS _____ DAY OF _____, 2003.

B.C.G.S. 827-097

SCALE 1:500



All distances are in metres.

LEGEND

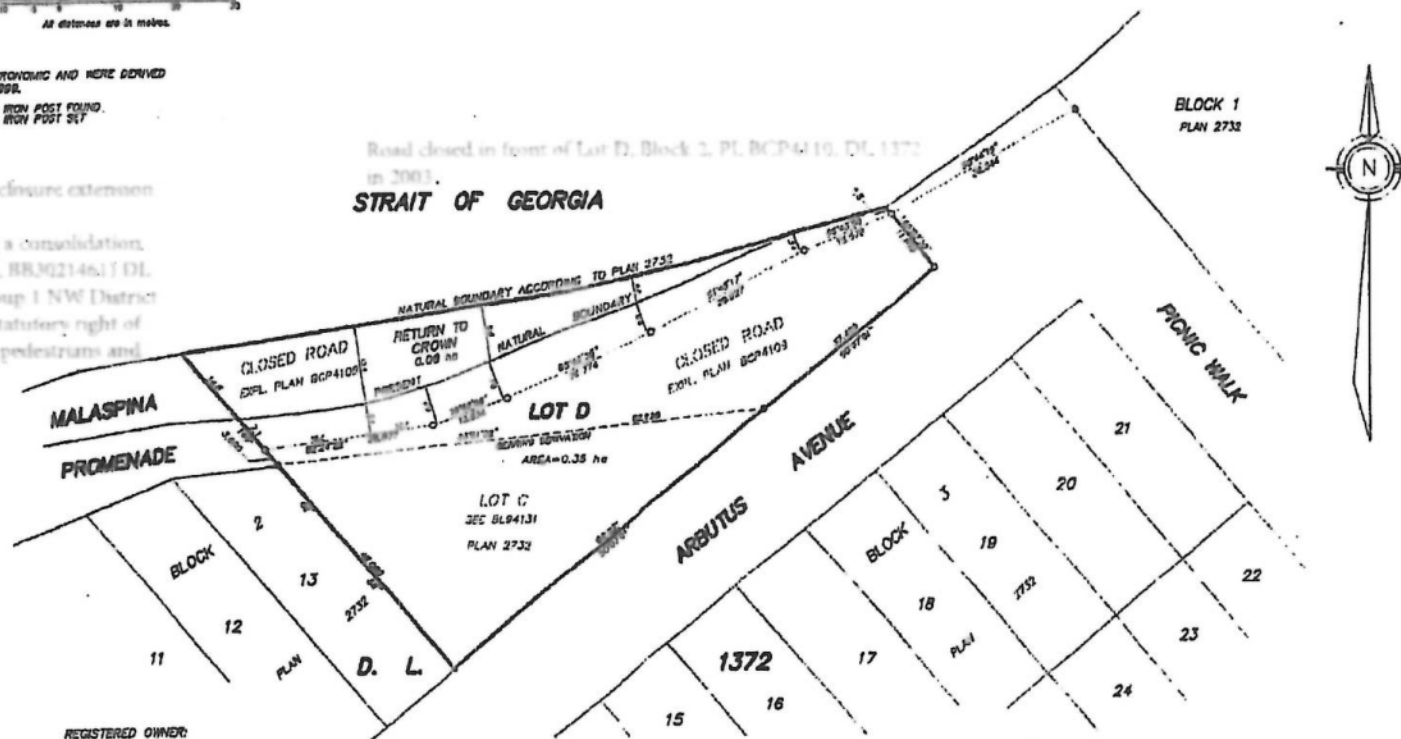
BEARINGS ARE ASTROMOMIC AND WERE DERIVED
FROM PLAN LMP47899.

- DENOTES STANDARD IRON POST FOUND.
- DENOTES STANDARD IRON POST SET.

Proposed road closure extension
to the front of:
Parcel E (Being a consolidation
of Lots 12 & 13, 883021461) / DL
1372, BL 2, Group 1 NW District
PL 2732, and statutory right of
way granted to pedestrians and
cyclists.

Road closed in front of Lot D, Block 2, PL BCP4110, DL 1372
in 2003.

STRAIT OF GEORGIA



REGISTERED OWNER:

W. Graham Armstrong
WENDY GRAHAM ARMSTRONG
S.22

APPROVED UNDER THE LAND TITLE ACT
THIS _____ DAY OF _____, 2003.

R. Rae
APPROVING OFFICER - MINISTRY OF
TRANSPORTATION

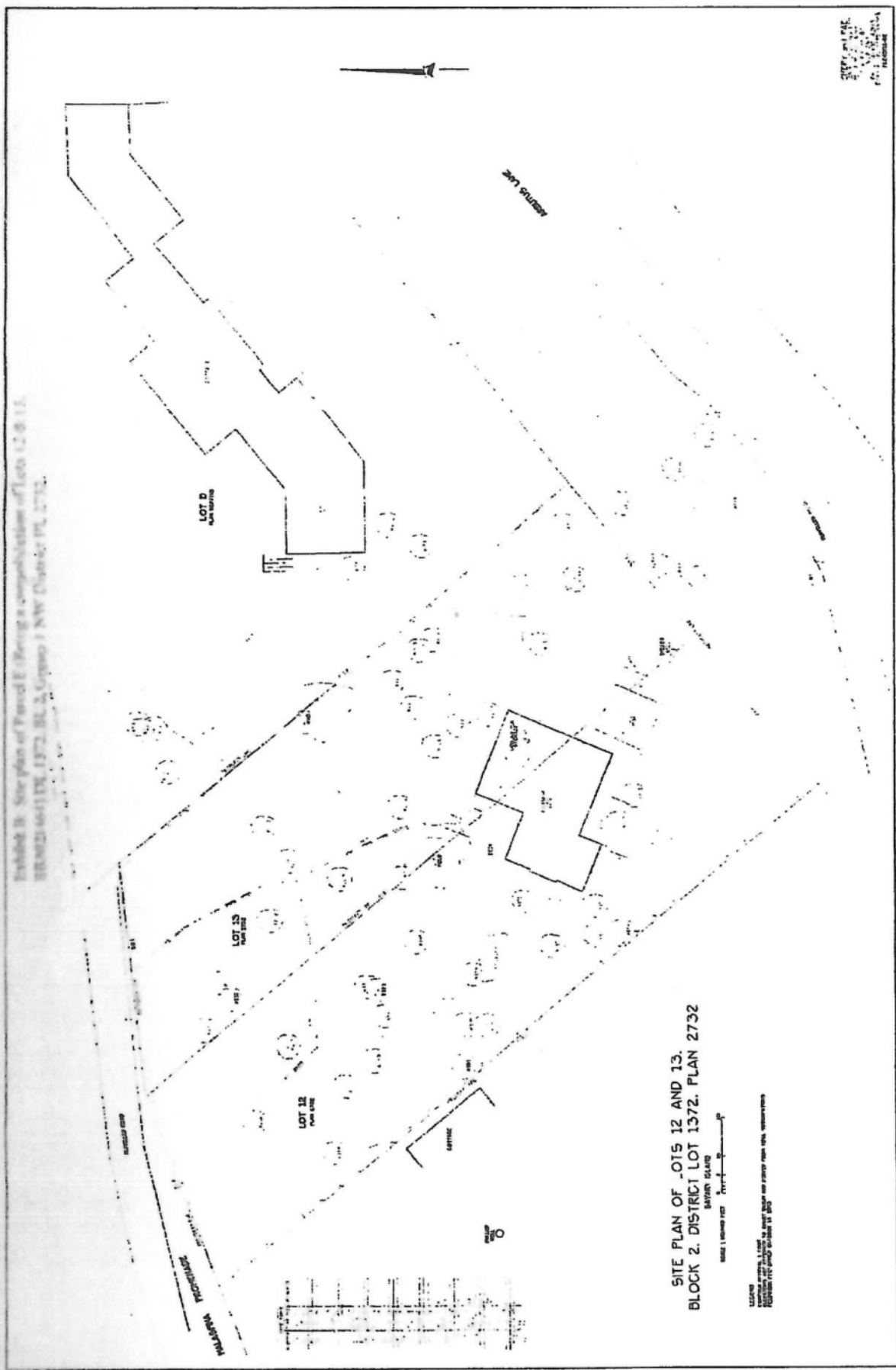
THIS PLAN LIES WITHIN THE
"POWELL RIVER"
REGIONAL DISTRICT

I, FRED EMERY, A BRITISH COLUMBIA LAND
SURVEYOR OF POWELL RIVER, B.C., CERTIFY
THAT I WAS PRESENT AT AND PERSONALLY
SUPERINTENDED THE SURVEY REPRESENTED BY
THIS PLAN, AND THAT THE SURVEY AND PLAN
ARE CORRECT. THE SURVEY WAS COMPLETED
ON THE 26 DAY OF March, 2003.

R. Rae
RICHARD RAE B.C.L.S.

EMERY AND RAE
LAND SURVEYING LTD.
B.C. AND CANADA
LAND SURVEYORS
4507 Wenden Avenue
POWELL RIVER, B.C.
V8A 3N3
Telephone 465-4203
E-MAIL: emery@emery-rrs
P.O. 8217-5

Exhibit B: Site plan of Parcel E showing a consolidation of Lots 12 & 13.
 BB0023-660119, 1372, BL 2, Group 1 NW Quarter PL 2732.

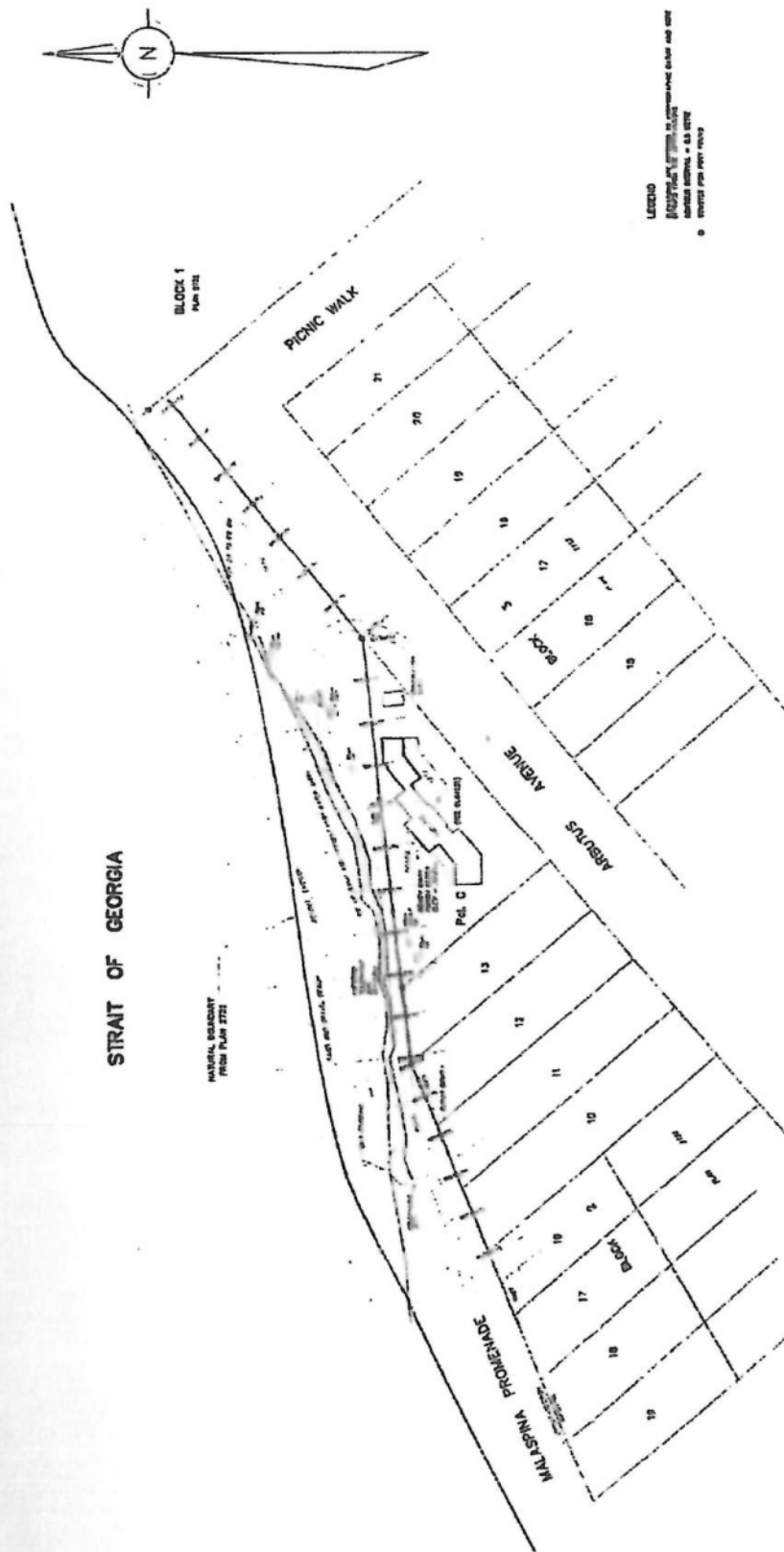


SITE PLAN OF LOTS 12 AND 13.
 BLOCK 2, DISTRICT LOT 1372, PLAN 2732

LEGEND
 LOT 12 1/2 ACRES
 LOT 13 1/2 ACRES
 WATERWAY
 RAILROAD

STATE OF FLORIDA
 DEPARTMENT OF REVENUE

Exhibit C. Site plan of Malaspina Promenade prior to the steps retaining wall having built



