

Ministry of Environment WATER MANAGEMENT

MEMORANDUM

To:

Regional Approving Officer

Ministry of Transportation & Highways

310 Ward Street Nelson, B.C. VIL 5S4 Date:

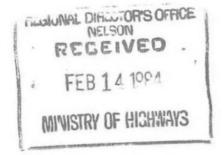
84.02.09

File: 0321055 Your file: -3242

Re: North Shore Water Utility Nelson Ltd. -

Certificate of Public Convenience and Necessity

Enclosed please find a copy of a Certificate of Public Convenience and Necessity issued to North Shore Water Utility Nelson Ltd. for the construction and operation of an extension to its waterworks system near Nelson, B. C.



H. A. Davie, P. Adm.

Secretary to the Comptroller

Water Utility Act

Victoria, B. C. 387-6341

Enclosure

Ben 14/84

PROVINCE OF BRITISH COLUMBIA

In the Matter of the Water Utility Act and the Utilities Commission Act

and

In the Matter of

North Shore Water Utility Nelson Ltd.

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

THIS IS TO CERTIFY THAT public convenience and necessity require the construction and operation by North Shore Water Utility Nelson Ltd. (hereinafter referred to as "the Utility") of an extension to its waterworks system near Nelson, British Columbia, to supply one additional lot;

AND IT IS HEREBY ORDERED THAT the Utility is authorized to install approximately 165 meters of 150 mm Series 200 PVC water main to supply an additional one lot in an area more particularly described as:

Lots 1, 2, 3, and 4, Plan 13812, D.L. 370 and 372, Kootenay District

(formerly designated as Lot 2, Plan 4689; Block 27, Plan 2091; and Reference Plan 395841)

in accordance with Drawings No. 573-02-1; 573-02-2, prepared by Intermountain Engineering & Surveying Limited, received October 23, 1981;

AND IT IS FURTHER ORDERED THAT:

- (1) Upon completion of construction of the extension to the waterworks herein authorized, the Utility shall submit to the Comptroller of Water Rights, Water Utility Act, three copies of drawings of the waterworks as built, certified by its Engineer;
- (2) The Utility shall submit to the Comptroller of Water Rights, Water Utility Act, two copies of any necessary easements registered for the Utility's benefit pursuant to Section 214 of the Land Title Act within 30 days of the date of registration at the Land Title Office.

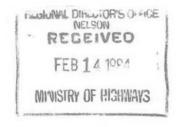
Deputy Comptroller of Water Rights

File No. 0321055

Date issued:

February 8, 1984

Certificate No. 530



Mr. W. R. Ball
District Highways Manager
Ministry of Transportation and Highways
NELSON, British Columbia

August 25, 1981 R#3, Nelson

Re: Plan of Subdivision of Amended Lot 2 (See 160950-I), Plan 4689, Except Plan 4987, and Block 27, Plan 2091, D.L. 370 and D.L. 372 and Part D.L. 372 Shown in Red on Reference Plan 39584-I, Kootenay District

R3-21-78 (9157) 3189 and 3295

Please be advised that the above subdivision has now been deposited in the Land Title Office under Plan Number 13812 as per the attached print.

W. M. Sproul Regional Highway Engineer

by:

B. W. Pearce Regional Approving Officer

NM/bjs Attach. Page 05 of 40

Withheld pursuant to/removed as



Province of British Columbia

Ministry of Transportation, Communications and Highways HIGHWAYS Office of Regional Engineer Provincial Government Building 310 Ward Street NELSON, British Columbia VIL 584

YOUR FILE		
DUB EUE	R3-21-78	(9157)

This is to certify that I have picked up the plans and

all correspondence pertaining to the subdivision plan of: Lot 2 (See 16095C-I) Plan 4689, Except Plan 4987, and Block 27 Plan 2091, D.L. 370 & D.L. 372 and Part D.L. 372 Shown in Red on Reference Plan 39584I, Kootenay District.

