

No. 6409
635

LAND ACT.

Compared

PROVINCE OF
BRITISH COLUMBIA.

Deputy Minister of Lands.

George H., by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, KING,
Defender of the Faith, Emperor of India.

To all to whom these presents shall come, Greeting:

Know ye that We do by these presents, for Us, Our heirs and successors, in consideration of the sum of
One Dollars to Us paid, give and grant unto

CRESTON RECLAMATION COMPANY LIMITED

its successors ~~XXX~~ and assigns

All **those** Parcel^s or Lot^s of Land situate in KOOTENAY District,
said to contain Six thousand four hundred and thirty-two and 50/100 acres, more or

less, and more particularly described on the Map or Plan hereunto annexed and coloured red, and numbered Lots Thirteen
thousand five hundred and sixty-five (13565), Thirteen thousand five hundred and sixty-
six (13566) and Thirteen thousand five hundred and sixty-seven (13567)

on the Official Plan or Survey of the said KOOTENAY District, in the Province of British
Columbia, to have and to hold the said Parcel or Lot of Land, and all and singular the premises hereby granted, with their appur-
tenances, unto the said CRESTON RECLAMATION COMPANY LIMITED

its successors ~~XXX~~ and assigns, for ever:

PROVIDED NEVERTHELESS that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume any part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges, towing-paths, or other works of public utility or convenience; so, nevertheless, that the lands so to be resumed shall not exceed one-twentieth part of the whole of the lands aforesaid, and that no such resumption shall be made of any lands on which any buildings may have been erected, or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings:

PROVIDED also that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting under Our or their authority, to enter into and upon any part of the said lands, and to raise and to get thereout any minerals, precious or base, including coal, petroleum, and natural gas, which may be thereupon or thereunder situate, and to use and enjoy any and every part of the same land, and of the easements and privileges thereto belonging, for the purpose of such raising and getting, and every other purpose connected therewith, paying in respect of such raising, getting, and use reasonable compensation:

PROVIDED also that it shall be lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take and occupy such water privileges, and to have and enjoy such rights of carrying water over, through, or under any parts of the hereditaments hereby granted, as may be reasonably required for mining or agricultural purposes in the vicinity of the said hereditaments, paying therefor a reasonable compensation to the aforesaid

CRESTON RECLAMATION COMPANY LIMITED

its successors ~~XXX~~ and assigns:

PROVIDED also that it shall be at all times lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take from or upon any part of the hereditaments hereby granted, without compensation, any gravel, sand, stone, lime, timber, or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works:

PROVIDED also that in the event of any of the lands hereby granted being divided into lots containing one acre or less, one-fourth of all the blocks of lots, or one-fourth of all the lots where the lots are not divided into blocks, to be selected as provided in the "Land Act," shall be reconveyed to Us and Our successors:

PROVIDED also that all highways, within the meaning of the "Highway Act," existing over or through said lands at the date hereof shall be exempted from this grant.

For further Proviso refer to back hereof:

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of OUR PROVINCE OF
BRITISH COLUMBIA to be hereunto affixed: WITNESS, His Honour JOHN WILLIAM FORBHAM JOHNSON

Lieutenant-Governor of Our said Province, at Our Government House, in Our City of Victoria, this Fourth
April
day of First, in the year of our Lord one thousand nine hundred and Thirty-six
and in the First year of Our Reign.

By Command.