LEGEND
 BOUNDARY OF LOT 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

<p>WENDY ARMSTRONG PROPERTIES LTD. 1833 KING EDWARD AVENUE, VANCOUVER, B.C.</p>	<p>SITE PLAN OF MALASPINA PROMENADE FRONTING PARCEL C, (SEE BL94131), BLOCK 2, D.L. 1372, PLAN 2732, SAVARY ISLAND, B.C.</p>	<p>DEVELOPMENT AND LAND SURVEYING LTD. 4557 HURON AVENUE PORTLAND, OREGON, U.S.A. Telephone 408-4303 email: en@devplan.org</p>	<p>REVIEWED: FEB. 25, 2002 DRAWN BY: R. BUE SCALE: 1:1000 DATE: FEB. 25, 2002</p>	<p>FILE: B27-3 SHEET 1 OF 3</p>
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Your File #:
eDAS File #: 2014-06066
Date: Sep/10/2015

c/o Armstrong Group
Peter R Armstrong
Suite 3005-700 West Georgia Street
PO Box 10095 Pacific Centre
Vancouver, British Columbia V7Y 1B6

Attention: Peter R Armstrong

Re: Proposed Road Closure fronting:
Parcel E (Lot 12/13 Consolidation BB3021461)
3182 Malaspina Promenade, Savary Island

Upon review of the proposed road closure, approval is not granted due to the following reason(s):

1. The closure of this portion of Malaspina Promenade is not deemed to be in the public interest.
2. The application does not demonstrate direct value to the Province.
3. Local government is opposed to the closure, in principle, without a statement for the public good.
4. This portion of Malaspina Promenade is not deemed surplus land, and this closure would reduce usable public land for services and government use.

If you have any questions please feel free to call Clint Monson at (604) 485-3610.
Yours truly,

Clint Monson
Area Manager / Development Technician

Local District Address

Powell River Area Office
6953 Alberni Street
Powell River, British Columbia V8A 2B8
Canada
Phone: (604) 485-3610 Fax: (604) 485-3611



POWELL RIVER
REGIONAL DISTRICT

REQUEST FOR DECISION REPORT

TO: Planning Committee
FROM: Jason Gow, Planner
DATE: August 18, 2015
SUBJECT: Acquisition of Public Road, DL 1372, Savary Island, Electoral Area A

ACTION/RECOMMENDATION

THAT the Committee recommend the Board advise the Ministry of Transportation and Infrastructure that the Powell River Regional District has no objection to the application to have the road right-of-way above the high water mark that fronts the property located at 3182 Malaspina Promenade on Savary Island, legally described as Parcel E, District Lot 1372, Block 2, Group 1, New Westminster District, closed and purchased by the owner of the property described above subject to:

1. The closed portion of the road being amalgamated with 3182 Malaspina Promenade;
 2. Application being received by the Powell River Regional District for house numbering of the property located at 3200 Malaspina Promenade which should be readdressed and numbered off of Arbutus Avenue where access to the property is currently located;
 3. A statutory right-of-way being granted to the Ministry of Transportation and Infrastructure to permit public access for pedestrians and cyclists across the area being closed and connecting to the statutory right-of-way granted to the ministry in 2001;
 4. Both statutory rights-of-way being delineated and marked by the applicant to ensure knowledge of the public access remains in perpetuity; and,
 5. Any proceeds the Province gains from selling the public road being reinvested in improving the roads on Savary Island from the perspective of increasing accessibility for emergency response (i.e. fire and ambulance).
-

PURPOSE

To consider a recommendation regarding an application referred by the Ministry of Transportation and Infrastructure over land in Electoral Area A.

BACKGROUND

On July 13, 2015, the Ministry of Transportation and Infrastructure (MOTI) referred to the Powell River Regional District (PRRD) an application for permission to discontinue, close and acquire the land in a public road. The land in question is located on Savary Island and fronts the property located at 3182 Malaspina Promenade, legally described as Parcel E, District Lot 1372, Block 2, Group 1, New Westminster District. Attached to this report as Appendices A and B are a locator map and an orthographic image that illustrate the proposal. The application is being made on behalf of Peter Armstrong, the property owner of 3182 Malaspina Promenade.

In 2001, a similar application was made by the adjacent property owner that involved closing and acquiring the MOTI right-of-way above the high water mark that fronted 3200 Malaspina Promenade. On January 25, 2001, the Board adopted the following resolution:

THAT the Board concur with the recommendation of the Planning Committee that the Ministry of Transportation and Highways be advised that the Powell River Regional District has no objection to the proposed road closure, providing public access can be retained by:

- a. Establishment of an easement or statutory right-of-way for the public along the existing right-of-way and through Lot C (formerly Lot 14) to Arbutus Lane; or,*
- b. A land exchange involving the acquisition of a corridor through a portion of Lot C (formerly Lot 14) in exchange for the remainder of the road right-of-way.*

A month later, the Board adopted this second resolution:

THAT the Board concur with the recommendation of the Planning Committee that a letter be sent to the Ministry of Transportation and Highways with a copy to the Savary Island Committee advising that the Regional District's motion of January 25, 2001, concerning the road closure of part of Malaspina Promenade should not be construed as support for construction of works to prevent further erosion of the foreshore in this area.

MOTI approved the application and that section of right-of-way was closed, acquired and amalgamated with 3200 Malaspina Promenade.

As a condition of approval, a statutory right-of-way was granted to MOTI to ensure public access for pedestrians and cyclists was permitted. After acquiring the land, the applicant had a large stone wall structure constructed to stop further erosion of their newly acquired shoreline. They built it beyond their property boundary to include the section of the shoreline on the MOTI right-of-way adjacent to 3182 Malaspina Promenade.

STRATEGIC PRIORITY

Provincial referral.

DISCUSSION

The current application is similar to the application from 2001. The applicant is proposing to close and acquire that portion of the Malaspina Promenade right-of-way above the high water mark that fronts their property. However, if this proposal is approved it will isolate 3200 Malaspina Promenade (the property from the 2001 application) from fronting onto Malaspina Promenade. As such, from the perspective of house numbering and maintaining the PRRD's ability to provide good and efficient Emergency Services, staff recommend that prior to approval, the PRRD receive an application from the owner of the property located at 3200 Malaspina Promenade to have their property readdressed and numbered off of Arbutus Avenue. Furthermore, once readdressed, the landowner is strongly urged to ensure adequate vehicular access is provided from Arbutus Avenue and that their new house number is placed in a visible location where their driveway connects to the road.

These measures could be critical in an emergency situation as Savary Island is already compromised in terms of accessible vehicular traffic routes. The following quote is taken from the *Powell River Regional District Fire Services Review* from 2012 in reference to Savary Island:

All roadways on the island are unpaved and narrow and while a portion of them are surfaced with crushed gravel, the remainder (notably at the east end of the island) are extremely narrow (often less than 3.5 metres), excessively steep in sections (over 12% in grade) with unmaintained surfaces. During the site visit, it was necessary to engage 4-wheel drive to negotiate grades, muddy surfaces and sharp corners on the tour vehicle. To further compound access issues, tree removal on or adjacent to travelled surfaces is not considered a priority by residents, further adding to safety concerns of emergency responders.

While the properties in the vicinity of this particular application may not be affected by closing this portion of Malaspina Promenade, this type of application draws attention to the key role that MOTI rights-of-way play in terms of delivering PRRD services. On Savary and across the region, MOTI rights-of-way provide a means for delivering PRRD Emergency Services. If closed, there is the possibility that access to properties could be reduced and service delivery could be compromised making it less effective.

An application of this nature has the potential to seem precedent setting. Instead, it needs to be understood as a case by case analysis where viable access to properties and the PRRD's ability to deliver services are considered as priorities. Issues to consider in any similar applications in the future would be the location of the helipad and barge ramp both located further along Malaspina Promenade. Closing portions of the road right-of-way in the vicinity of these could impede the PRRD's ability to deliver efficient services associated with either.

From a land use perspective, *Savary Island Official Community Plan Bylaw No. 403, 2006*, does not directly address applications of this nature. What is identified in the bylaw is the need to maintain and where possible improve public access across the island. As such, staff recommend that a statutory right-of-way be granted to the Ministry of Transportation and

Infrastructure to permit public access for pedestrians and cyclists across the area being closed in the vicinity of the existing road. Additionally, staff recommend that the statutory right-of-way be delineated and marked by the applicant to ensure knowledge of the public access remains in perpetuity.

As a final comment, staff recommend that any proceeds the Province recovers from the sale of this public land should be reinvested in improving roads on Savary Island. Both Sherman Walk and Arbutus Avenue require great improvements to make them more accessible. Currently they are only passible with 4-wheel drive. Reinvesting the money gained from selling this public land could be viewed as a fair trade-off.

FINANCIAL IMPLICATIONS

No financial implications.

STAFF TIME/INPUT


Approximately 6.5 hour of staff time required to consult with the Manager of Emergency Services, the Manager of Community Services and complete this report.

PUBLIC CONSULTATION AND/OR STAKEHOLDER ENGAGEMENT

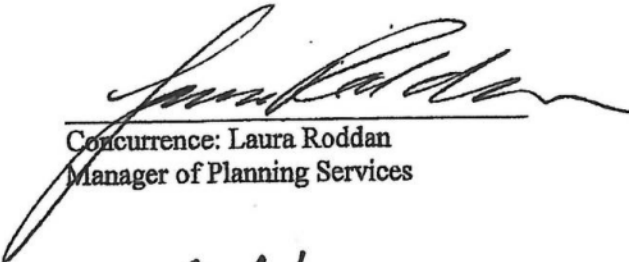
This is a Provincial referral. Public consultation and stakeholder engagement is the responsibility of the Province.