1 Linen, 3 Paper Prints, Drainage Easement and Sewer Easement - Barnes

Date June 16, 1981 Signature Viane Cherry



Province of British Columbia

Ministry of Transportation and Highways HIGHWAYS Telephone: 352-2211 Local: 238

YOUR FILE ...

OUR FILE R3-21-78 (9157)

REGISTERED MAIL

Office of Regional Engineer Provincial Government Building 310 Ward Street NELSON, British Columbia V1L 554

June 16, 1981

Mr. G. Stein B. C. Land Surveyor Box 10 NELSON, British Columbia V1L 5P7

Dear Sir:

Re: Proposed Subdivision of Lot 2 (See 160950I) Plan 4689, Except Plan 4987, and Block 27 Plan 2091, D.L. 370 & D.L. 372 and Part D.L. 372 Shown in Red on Reference Plan 39584I, Kootenay District.

Attached hereto are plans, etc., pertaining to the above mentioned subdivision which has been duly approved. The list of documents enclosed are as follows:

1 Linen, 3 Paper Prints, Drainage Easement and Sewer Easement.

Please note that these plans must be deposited in the Land Title Office for registration within 60 days of the date of approval.

Yours truly,

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

by:

B. W. Pearce

Regional Approving Officer

BWP/amm Attach.

cc: Mr. W. R. Ball, District Highways Manager, NELSON (File: 3189 and 3295)
Regional District of Central Kootenay, NELSON (File: 344/L)
Selkirk Health Unit, NELSON (File: 60-2/D.L. 370 and 372)

FORM 17
Before submitting this application applicants should check and sausty themselves as to the tax position including taxes of the Grown Provincial, a Municipality & Improvement.
Water & krigation Districts.
Date: Fees:
Declared Value:
Nature of Interest:

Agent for Applicant Hamilton & Co.
Box 80, Nelson, B.C. (352-3171)

DRAINAGE EASEMENT

This indenture, made the 26 day of

may 1951.

Between:

BLAIR FRANCIS BARNES, Proprietor, and MARY ELIZABETH BARNES, Proprietor

s.22

s.22

(Hereinafter called the grantor)

AND:

HER MAJESTY THE QUEEN, in the Right of the Province of British Columbia, as represented by the Honourable the Minister of Highways

(Hereinafter called the grantee)

WITNESSETH THAT, in consideration of the sum of ONE DOLLAR (\$1.00), now paid by the grantee to the grantor, the receipt whereof is hereby acknowledged, the grantor doth hereby grant, convey and confirm unto the grantee, her heirs and assigns, forever, the right at any time to enter upon the lands hereinafter described for the purpose of laying down, constructing, ditching, excavating or installing sewers, drains, pipes, flumes, or any form of installation deemed necessary, practical or expedient in, under and upon the said lands to carry draingage water on to, over, through or under the lands hereinafter described, and of keeping and maintaining them at all times in good condition and repair; and for every such purpose the grantee shall have access to the said lands at all times by her servants, employees and workmen subject to the right of the grantor to the free use of the surface of the lands hereinafter described.

It is mutually understood, agreed and declared by and declared by and between the parties hereto that this agreement shall be construed as runnging with the land, but that no part of the fee of the soil of the lands hereinafter described shall pass to or be vested in the Grantee under or by these presents.

The lands affected by this easement are more particularly described as follows:

THIS INDENTURE is subject to the encumbrances, liens and interests as are set out in the memorandum hereunder set forth.

THIS INDENTURE and everything herein contained shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the said parties have hereunto set their hands and seals on the date first shown written.

SIGNED, SEALED AND DELIVERED in the presence of:

address James Alistan
Legal Assistant

as to both signatures on NELSON, B.C.

Mary Elizabeth Barnes

Francis Barnes

Page 11 of 40

Withheld pursuant to/removed as

PARK SIATIONERS & PRINTERS LTD.

Law and Commercial Stationers,

Vancouver, B.

Form No. 207. Affidavit of Witness,

Affidabit of Wlimess

PROVINCE OF BRITISH COLUMBIA

I, TAMMY MIERAU

, of the City

of

Nelson

in the Province of British Columbia, make oath and say:

 I was personally present and did see the within instrument duly signed and executed by BLAIR FRANCIS BARNES AND MARY ELIZABETH BARNES the part ies thereto, for the purposes named therein.