ALTERNATIVES

1. Approve the recommendation contained herein.
2. Propose an alternative course of action.



Jason Gow
Planner

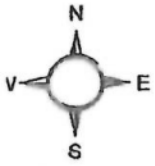


Concurrence: Laura Roddan
Manager of Planning Services



Concurrence: Al Radke
Chief Administrative Officer

APPENDIX B

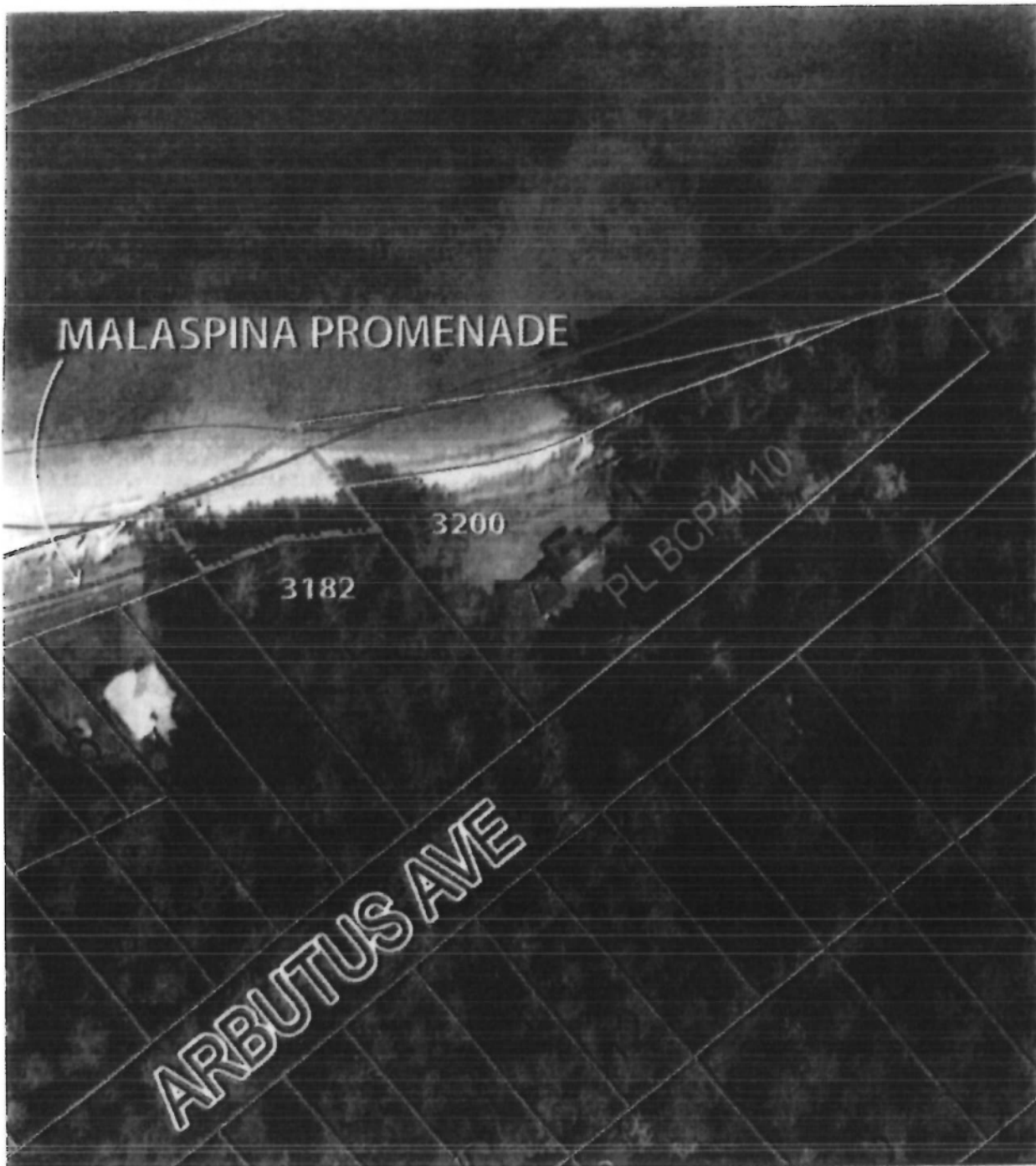


Acquisition of Public Road, DL 1372, Savary Island, Area A



MOTI ROW UNDER PROPOSAL

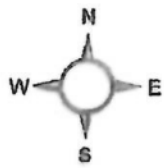
SCALE 1:1,000



DISCLAIMER

This mapping data has been compiled by the Powell River Regional District using data derived from a number of different sources with varying levels of accuracy. The Powell River Regional District disclaims all responsibility for the accuracy or completeness of this information.

APPENDIX A

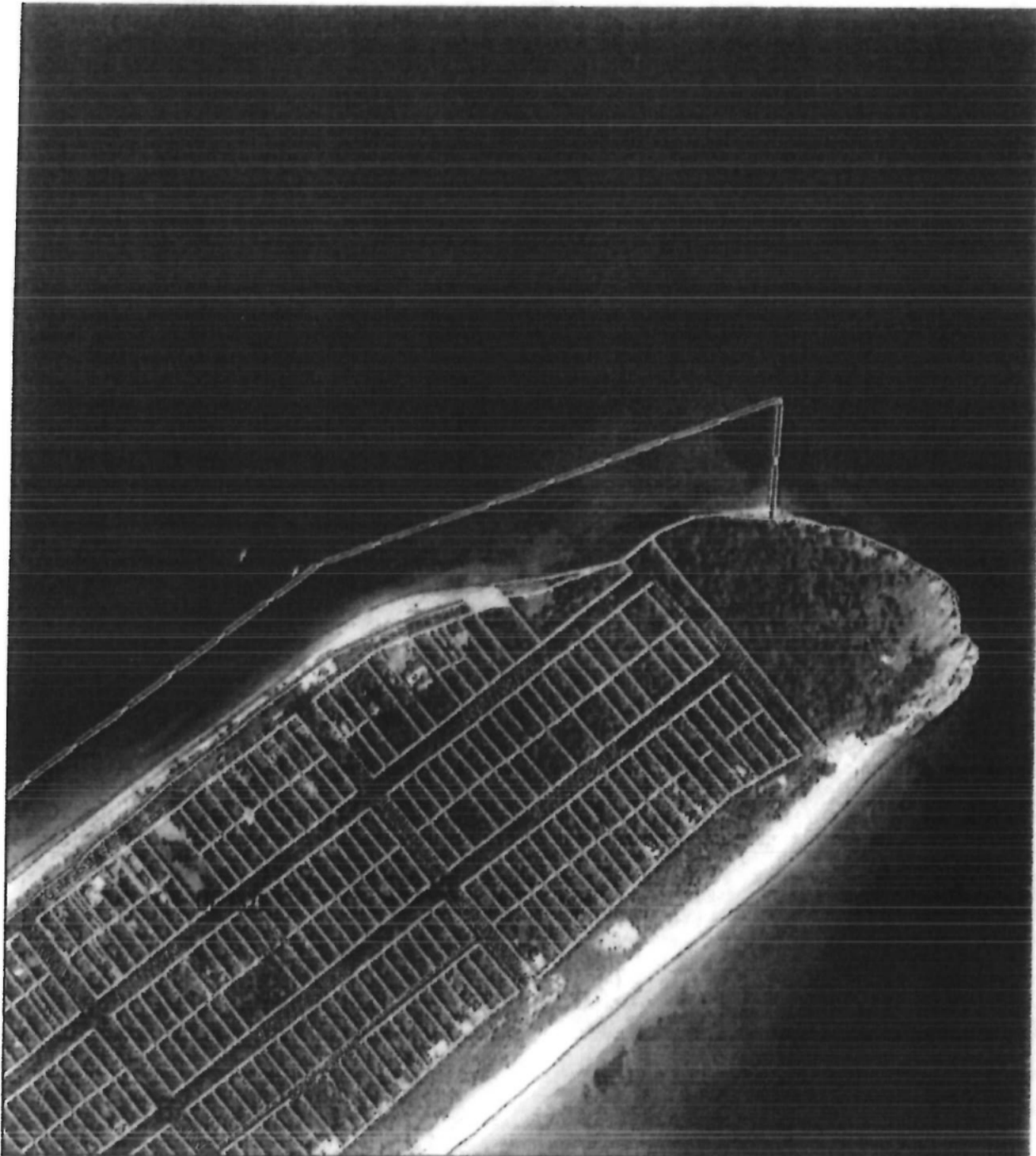


Acquisition of Public Road, DL 1372, Savary Island, Area A



PROPOSED AREA OF ACQUISITION

SCALE 1:5,000



DISCLAIMER

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POWELL RIVER REGIONAL DISTRICT

RESOLUTION

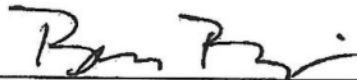
August 27, 2015

MOVED "Director McCormick"

SECONDED "Director Palmer"

THAT the Board concur with the recommendation of the Planning Committee to advise the Ministry of Transportation and Infrastructure that the Powell River Regional District objects, in principle, to the transfer of public land to private without a statement for the public good.

I hereby certify the above to be a true
and correct copy of a resolution adopted by the
Board of the Powell River Regional District
at its meeting dated August 27, 2015.



Brenda Paquin, Manager of Administrative Services

Dated this 28th day of August, 2015



REQUEST FOR DECISION REPORT

TO: Planning Committee
FROM: Jason Gow, Planner
DATE: August 18, 2015
SUBJECT: Acquisition of Public Road, DL 1372, Savary Island, Electoral Area A

ACTION/RECOMMENDATION

THAT the Committee recommend the Board advise the Ministry of Transportation and Infrastructure that the Powell River Regional District has no objection to the application to have the road right-of-way above the high water mark that fronts the property located at 3182 Malaspina Promenade on Savary Island, legally described as Parcel E, District Lot 1372, Block 2, Group 1, New Westminster District, closed and purchased by the owner of the property described above subject to:

1. The closed portion of the road being amalgamated with 3182 Malaspina Promenade;
 2. Application being received by the Powell River Regional District for house numbering of the property located at 3200 Malaspina Promenade which should be readdressed and numbered off of Arbutus Avenue where access to the property is currently located;
 3. A statutory right-of-way being granted to the Ministry of Transportation and Infrastructure to permit public access for pedestrians and cyclists across the area being closed and connecting to the statutory right-of-way granted to the ministry in 2001;
 4. Both statutory rights-of-way being delineated and marked by the applicant to ensure knowledge of the public access remains in perpetuity; and,
 5. Any proceeds the Province gains from selling the public road being reinvested in improving the roads on Savary Island from the perspective of increasing accessibility for emergency response (i.e. fire and ambulance).
-

PURPOSE

To consider a recommendation regarding an application referred by the Ministry of Transportation and Infrastructure over land in Electoral Area A.

BACKGROUND

On July 13, 2015, the Ministry of Transportation and Infrastructure (MOTI) referred to the Powell River Regional District (PRRD) an application for permission to discontinue, close and acquire the land in a public road. The land in question is located on Savary Island and fronts the property located at 3182 Malaspina Promenade, legally described as Parcel E, District Lot 1372, Block 2, Group 1, New Westminster District. Attached to this report as Appendices A and B are a locator map and an orthographic image that illustrate the proposal. The application is being made on behalf of Peter Armstrong, the property owner of 3182 Malaspina Promenade.

In 2001, a similar application was made by the adjacent property owner that involved closing and acquiring the MOTI right-of-way above the high water mark that fronted 3200 Malaspina Promenade. On January 25, 2001, the Board adopted the following resolution:

THAT the Board concur with the recommendation of the Planning Committee that the Ministry of Transportation and Highways be advised that the Powell River Regional District has no objection to the proposed road closure, providing public access can be retained by:

- a. Establishment of an easement or statutory right-of-way for the public along the existing right-of-way and through Lot C (formerly Lot 14) to Arbutus Lane; or,*
- b. A land exchange involving the acquisition of a corridor through a portion of Lot C (formerly Lot 14) in exchange for the remainder of the road right-of-way.*

A month later, the Board adopted this second resolution:

THAT the Board concur with the recommendation of the Planning Committee that a letter be sent to the Ministry of Transportation and Highways with a copy to the Savary Island Committee advising that the Regional District's motion of January 25, 2001, concerning the road closure of part of Malaspina Promenade should not be construed as support for construction of works to prevent further erosion of the foreshore in this area.

MOTI approved the application and that section of right-of-way was closed, acquired and amalgamated with 3200 Malaspina Promenade.

As a condition of approval, a statutory right-of-way was granted to MOTI to ensure public access for pedestrians and cyclists was permitted. After acquiring the land, the applicant had a large stone wall structure constructed to stop further erosion of their newly acquired shoreline. They built it beyond their property boundary to include the section of the shoreline on the MOTI right-of-way adjacent to 3182 Malaspina Promenade.

STRATEGIC PRIORITY

Provincial referral.

DISCUSSION

The current application is similar to the application from 2001. The applicant is proposing to close and acquire that portion of the Malaspina Promenade right-of-way above the high water mark that fronts their property. However, if this proposal is approved it will isolate 3200 Malaspina Promenade (the property from the 2001 application) from fronting onto Malaspina Promenade. As such, from the perspective of house numbering and maintaining the PRRD's ability to provide good and efficient Emergency Services, staff recommend that prior to approval, the PRRD receive an application from the owner of the property located at 3200 Malaspina Promenade to have their property readdressed and numbered off of Arbutus Avenue. Furthermore, once readdressed, the landowner is strongly urged to ensure adequate vehicular access is provided from Arbutus Avenue and that their new house number is placed in a visible location where their driveway connects to the road.

These measures could be critical in an emergency situation as Savary Island is already compromised in terms of accessible vehicular traffic routes. The following quote is taken from the *Powell River Regional District Fire Services Review* from 2012 in reference to Savary Island:

All roadways on the island are unpaved and narrow and while a portion of them are surfaced with crushed gravel, the remainder (notably at the east end of the island) are extremely narrow (often less than 3.5 metres), excessively steep in sections (over 12% in grade) with unmaintained surfaces. During the site visit, it was necessary to engage 4-wheel drive to negotiate grades, muddy surfaces and sharp corners on the tour vehicle. To further compound access issues, tree removal on or adjacent to travelled surfaces is not considered a priority by residents, further adding to safety concerns of emergency responders.

While the properties in the vicinity of this particular application may not be affected by closing this portion of Malaspina Promenade, this type of application draws attention to the key role that MOTI rights-of-way play in terms of delivering PRRD services. On Savary and across the region, MOTI rights-of-way provide a means for delivering PRRD Emergency Services. If closed, there is the possibility that access to properties could be reduced and service delivery could be compromised making it less effective.