- 2. The said instrument was executed at Nelson
- 3. I know the said parties , and that they are

of the full age of nineteen years.

4. I am the subscribing witness to the said instrument and and of the full age of sixteen years,

Sworn before me at

Nelson

in the

Province of Britis Columbia, this

day of

May

10 81

A Commissioner for tikeng Artiday is for being Commissioner

PAN MICHAEL NASMYTH
BARRISTER & SOLICITOR
HAMILTON, BROVIN & INDUSTRIE
EOX 50
NELSON, B.C.

This agreement dated the 10 day of

Jun 1981

RETWEEN:

Blair Francis Barnes, Proprietor, and Mary Elizabeth Barnes, Proprietor, both of S.22

(Hereinafter called the grantor)
OF THE FIRST PART

AND:

Blair Francis Barnes, Proprietor, and Mary Elizabeth Barnes, Proprietor, both of S.22

(Hereinafter called the grantee)
OF THE SECOND PART

WHEREAS the grantor is the registered owner of those certain lands in the Nelson Assessment Authority known as:

Lot 4
Kootenay District
Plan

AND WHEREAS the grantee is the registered owner of those certain lands in the Nelson Assessment Authority known as:

Lots 2 and 3
Kootenay District
Plan

which for the purposes of the easement granted herein shall be the dominant tenement;

AND WHEREAS the grantor has agreed to grant to and unto the grantee the right forever to install, maintain, repair and replace a sewer pipeline, septic tank and septic field in and upon the said lands of the grantor together with a right of access for the purposes aforesaid.

NOW THEREFORE this agreement witnesseth that in consideration of the sum of ONE DOLLAR (\$1.00) now paid by the grantee to the grantor, THE GRANTOR DOTH HERELY GRANT to and unto the grantee the right and privilege at all times to install, maintin, repair and replace a sewer pipeline, septic tank and septic field in and upon;

I.ot	4	
Koot	enay	District
Plan		

which said part shall be the servient tenement for the purposes of the easement herein granted, in order that sewage may be conveyed through a pipeline under and across the said lands of the grantor together with rights of access at all times for the purposes aforesaid.

IT IS UNDERSTOOD and agreed that the grantee shall be liable for any damages resulting from his use of the land in question and shall restore the surface of the land as nearly as practicable to the condition it was in prior to any excavation as he may undertake.

THIS EASEMENT is, and shall be of the same force and effect to all intents and purposes as a covenant running with the land and these presents, including all the covenants herein contained, shall extend to, be binding upon, and enure to the benefit of, the heirs, executors, administrators, successors and assigns of the grantor and the grantee respectively, BUT upon the transfer by way of Transfer of Fee Simple or Agreement for Sale of Lots 2 and 3, Kootenay District, Plan______, then this easement insofar as it benefits the lands so transferred shall be null and void and have no further effect and the then owner of the lands so transferred shall execute a partial discharge of this easement forthwith.

IN WITNESS WHEREOF the said parties hereto have hereunto set their hands and seals on the day and date first mentioned.

*		
SIGNED, SEALED AND DELIVERED		
by the grantee in the presence of:	11 18 18	
witness January Millian	Blair Crancis Barnes	_
address Jamey Missau	(2: 1)	
Legal Assistant	//1/3 ames	
as to both signatures X 200	Mary Elizabeth Barnes	_
WELSON SO.		
SIGNED, SEALED AND DELIVERED	11	
by the grantor in the presence of:	(A	
vitness January Bullian	Mann	
address	Blair Francis Barnes	
occupation	Milleun	
s to both signatures	Mary Elizabeth Barnes	-
	the factorist of the state of t	

PARK STATIONARY & PRINTING STATE

Vencour L. Bar

Lord No Part Athenry of Water .