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From a land use perspective, *Savary Island Official Community Plan Bylaw No. 403, 2006*, does not directly address applications of this nature. What is identified in the bylaw is the need to maintain and where possible improve public access across the island. As such, staff recommend that a statutory right-of-way be granted to the Ministry of Transportation and

Infrastructure to permit public access for pedestrians and cyclists across the area being closed in the vicinity of the existing road. Additionally, staff recommend that the statutory right-of-way be delineated and marked by the applicant to ensure knowledge of the public access remains in perpetuity.

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FINANCIAL IMPLICATIONS

No financial implications.

STAFF TIME/INPUT


Approximately 6.5 hour of staff time required to consult with the Manager of Emergency Services, the Manager of Community Services and complete this report.

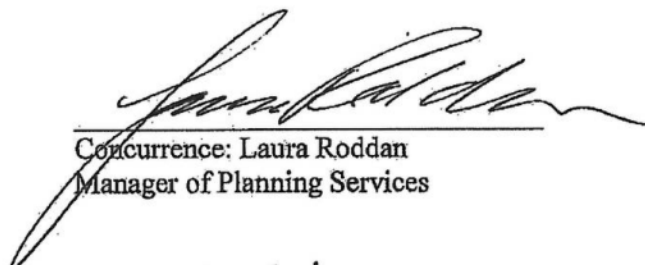
PUBLIC CONSULTATION AND/OR STAKEHOLDER ENGAGEMENT

This is a Provincial referral. Public consultation and stakeholder engagement is the responsibility of the Province.

ALTERNATIVES

1. Approve the recommendation contained herein.
2. Propose an alternative course of action.



Jason Gow
Planner

Concurrence: Laura Roddan
Manager of Planning Services

Concurrence: Al Radke
Chief Administrative Officer

Braun, Michael TRAN:EX

From: Monson, Clint TRAN:EX
Sent: Thursday, December 18, 2014 11:08 AM
To: Braun, Michael TRAN:EX; Moore, Jeffrey TRAN:EX
Subject: RE: 2014-06066 - Armstrong - Malaspina Prom. Rd Closure
Attachments: 2014 10-01 - Application - 2014-06066.pdf; 2014 10-01 - Plans - 2014-06066.pdf; Pages from 2009 04 - Survey - Emery and Rae.pdf; 20120424-1312 - Concrete (East of 3068 Malaspina Prom).jpg; 20100401-0840 - Arbutus Ave fence.jpg

Hi guys,

Can you give me your thoughts on this road closure application? Mine would be that if we close this section then we will essentially block legal vehicular access to Malaspina Promenade for his other house (3200). You can see from the photos there's a significant difference between Malaspina Prom. and Arbutus Ave.

Clint Monson, C.E.T.

Area Manager, Development Tech

BC Ministry of Transportation and Infrastructure (MoT)

6953 Alberni Street, Powell River, BC V8A 2B8

Office: (604) 485-3610

Mobile: (604) 483-1189



From: Braun, Michael TRAN:EX
Sent: Tuesday, December 16, 2014 10:06 AM
To: Monson, Clint TRAN:EX
Subject: RE: 2014-06066 - Armstrong - Malaspina Prom. Rd Closure

Hi Clint.

I see that this is a new file. Admittedly, I've not gone through the entire process myself. The couple of applications that I have processed for road closures didn't make it past the first step, which is to determine if it's a road right of way that we would want to close. I checked with the area manager (which is you anyway) and also the district tech to see if they can think of any reason that we would wish to retain the road (I've also gone to Jeff as he usually has some good ideas as to why we would retain road right of way). Should you determine that there's no risk to the public interest in closing the road, then it needs to be sent out for referral (like a subdivision application). In addition to the regional district, you may need to do some investigation to see if there are other interested parties. Neighbouring properties need to be notified as well, but I'm not sure if we do that or if it's up to the application to notify neighbouring properties (or if it's applicable). Once you get past that, they (if I recall correctly) a report needs to be written (I believe this is an H form) to be approved by the District Manager. Then it's off to lands for raising of title, etc.

Hope this helps Clint and let me know if you need any help and I can work with you on this.

Cheers,

Michael Braun, MPA

Senior District Development Technician | North Shore - Sea to Sky - Sunshine Coast
Ministry of Transportation and Infrastructure | Lower Mainland District

#310 - 1500 Woolridge Street
Coquitlam, BC V3K 0B8

t: 604.527.2244

e: Michael.Braun@gov.bc.ca

w: <http://www.th.gov.bc.ca/permits.htm>

From: Monson, Clint TRAN:EX

Sent: Monday, December 15, 2014 12:22 PM

To: Braun, Michael TRAN:EX

Cc: Moore, Jeffrey TRAN:EX

Subject: 2014-06066 - Armstrong - Malaspina Prom. Rd Closure

Hi Michael,

I have a new road closure file that I'm behind on. Where do I send it for review? I have never done one.

Thanks,

Clint Monson, C.E.T.

Area Manager, Development Tech

BC Ministry of Transportation and Infrastructure (MoT)

6953 Alberni Street, Powell River, BC V8A 2B8

Office: (604) 485-3610

Mobile: (604) 483-1189



Ministry of Transportation
Attention: Clint Monson
6953 Alberni Street
Powell River, BC
V8A 2B8

October 1, 2014

Dear Mr. Monson,

Per our phone conversation today, please find attached the completed form H0819 "Application for Permission to Discontinue, Close and Acquire the Land in a Public Road" and cheque #4239 payable to "BC Transportation Financing Authority" for \$1500.

Also enclosed are the hard copies of the attachments that were e-mailed to you on Sept 26, 2014.

Thank you for your assistance and please do not hesitate to me if you require additional information.

Sincerely,



Debbie Wang
Financial Manager

Enclosure



**APPLICATION FOR PERMISSION TO
DISCONTINUE, CLOSE AND ACQUIRE
THE LAND IN A PUBLIC ROAD**

District File Number

The personal information on this form is collected under the authority of the Freedom of Information and Protection of Privacy Act (FOIPPA). The information collected is necessary for the administration and processing of the application. If you have any questions about the collection, use and disclosure of this information, contact the Manager, Land Survey and Tenure, Ministry of Transportation and Infrastructure, PO Box 9850 Stn Prov Govt Victoria BC V8W 9T5, (250) 356-8178.

I [We], being the registered owner[s] of the property herein described, make application to discontinue, close and acquire the land in a public road as follows:

Name of Public Road

Malaspina Promenade

Legal Description of Property

Location

Roadway fronting Parcel E (Being a consolidation of Lots 12 & 13, BB3021461) DL 1372, BL 2, Group 1 NW District PL 2732, PID 029-296-081.

Current certificate titles and a sketch of all parcels adjoining the road or that portion of the road applied to be closed are attached. Subject to the Ministry of Transportation and Infrastructure (MTI) declaring the land surplus to its needs, we accept and agree to the following conditions and statements.

- a) There is a minimum \$1,500 non-refundable application fee. This fee is payable to the BC Transportation Financing Authority by the Applicant[s].
- b) Payment for the area road to be closed is based on fair market value of the land, having regard to the contribution in value to the adjoining lands and its highest and best use.
- c) The costs of legal survey, Property Transfer Tax, Land Titles and documentation fees, legal and conveyancing fees and related expenses are payable by the Applicant[s].
- d) Utilities existing within the road must receive freely granted statutory right-of-way and all Land Title Act requirements must be met.
- e) Where the road or part intended to be discontinued and closed is in actual use by a person as a highway, public notice of the minister's intention to discontinue and close the highway will be published once each week for four consecutive weeks in a newspaper published in the Province and circulated in the locality in which the highway or part of it is situated. Objections received must be satisfactorily resolved prior to the road being closed by formal publication of notice in the British Columbia Gazette.
- f) The closed road area must initially be joined to and become part of the adjoining parcels.



**APPLICATION FOR PERMISSION TO
DISCONTINUE, CLOSE AND ACQUIRE
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Prior to recommending approval of the proposed road closure, an Aboriginal Site Characteristic Report and a Contamination Report may be required and the Ministry may require additional conditions to be met during the review and processing of the application. The procedure for road closure, purchase and sale is time consuming and may involve the general public, affected property owners, First Nations Indian Bands, utility companies, local government and other provincial agencies. Final approval can only be granted when the public interest in the road has been thoroughly considered.

Upon determination that the road may be closed as surplus to Ministry needs, Regional Properties will be responsible for negotiating the sale price of the land on behalf of the BC Transportation Financing Authority for consolidation with the adjoining land parcel. If the road is capable of being marketed as an independent parcel with safe and secure access, the matter will be deferred to BCTFA.

I [We] am [are] in agreement with the foregoing statements and financial obligations and I [We] agree to comply with the stated requirements and acknowledge agreement with my [our] signature[s] as follows:

Peter R. B. Armstrong

Name (please print)

Armstrong Group
Suite 3005 - 700 West Georgia Street
PO Box 10095 Pacific Centre
Vancouver, BC V7Y 1B6

Mailing Address



Signature

October 1, 2014

Date

Name (please print)

Signature

Date

Mailing Address

Upon completion of all the required information, please submit this application in its entirety, along with payment of the application fee, to the District Development Technician at the Ministry of Transportation and Infrastructure District Office.

September 24, 2014

Ministry of Transportation
6953 Alberni Street
Powell River, BC
V8A 2B8

RE: Road closure and transfer to Peter R. B. Armstrong and statutory right of way in favour of the Ministry of Transportation.

Dear Sirs/Madame:

The attached is an application for the discontinuation and closing of a portion of Malaspina Promenade and amalgamating it to the adjoining parcel, Parcel E (Being a consolidation of Lots 12 & 13, BB3021461) DL 1372, BL 2, Group 1 NW District PL 2732, PID 029-296-081 herein referred to as "3182 Malaspina".

Background:

Continued coastal erosion storm waves caused the disappearance of much of the eastern side of Savary Island. By year 2000, this constant and steady erosion had reached the point that much of the shoreline was claimed and it was inevitable that the erosion would continue to the roadway and subsequently to private land. The erosion was most severe in front of 3182 Malaspina and Lot D, Block 2, PL BCP4110, DL 1372, PID 029-296-153 herein referred to as "3200 Malaspina".

After being informed that the Ministry of Transportation did not have the funds to stop further erosion, the Armstrong Family offered a solution. The Armstrong's would bear the cost of building a stone retaining wall fronting both 3200 and 3182 Malaspina, in exchange for the closing of the road in front of 3200 Malaspina.

The cost to build the wall was^{s.22} plus subsequent repairs of^{s.22} , totaling^{s.22}
The value of the closed road was assessed at \$227,000.

In 2003, the road in front 3200 Malaspina was closed and formed part of the adjoining lot. A statutory right of way was granted in favour of the Ministry of Transportation allowing public access for pedestrians and cyclists. As agreed, the Armstrong's have maintained insurance on the easement, and access to the road by the public has been uninterrupted.

Present:

In 2013, Mr. Armstrong purchased 3182 Malaspina. Similar to the precedent set in 2003, this application is for the closure of the roadway in front of 3182 Malaspina and amalgamating it to the adjoining lot, and a statutory right of way granted in favour of the Ministry of Transportation. The existing stone retaining wall already fronts 3182 Malaspina.

In exchange for this road closure, Mr. Armstrong will continue to maintain the stone wall which costs approximately ^{s.22} per year or another ^{s.22} over the next 20 years.

Timeline:

Year			
2003	Stone retaining wall fronting both 3200 and 3182 Malaspina built.	3200 Malaspina owned by Wendy Armstrong.	3182 Malaspina owned by ^{s.22}
2003	Road fronting 3200 Malaspina closed and amalgamated to adjoining lot. Right of way granted for pedestrian and cyclist access.		Road fronting 3182 Malaspina still owned by the Crown.
2013	Mr. Peter Armstrong purchases 3182 Malaspina from ^{s.22}		
Present	Application to close road in front of 3182 Malaspina. Right of way to be granted for pedestrian and cyclist access, similar to the precedent set in 2003.		Mr. Peter Armstrong now owns 3182 Malaspina.

Please see attached exhibits:

Exhibit A: Extension of road closure.

Exhibit B: Site plan of Parcel E (Being a consolidation of Lots 12 & 13 BB3021461) DL 1372, BL 2, Group 1 NW District PL 2732.

Exhibit C: Site plan of Malaspina Promenade prior to the stone wall being built.