Affidabit of Willimess

PROVINCE OF BRITISH COLUMBIA TO WIT-

3. TAMMY MIERBU

. of the City

oi Nelson

in the Province of British Columbia, make outh and say:

i I was personally present and did so the wither instrument but signed and excluded by Blair Francis Barnes and Mary Elizabeth Barnes the parties thereto, in the purposes named through

- 2. The said instrumest was executed at Nelson
- A I know the said part ies , and that they are

of the brill age of nunction years

4. If are the emberibling witness to the sold instrument and are of the full age of sixteen years

.w. a between at Nelson

Province of Bartish Younghia, this - 70

day of June

lud.

La may Muran

A tombre he for the street of

MINISTRY OF TRANSPORTATION AND HIGHWAYS

BLAIR FRANCIS BARNES MARY ELIZABETH BARNES

AND

BLAIR FRANCIS BARNES MARY ELIZBETH BARNES

SEWER EASEMENT

HAMILTON & COMPANY

BARRISTERS & SOLICITORS
BOX 80
NELSON, B.C. V1L 5P7

352-3171

DATE	June	16,	198	37	
DISTRICT FIL	E No.	31	89 გ	32	95
DATE DISTRI	CT REC'D	12	16/8	31	

	ORT ON FINAL SUBDIVISION	DISTRICT FILE No. 3189 & 3295 DATE DISTRICT REC'D 12/6/81
HIGHWAY DISTRICT Nelson REGIONAL DISTRIC	ст СК	MUNICIPALITY
PEGIONAL FILE No. 9157 REFERENCE/DATE		,
HEADOUARTERS FILE No	IE/ROUTE No. Vall	nalla
Legal Description Lot 27, Plan 2091	(see 160950-I)	Plan 4689 & Ref. Pln 39584-I
D.L. 370 & 372 K.D.	H108H10040000000000000000000000000000000	
LOCATED KM N S E W OFNels	son Hig	HWAY SECTION No.
TOPOGRAPHIC DESCRIPTION Moderate to fair	ly steep to slop	pe to lake
REPORTED ON BEFORE AS: ZONING	OPMENT PERMIT 'ACC	CESS /SUBDIVISION ? WHAT WAS THE
OUTCOME?	REFERENCE/DATE	
PLA REFERENCE		
NO PLA. THEREFORE COMPLETED FORM H235P IS ATT	ACHED	
WORKS INSTALLED OR BONDED? APP	ROVALS/PERMITS IN HAND?	
NAME/ADDRESS OF APPLICANT		
AGENT Gordon Stein	Box 10 Nel	lson, B.C. VIL 5P7
ATTACHED (PLEASE CHECK/INDICATE QUANTITY AND COMMENTS (PLEASE CHECK/INDICATE QUANTITY AND COMMENTS) 1. I. TAX CERTIFICATE 1. I. TAX CERTIFICATE 1. LINEN TRACING 1. TRANSPARENCY 1. LINEN PRINT 1. 868 DECLARATION COMMENTS	I COVENAM I EASEMEN APPROVA	NT
		Musen

DISTRICT HIGHWAYS MANAGER TO DISTRICT HIGHWAYS MANAGER REGIONAL FILE No. ALSO ATTACHED COMMENTS

Page 18 of 40 to/à Page 23 of 40

Withheld pursuant to/removed as

Mr. W. R. Ball
District Highways Manager
Ministry of Transportation and Highways
NELSON, British Columbia

March 26, 1981 R#3, Nelson

R3-21-78 (9157)

3189

Re: Proposed Subdivision of Lot 27, Plan 2091, Lot 2 (See 160950-I) Plan 4689 and Reference Plan 39584-I, District Lot 370 and 372, K.D.