- Exhibit D: Freehold transfer of closed road to Wendy G. Armstrong and application for deposit of statutory right of way plan.
- Exhibit E: Business liability insurance covering easement.
- Exhibit F: Pre-2003. Destructive effects of the erosion prior to the stone retaining wall being built.
- Exhibit G: Barging in stones to build the retaining wall, illustrating the large scope of scale of the project.
- Exhibit H: The stone retaining wall being constructed.
- Exhibit I: Steps of completed stone wall.
- Exhibit J: Completed stone wall. There will always be a cost to repair and maintain it.
- Exhibit K: The completed stone retaining wall funded and maintained by the Armstrong family and enjoyed by all.

I look forward to receiving the Ministry's decision with respect to Mr. Peter Armstrong's application to close that portion of land in front of his property at 3182 Malaspina.

Sincerely,

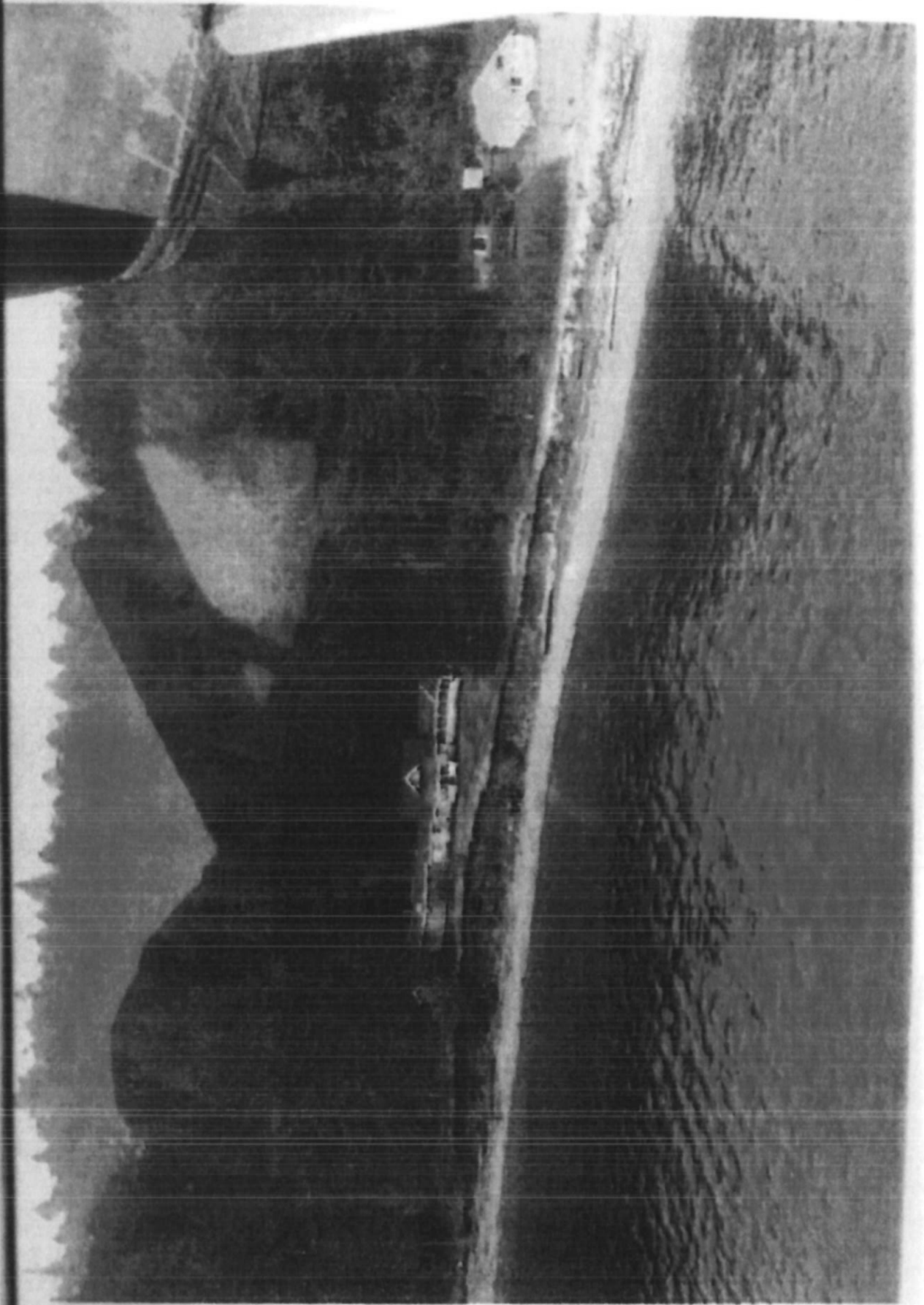


Debbie Wang
Financial Manager
Armstrong Group

Exhibit E: Business liability insurance covering easement.

s.22

s.22



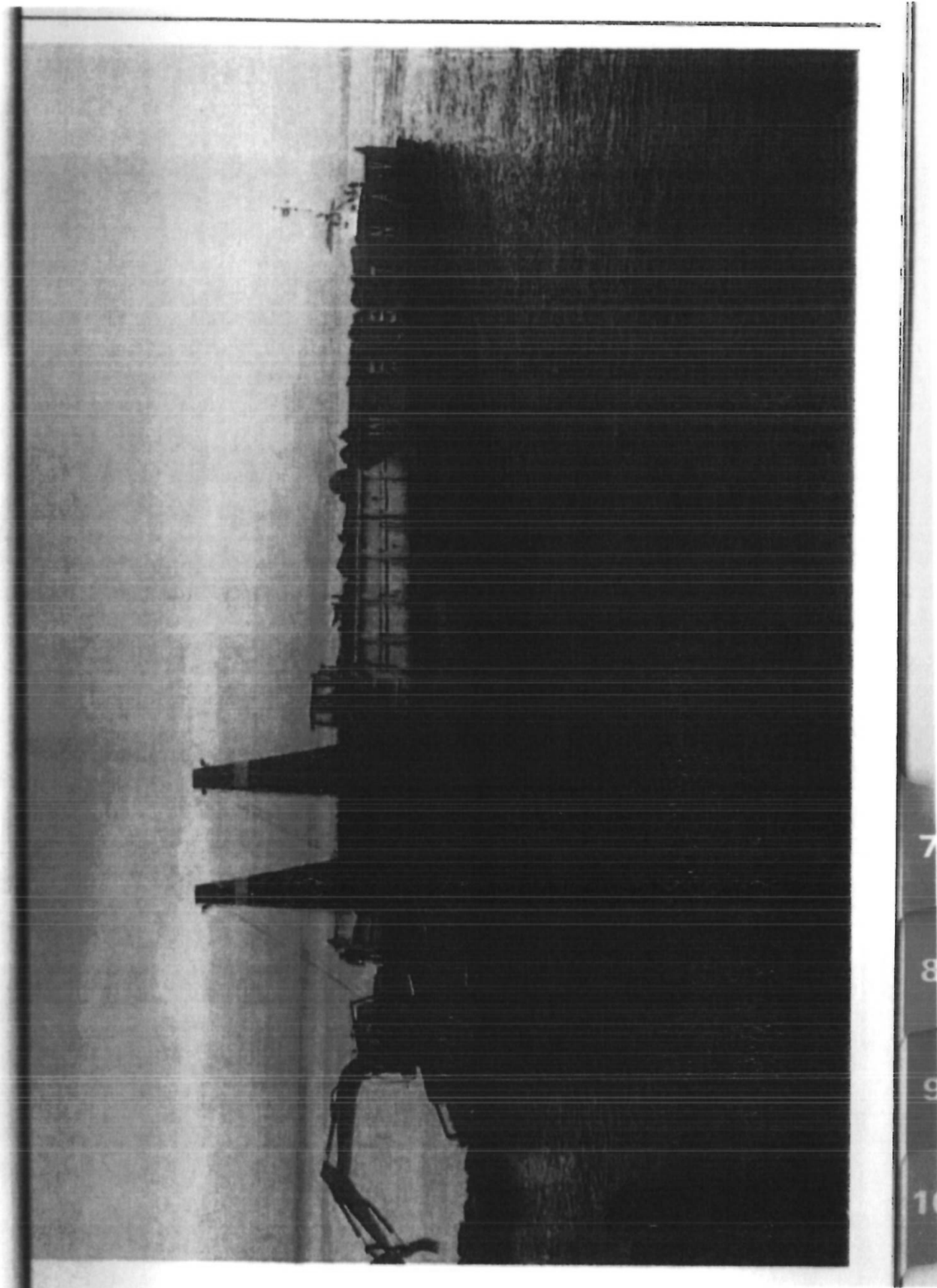


Exhibit H: The stone retaining wall being constructed.



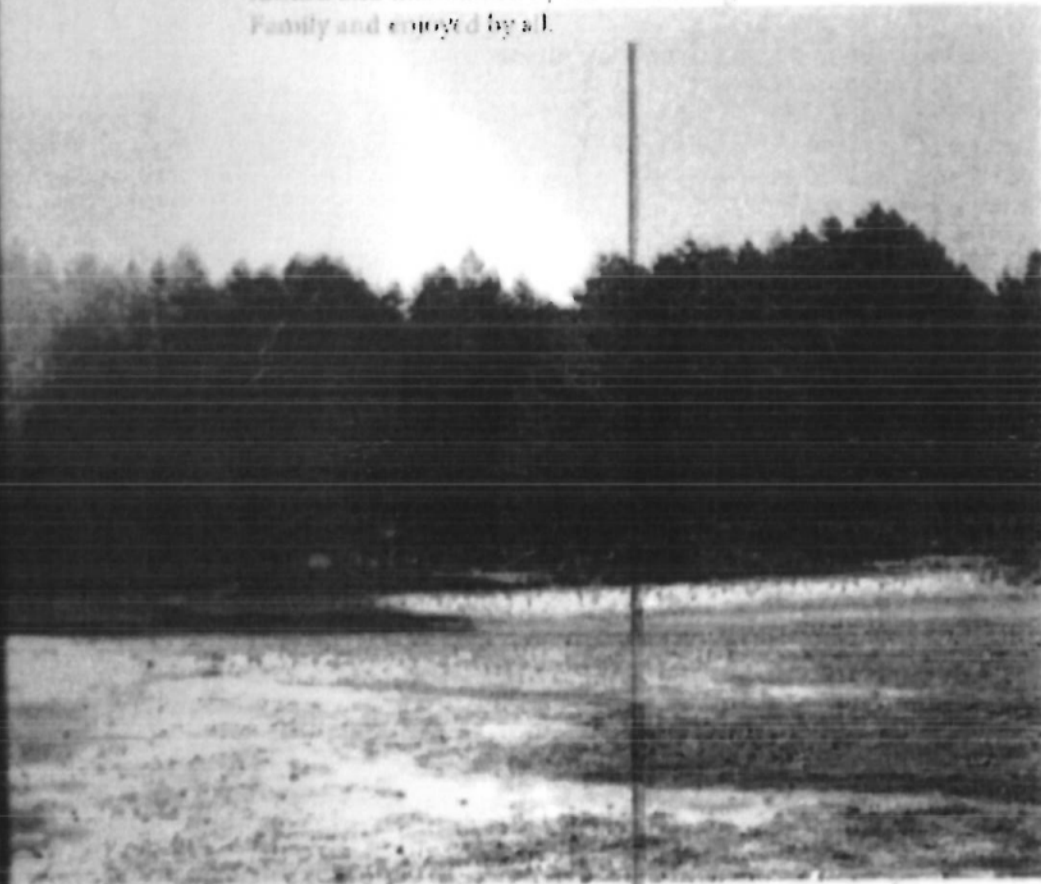


Exhibit I: Steps of completed stone wall



Exhibit J: Completed stone wall. There will always be a cost to repair and maintain it.

Exhibit K: The completed stone retaining wall
funded and maintained by the Armstrong
Family and enjoyed by all.



3200 Malaspina Promenade
owned by Wendy Armstrong

3182 Malaspina Promenade
now owned by Peter
Armstrong. Cabin is set
back behind the trees.

The wall fronts both of these two properties.



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

**APPLICATION FOR PERMISSION TO
DISCONTINUE, CLOSE AND ACQUIRE
THE LAND IN A PUBLIC ROAD**

District File Number

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Being the registered owner[s] of the property herein described, make application to discontinue, close and acquire the land in a public road as follows:

Public Road

Promenade

Description of Property

Fronting Parcel E (Being a consolidation of Lots 12 & 13, BB3021461) DL 1372, BL 2, Group 1 NW 2732, PID 029-296-081.

certificates and a sketch of all parcels adjoining the road or that portion of the road applied to be discontinued. Subject to the Ministry of Transportation and Infrastructure (MTI) declaring the land in a public road, we accept and agree to the following conditions and statements.