Preliminary layout approval subject to:

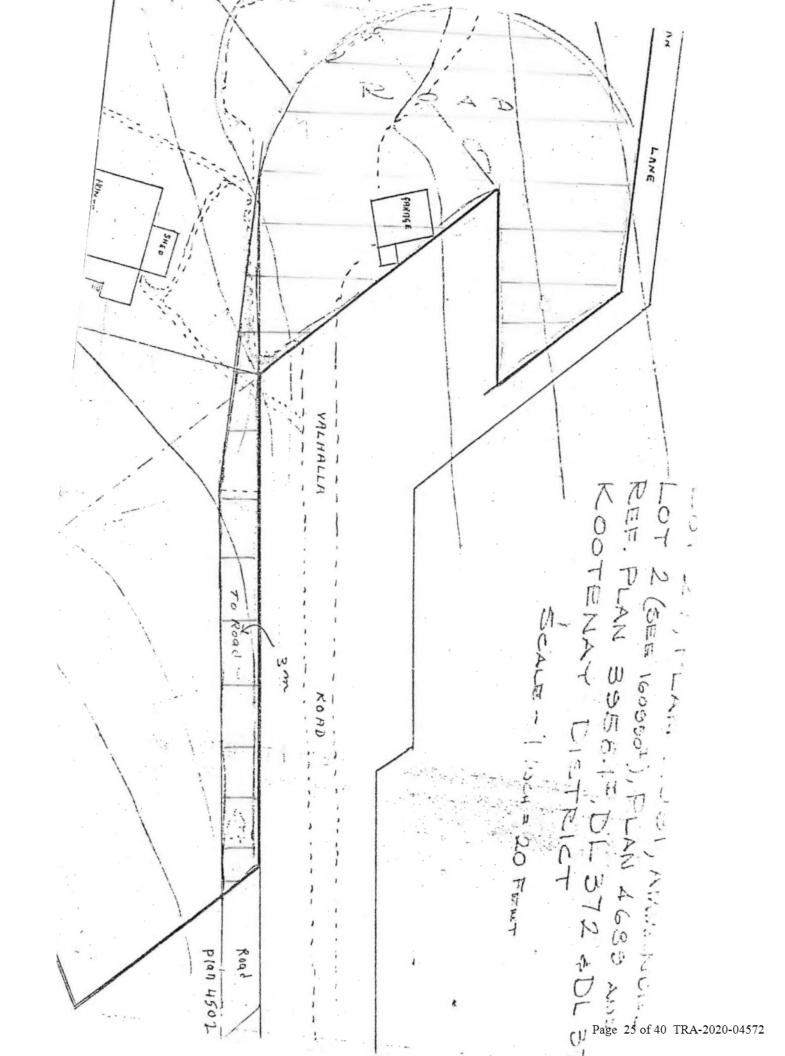
- Proof of payment of taxes, tolls and connection fees to cover domestic water services to the proposed lots.
- Valhalla Road and cul-de-sac right-of-way to be established as denoted green on the attached sketch plan.
- Cul-de-sac to be constructed and gravelled to Ministry standards and to the satisfaction of the District Highways Manager, Nelson.
- 4) 4 metre wide storm drainage easement is required to cover the drainage course at the bottom of the gully within proposed Lot 1.
- 5) Drainage to be complete to outfall.
- 6) A 6 metre wide pedestrian access to the lake shall be established at a location satisfactory to the District Highways Manager, Nelson.

W. M. Sproul Regional Highway Engineer

by:

B. W. Pearce Regional Approving Officer

BWP/amm Attach.



1) Within A.L 2) Require Covenant or end ed. 3) Potable water morely or Co 4) 10% frontage requirement, 5) Road R/W width dedications 6) Avalanche, flooding, and h 7) Minimum lot parcel size. 8) Encroachment, setback, or a 9) S/D by easement for protect 10) 6m x 6 m corner cut-offs ar 11) Panhandle by S/D and remain 12) Lands beyond and access to 13) Require Field Inspection. 14) M.H.O. approval. 15) Comply with Sec. 729(11) Mur	To Coverime. The control of the con	road, creak, et outfall- ivided. (1) Land Title	G	000000000000000
•	1275=-0==10	E 4813		
-				
TO: DHM Necein	**	GATE: 81	-3- 25	4.0
NEGIN		COMPOSITE:	82F11/ez	•
SUBJECT: 5/0 9157, LA 27, R2	091, Lot 2(16	0 95U-I) P. 46	(89, el [1. 39584-1	
			70 \$ 372, K.D	
PLA. Schrench.	*			2
- Additionin rund R/W de		· · ·		
@ Ism wide coldism as	proposed.	Timanued	to be establish	,id
designed & Constructed to	MINISMY S	monds		
3 Drawing to be complete to				
Q 3 m. wide wackway No Fi		use only.		
(5) EXISTING NATURAL WATER			by essent.	
			**	
		7		

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			:	,

Ministry of Transportation and Highways

REPORT ON PRELIMINARY SUBDIVISION

DATE March 19, 1981	
DISTRICT FILE NO	
DATE DISTRICT RECEIVED 2/2/81	
ICT/MUNICIPALITY	
ICT/MUNICIPALITY	

	DATE DISTRICT RECEIVED 2/2/81
HIGHWAY DISTRICT Nelson REGIONAL DISTRICT/	MUNICIPALITY
REGIONAL FILE NO915.7 REFERENCE	
ROAD NAME ROUTE NO. ValHalla	
D.L. 370 & 372 KD	
NAME OF APPLICANT	
NAME OF AGENT Gordon, Stein Box, 10 Nelson,	
LOCATED	
REPORTED BEFORE AS ZONING/LUC/DEVELOPMENT PERMIT/ACCESS/SUBDIVIS	
OUTCOME REFERENCE DAT	
PRESENT LAND USE? Residential	
PROPOSED LAND USE? Residential	
PRESENT ZONING?	
CONFORM WITH REGIONAL CONFORM WITH COMMUNITY	
PLAN?	
STREET SYSTEM ADEQUATE FOR ADDITIONAL TRAFFIC? Y.e.s	
SECONDARY STREET SYSTEM EXIST? NO	RONTAGE WIDENING?
ACCESS ALL CONFLICT LOCATION	PIPE-LINE
75(1) (b) (c)YesLots?YesLine? №0соммо	ACCESS BY
RR crossing? $\%$ 0 Frontage rule? 0% Access by w	
PARCEL SIZE OK REQUIRE COMM. WATER? Yes	require comm. disposal? Xes sewer?
ROAD/LAND DRAINAGE OK? . Yes COVENANT? MQ . EROSION?	No LANDSLIP? No FLOODING? No
ROCKFALL? . NO2 SNOWSLIDE? NO WILDLIFE? NO	. ROAD CLOSURE? Σ 0 IF YES, CONTINUE
STATUS OF ACCESS	
IS ROAD REQUIRED FOR NETWORK? HOW WAS	
WHY DOES APPLICANT WANT CLOSURE? DID CRO	
WHY VEST AND NOT LEASE?	
WHAT BENEFIT TO APPLICANT?	
CERTIFICATE OF ENCUMBRANCE	CATE OF TITLE
COMMENTS: Recommend approval subject to:	

- Road dedication required as shown in green.
- _ 2. Cul-de-sac to be constructed and gravelled to Ministry of Highways standards.
- 3. 3 to 4 metre wide drainage easement required at bottom of gully in proposed lot.1.
- ► 4. 6 metre access required to lake, pedestrain only, as grade is very steep to lake.

DISTRICT HIGHWAYS MANAGER

Page 27 of 40 RA-2020-04572



Province of British Columbia Ministry of Health Director Selkirk Health Unit 503 Front Street Nelson British Columbia V1L 4B4 Phone: (604) 352-5521

BRANCH OFFICES:

KASLO, B.C. NAKUSP, B.C. SALMO, B.C. YOUR REFERENCE 3189

OUR REFERENCE 60-2/D.L. 370 & 372
PLEASE QUOTE IN REPLY

March 2, 1981

Ministry of Transportation & Highways, 820 Nelson Avenue, Nelson, B.C. V1L 2N9

Dear Sir:

Re: Proposed subdivision of Lot 2 (see 160950-I) Plan 4689, Ref. Plan 39584-I, D.L. 370 & 372, K.D.

On the basis of information supplied to us by Mr. G. Stein, it is our opinion that the proposed lots are in compliance with the Sewage Disposal Regulations.