There is a minimum \$1,500 non-refundable application fee. This fee is payable to the BC Transportation Financing Authority by the Applicant[s].

Compensation for the area road to be closed is based on fair market value of the land, having regard to the contribution in value to the adjoining lands and its highest and best use.

Costs of legal survey, Property Transfer Tax, Land Titles and documentation fees, legal and conveyancing fees and related expenses are payable by the Applicant[s].

Properties existing within the road must receive freely granted statutory right-of-way and all Land Title Act requirements must be met.

Where the road or part intended to be discontinued and closed is in actual use by a person as a highway, public notice of the minister's intention to discontinue and close the highway will be published each week for four consecutive weeks in a newspaper published in the Province and circulated in the locality in which the highway or part of it is situated. Objections received must be satisfactorily resolved prior to the road being closed by formal publication of notice in the British Columbia Gazette.

The closed road area must initially be joined to and become part of the adjoining parcels.



BRITISH
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Ministry of Transportation
and Infrastructure

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certificates and a sketch of all parcels adjoining the road or that portion of the road applied to be discontinued. Subject to the Ministry of Transportation and Infrastructure (MTI) declaring the land in the public road to be required for its needs, we accept and agree to the following conditions and statements.

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APPLICATION FOR PERMISSION TO
DISCONTINUE, CLOSE AND ACQUIRE
THE LAND IN A PUBLIC ROAD

recommending approval of the proposed road closure, an Aboriginal Site Characteristic Report and a
ation Report may be required and the Ministry may require additional conditions to be met during the
d processing of the application. The procedure for road closure, purchase and sale is time
g and may involve the general public, affected property owners, First Nations Indian Bands, utility
s, local government and other provincial agencies. Final approval can only be granted when the
rest in the road has been thoroughly considered.

termination that the road may be closed as surplus to Ministry needs, Regional Properties will be
e for negotiating the sale price of the land on behalf of the BC Transportation Financing Authority for
ion with the adjoining land parcel. If the road is capable of being marketed as an independent parcel
and secure access, the matter will be deferred to BCTFA.

[are] in agreement with the foregoing statements and financial obligations and I [We] agree to
h the stated requirements and acknowledge agreement with my [our] signature[s] as follows:

B. Armstrong

ee print)

g Group

5 - 700 West Georgia Street

0095 Pacific Centre

r, BC V7Y 1B6

ess



Signature

October 1, 2014

Date

ee print)

Signature

Date

ation of all the required information, please submit this application in its entirety, along with
he application fee, to the District Development Technician at the Ministry of Transportation and
District Office.

PAY

*****One Thousand Five Hundred and 00/100

\$ 1,500.00

TO THE
ORDER
OF

BC Transportation Financing Authority

MEMO

Application fee for road closure (non-refundable)

s.22

PETER ARMSTRONG
ACCOUNT #2

BC Transportation Financing Authority

Date	Type	Reference
10/01/2014	Bill	

Original Amt.	1,500.00
---------------	----------

Balance Due	1,500.00
-------------	----------

10/1/2014

Discount

Cheque Amount

Payment	1,500.00
	1,500.00

4239

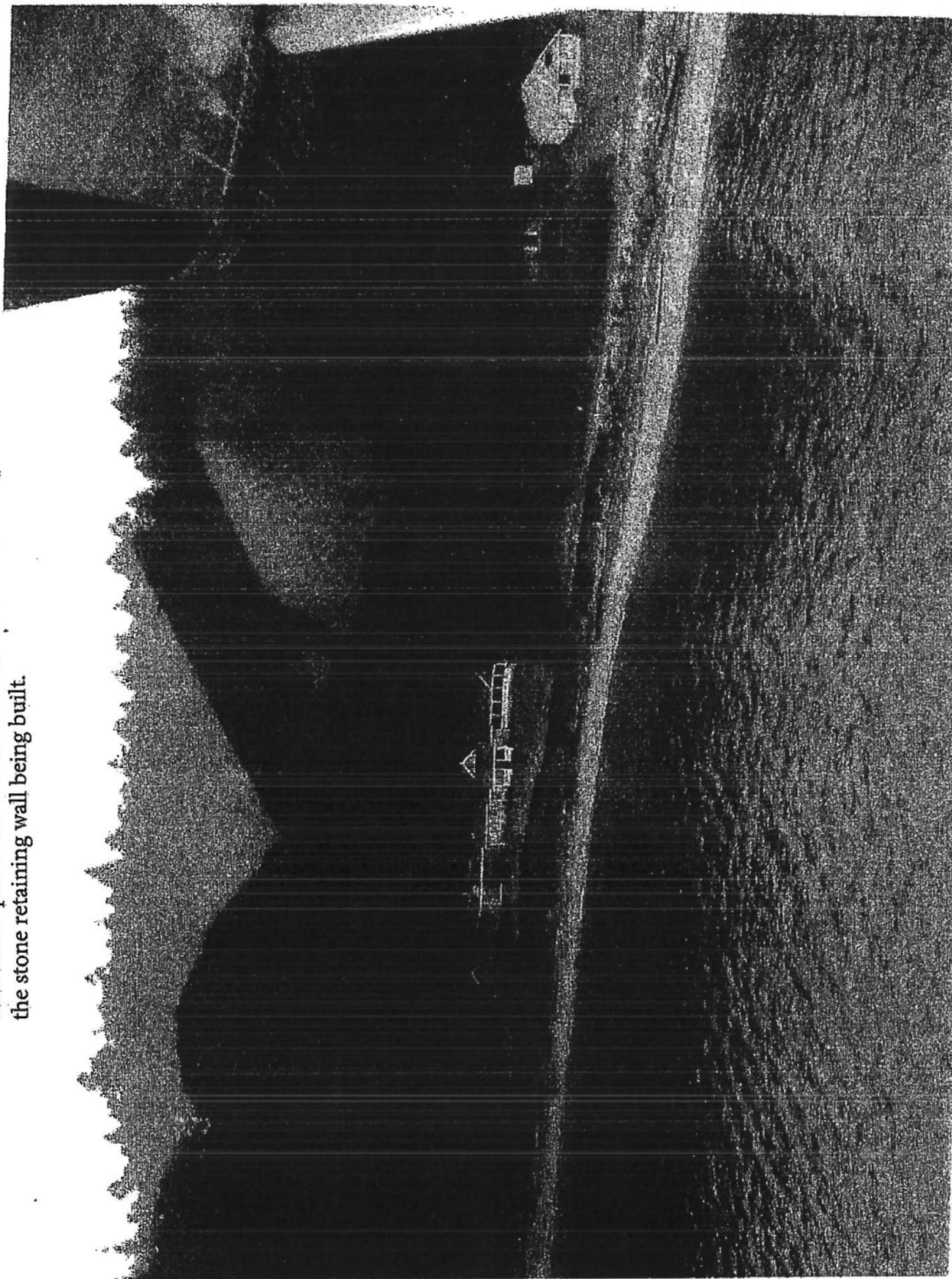
#2 s.22

Application fee for road closure (non-refundable) - Savary Island

1,500.00

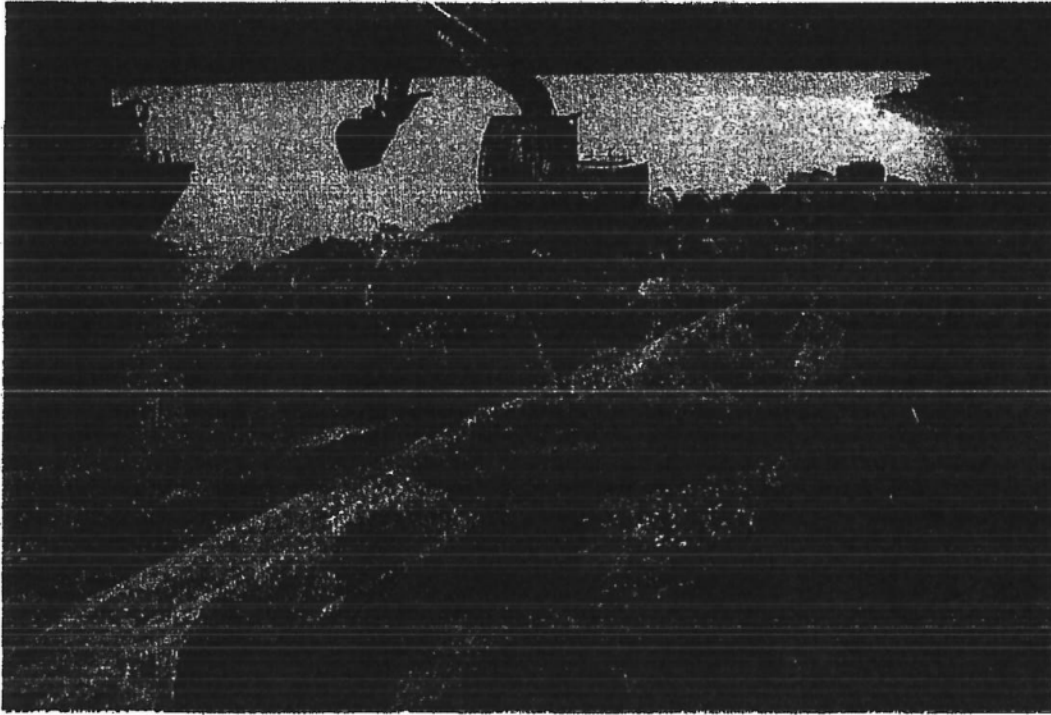
s.22

Exhibit F: pre-2003. Destructive effects of the erosion prior to the stone retaining wall being built.



A black and white photograph of a construction site at night. Two large cranes are visible, their booms extending over a body of water. The scene is illuminated by bright lights, creating a high-contrast image with deep shadows and bright highlights. The water reflects the lights, and the sky is dark.

Exhibit H: The stone retaining wall being constructed.