We therefor have no further objection to this application provided that before final approval, easements are provided for any lines of the existing communal system that cross any proposed property lines.

Yours truly.

J.L. Highert, C.P.H.I.(C), M.R.S.H.

Chief Public Health Inspector

Telephone 352-2211, local 412

JLH/rmz

cc: Mr. G. Stein, P.O. Box 10, Nelson, B.C. V1L 5P7

GORDON STEIN B.C. Land Surveyor

LAND USE PLANNING and CADASTRAL SURVEYING

OUR REFERENCE: 573.01

501 'B Vernon Street (Mail to Box 10) NELSON, British Columbia V1L 5P7

Telephone 352 - 7312

YOUR REFERENCE:

February 4th, 1981

Ministry of Transportation and Highways Nelson Avenue Nelson, B.C.

Dear Sirs:

Re: Proposed subdivision of Lot 27, Plan 2091, Amended Lot 2 (See 160950-I) Plan 4689 and Ref. Plan 39584-I, D.L. 372 & 370, Kootenay District

On behalf of the owners of the above property I would like to request relief from compliance with section 75(1) for the following reasons:-

- (a) A public access would interfere with the existing residential use of the property
- (b) A major public access (old ferry landing) and public marina are located 130 metres north east of the subject property

Yours truly,

GORDON STEIN

GES:es



Regional District of Central Kootenay

601 VERNON ST. NELSON, B. C.

V1L 4E9

For Information Only

OFFICE OF: Planning Department

FILE No. : 344/L

For Location See Map Sheet: F11/W

Your File:

3189

February 9, 1981.

Ministry of Transportation and Highways 820 Nelson Avenue Nelson, B.C. VIL 2N9.

Dear Sirs:

RE: Proposed subdivision of Lot 2, (see 160950-I), Plan 4689, Ref. Plan 39584-I, D.L. 370 and 372, Kootenay District.

The Above Mentioned Subdivision

is fully is partially X is not

in the Provincial Land Commission Agricultural Land Reserve.

X We can see no apparent objection to the above proposed subdivision as it relates to the Regional Plan.

We object to the above proposed subdivision for the following planning reasons.

Planning Department Comments:

G.R. Isherwood

Plans Administrator

cc: Mr. D. Pearce Mr. Gordon Stein NORTH SHORE WATER UTILITY NELSON LTD. Gordon L. Sutherland R, R. #1 Nelson B. C. VIL 5P4

March 16, 1981

This will confirm that North Shore Water Utility Nelson Ltd. will supply the following lots with water, the properties being within the boundaries of the Utility's service area:

Block 27 of Lots 370 and 372, K.D. Plan 2091

That Part of Lot 372 shown as outlined in red on reference Plan 39584-I

and

Amended Lot 2 (see 160950-I) D.L. 370 and 372 K.D. Plan 4689

Sincerely,

Gordon L. Sutherland

NORTH SHORE WATER UTILITY, NELSON LTD.

Page 33 of 40 to/à Page 35 of 40

Withheld pursuant to/removed as

HIGHWAYS

YOUR FILE	***************************************
CVID FILE	3189

Phone 352-2211 local 239 820 Nelson Avenue Nelson, B.C. VIL - 2N9

February 3/81

G. Stein
Box 10
Nelson, B.C.
VIL 5P7



Dear Sir:

-		We have received your application to subdivide
Lot	2 (see 160950-I) Pln 4689, Ref Pln 39584-I D.L. 370m& 372 KD
dat fol	ed lowi	Feb 3/81 and have forwarded the submission to the ng agencies.
(x)	Medical Health Officer
(x)	Regional District of Central Kootenay
()	Improvement District
()	Regional Engineer - Water Rights Branch
()	Fish & Wildlife Branch
()	B.C. Forest Service
()	

You will hear from us as soon as possible as to the outcome of this subdivision.

Yours truly

W.R. Ball

District Highways Manager

Page 37 of 40 to/à Page 40 of 40

Withheld pursuant to/removed as