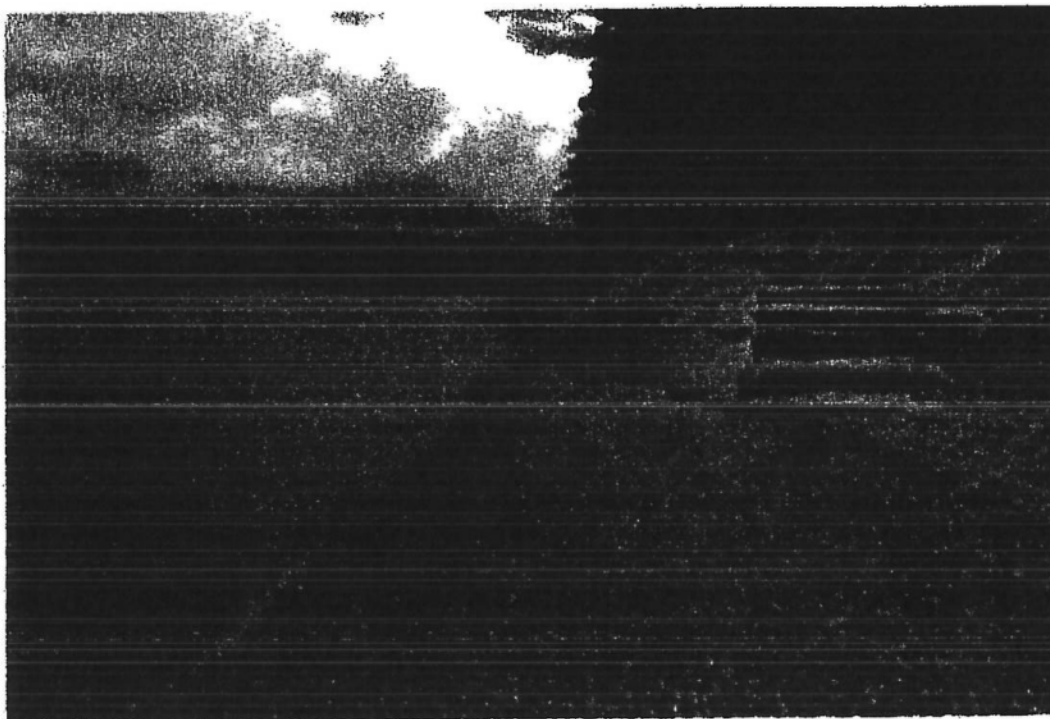
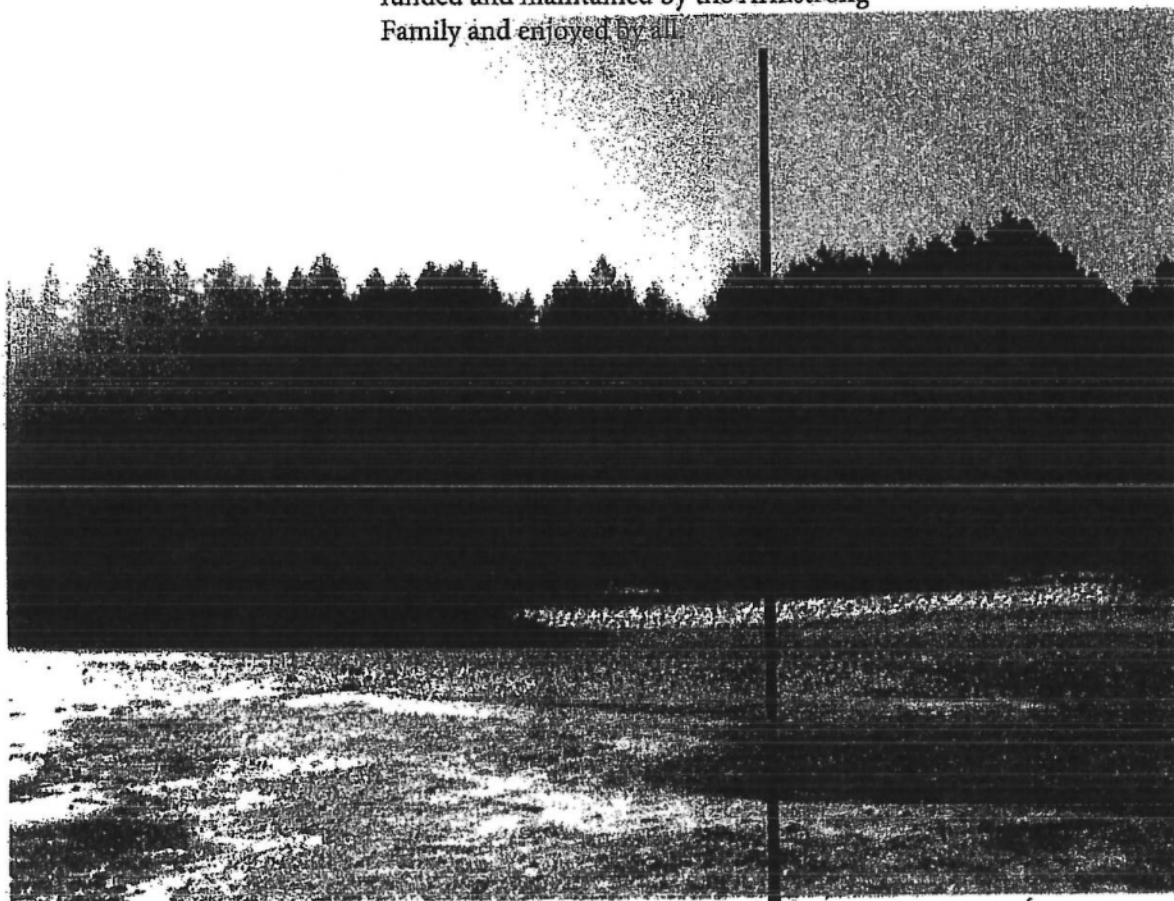


Exhibit I: Steps of completed stone wall



Exhibit J: Completed stone wall. There will always be a cost to repair and maintain it.

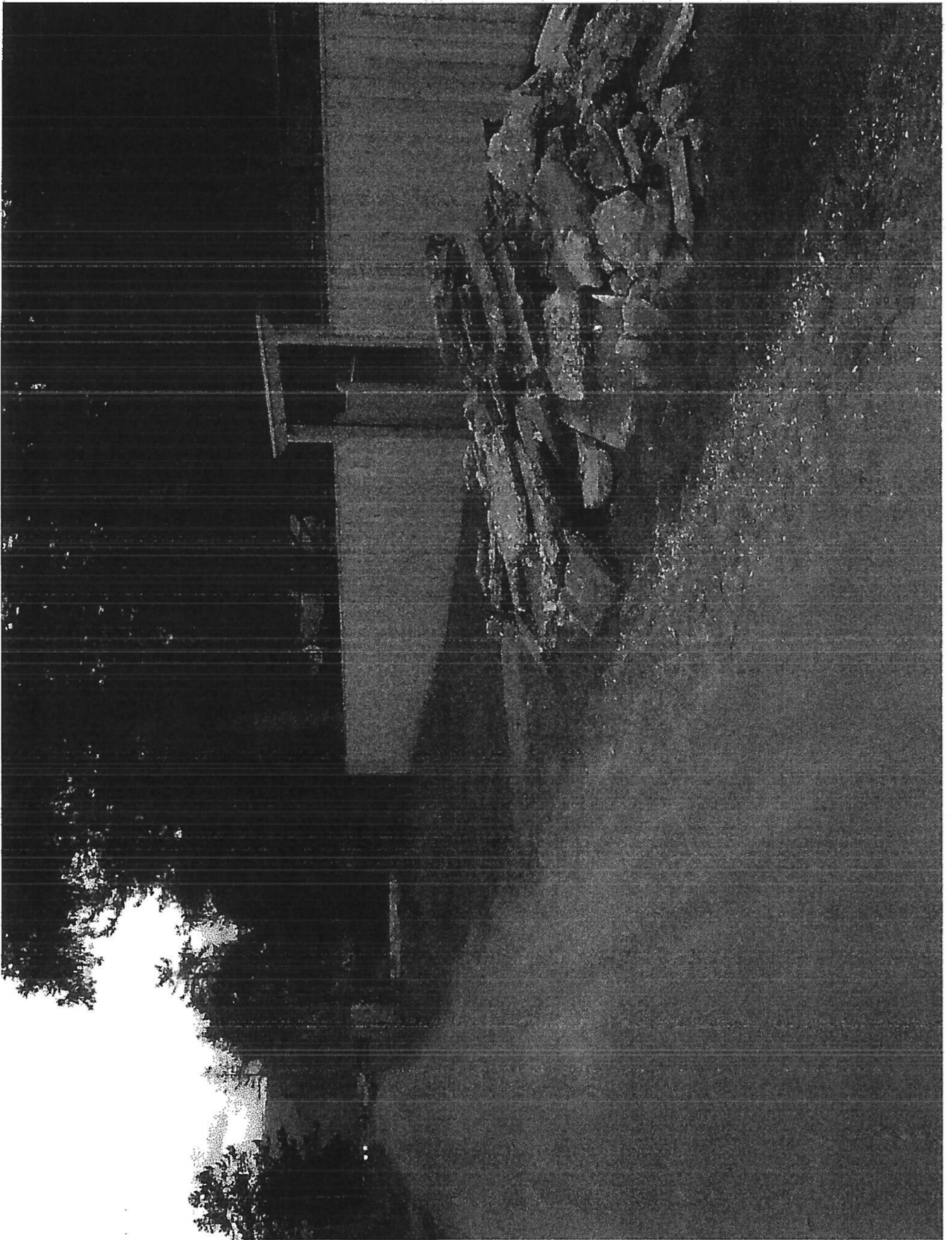
Exhibit K: The completed stone retaining wall
funded and maintained by the Armstrong
Family and enjoyed by all.



3200 Malaspina Promenade
owned by Wendy Armstrong

3182 Malaspina Promenade
now owned by Peter
Armstrong. Cabin is set
back behind the trees.

The wall fronts both of these two properties.





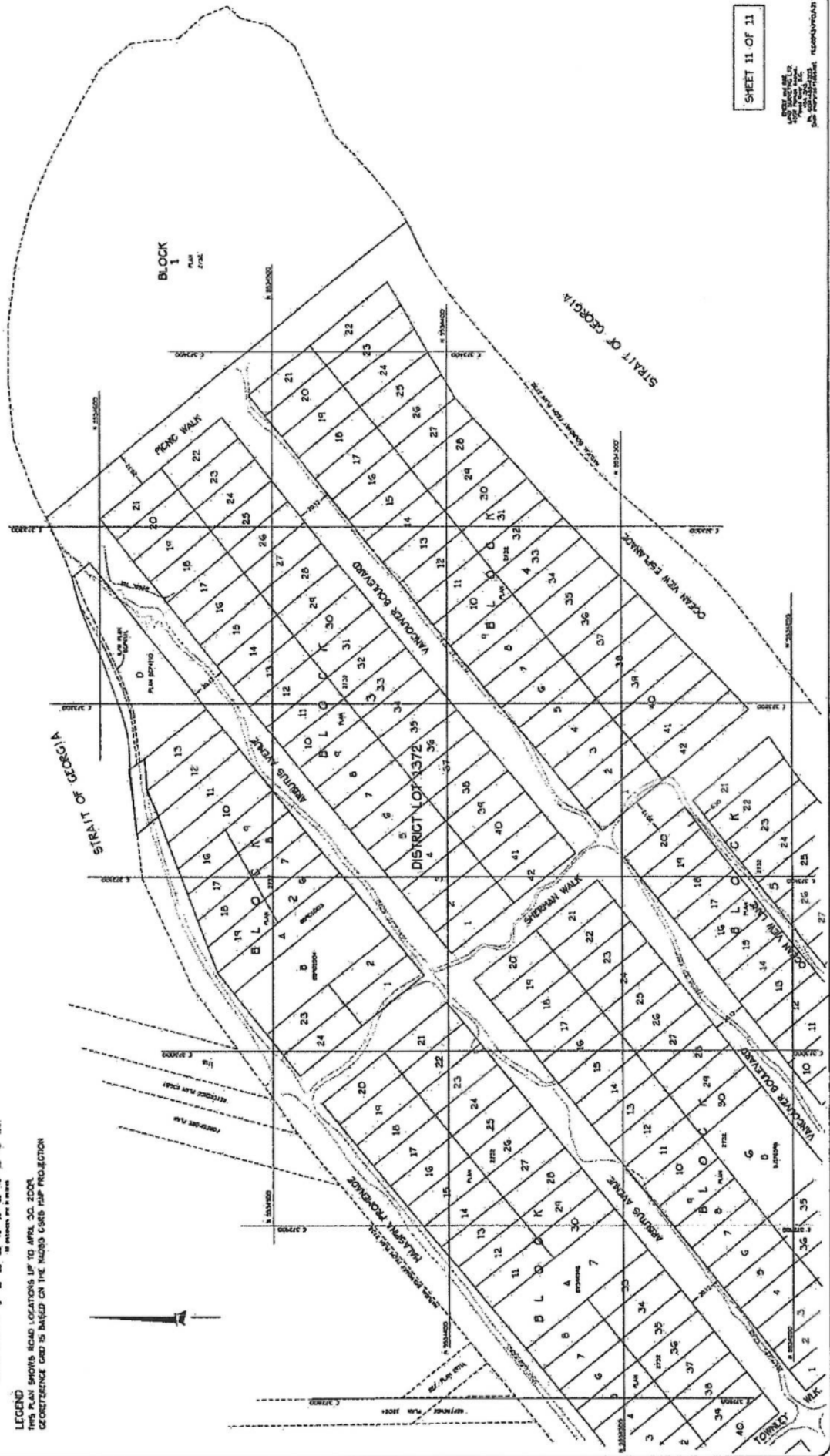
BRITISH COLUMBIA MINISTRY OF TRANSPORTATION

SAVARY ISLAND

ROAD AND IMPROVEMENTS INVENTORY

SCALE 1:10000
0 10 20 30 40 50 60 70 80 90 100
METERS

LEGEND
THIS PLAN SHOWS ROAD LOCATIONS UP TO APRIL 30, 2004.
GEOREFERENCE GRID IS BASED ON THE NAD83 CANES MAP PROJECTION



SHEET 11 OF 11

DATE: 2004-04-30
BY: [illegible]
FOR: [illegible]
PROJECT: [illegible]

SEE SHEET 10

SEE SHEET 10

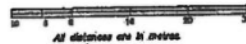
**SUBDIVISION PLAN OF LOT C (SEE BL94131), BLOCK 2,
DISTRICT LOT 1372, PLAN 2732 AND OF
CLOSED ROAD (EXPLANATORY PLAN BCP4109),
BLOCK 2, DISTRICT LOT 1372, PLAN 2732, ALL OF GROUP 1,
NEW WESTMINSTER DISTRICT.**

Exhibit A: extension of road closure PLAN BCP4110

DEPOSITED IN THE LAND TITLE OFFICE
AT NEW WESTMINSTER, B.C.
THIS _____ DAY OF _____, 2003.

B.C.G.S. 82F.097

SCALE 1:500



LEGEND

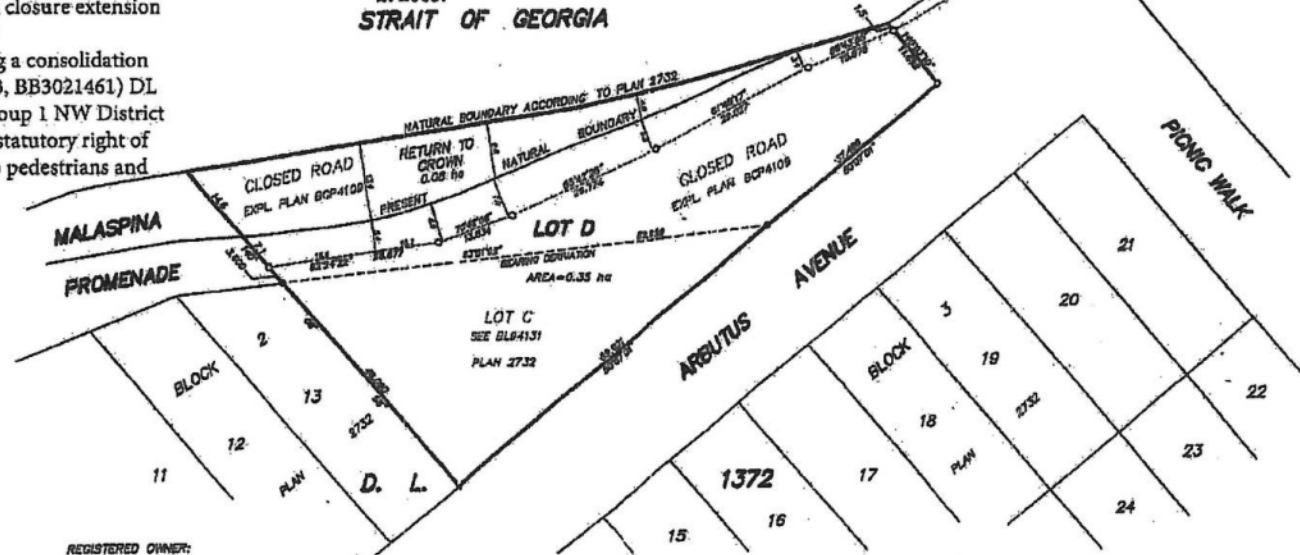
BEARINGS ARE ASTRONOMICAL AND WERE DERIVED
FROM PLAN LMP47098.

- DENOTES STANDARD HIGH POST FOUND
- DENOTES STANDARD HIGH POST SET

Proposed road closure extension
to the front of
Parcel E (Being a consolidation
of Lots 12 & 13, BB3021461) DL
1372, BL 2, Group 1 NW District
PL 2732. and statutory right of
way granted to pedestrians and
cyclists.

Road closed in front of Lot D, Block 2, PL BCP4110, DL 1372
in 2003.

STRAIT OF GEORGIA



REGISTERED OWNER:

W. Armstrong
HENDY GRAHAM ARMSTRONG

s.22

APPROVED UNDER THE LAND TITLE ACT
THIS _____ DAY OF _____, 2003.

O. K. Kian
APPROVING OFFICER - MINISTRY OF
TRANSPORTATION

THIS PLAN LIES WITHIN THE
"POWELL RIVER"
REGIONAL DISTRICT

EMERY AND RAE
LAND SURVEYING LTD.
B.C. AND CANADA
LAND SURVEYORS
4507 Monson Avenue
POWELL RIVER, B.C.
V8A 4N5
Telephone 465-4203
E-MAIL: emeryandrae@telus.net
FAX: 465-4203

I, FRED EMERY, A BRITISH COLUMBIA LAND
SURVEYOR OF POWELL RIVER, B.C., CERTIFY
THAT I WAS PRESENT AT AND PERSONALLY
SUPERINTENDED THE SURVEY REPRESENTED BY
THIS PLAN, AND THAT THE SURVEY AND PLAN
ARE CORRECT. THE SURVEY WAS COMPLETED
ON THE 28 DAY OF March, 2003.

R. Rae
RICHARD RAE B.C.L.S.

Exhibit B: Site plan of Parcel E (Being a consolidation of Lots 12 & 13,
 BB3021461) DL 1372, BL-2, Group 1 NW District PL 2732.

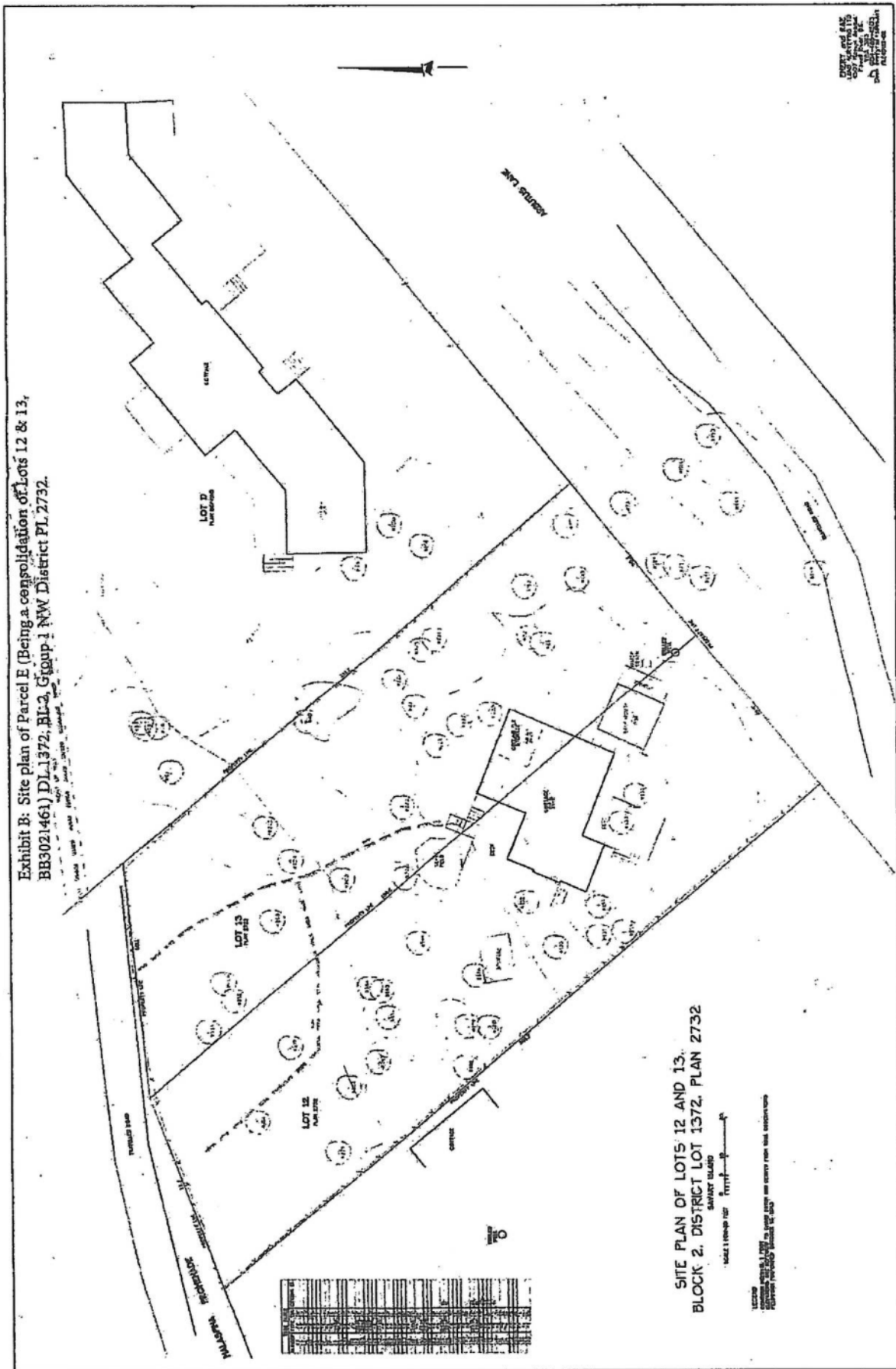
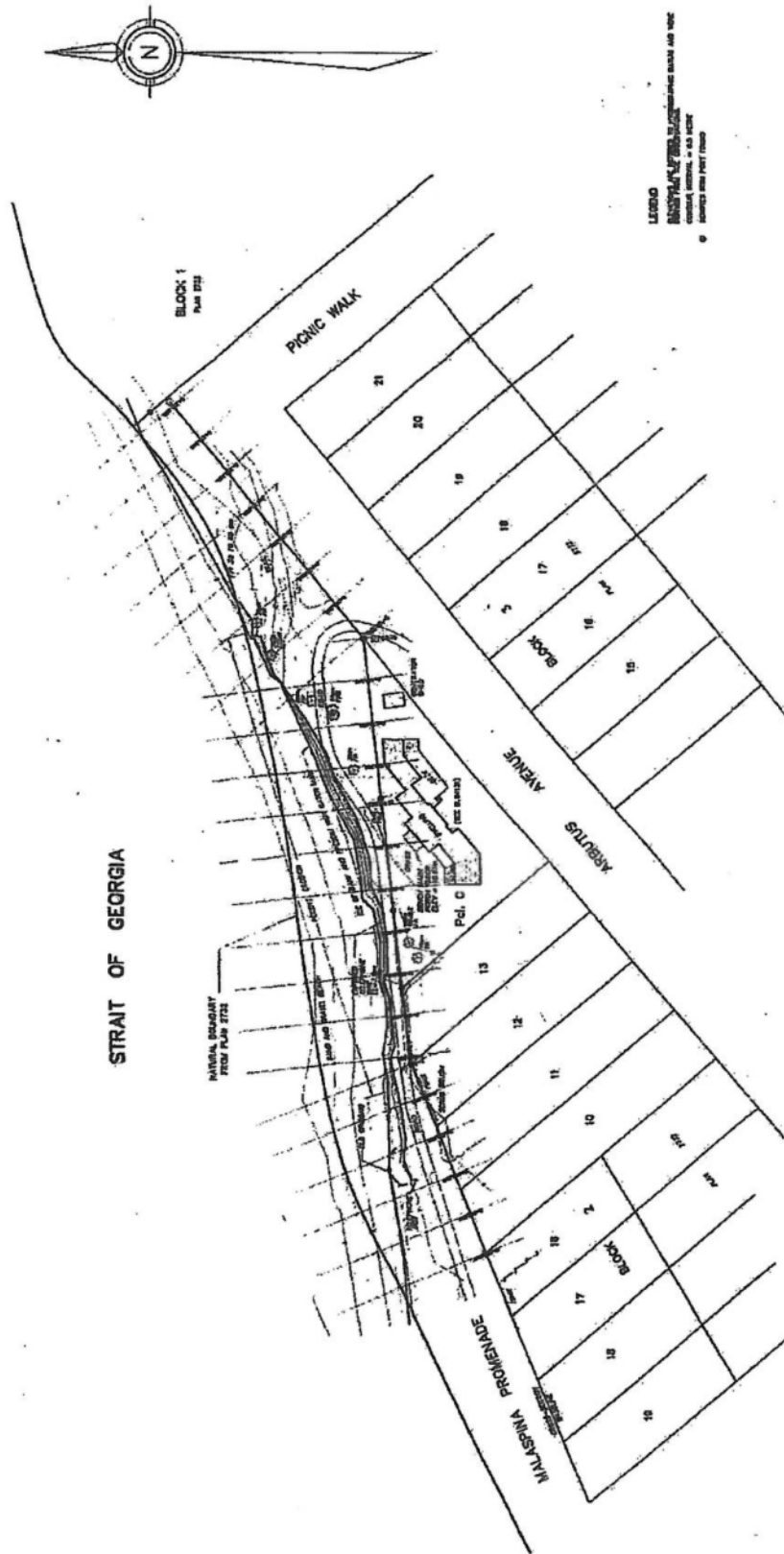


Exhibit C: Site plan of Malaspina Promenade prior to the stone retaining wall being built.



<p>WENDY ARMSTRONG PROPERTIES LTD. 1837 HAWK DRIVE, VANCOUVER, B.C.</p>	<p>SITE PLAN OF MALASPINA PROMENADE FRONTING PARCEL C, (SEE BL94131), BLOCK 2, D.L. 1372, PLAN 2732, SAVARY ISLAND, B.C.</p>	<p>ARMSTRONG PROPERTIES LTD. 4507 Main Street, S.E. Vancouver, B.C. Telephone: 465-4333 armstrongprop.com</p>
<p>DATE: FEB. 28, 2002 SCALE: 1:1000 SHEET: 1 OF 3</p>	<p>DATE: FEB. 28, 2002 SCALE: 1:1000 SHEET: 1 OF 3</p>	<p>DATE: FEB. 28, 2002 SCALE: 1:1000 SHEET: 1 OF 3</p>