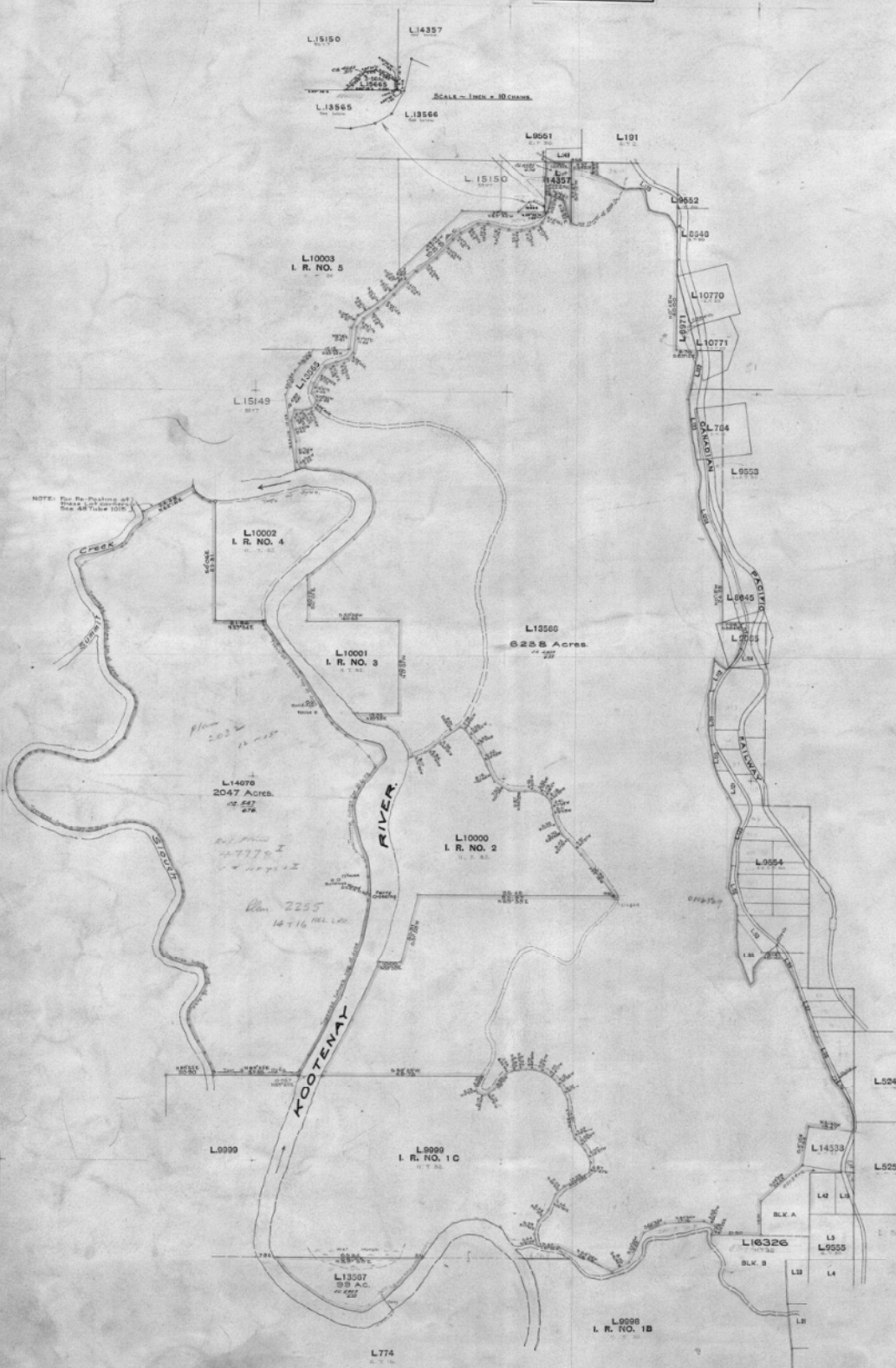
Deputy Provincial Secretary.

CG, 6409

/635

PROVIDED nevertheless that it shall at all times be lawful for and this Grant is made subject to the right of s.22 s.22, his heirs and assigns, licensee under Final Water Licence numbered 5590, dated the 26th day of February, 1927, and the right of s.22, his heirs and assigns licensee under Conditional Water Licence numbered 11273, dated the 10th day of June, 1932, to maintain pipe lines, ditches, flumes, and works within the boundaries of the said lands hereby granted necessary for the proper direction, storage, conveyance and use of the water acquired under said licences and for the proper carrying out of the objects of the said licences and to enter into and upon the said lands at any and all times for the purpose of maintaining and repairing the same during the existence of the licences.

122509



RAY JOHNSON AND ASSOCIATES

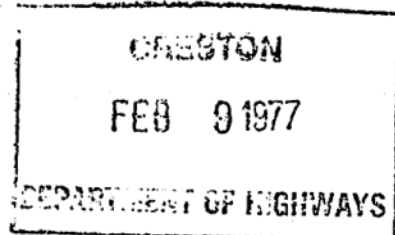
SURVEYORS AND ENGINEERS

LAND SUBDIVISION
AND ENGINEERING

SURVEYS & DESIGNS

1415 JEFFS AVENUE,
NELSON, B. C., V1L 1A9

TELEPHONE (604) 352-7117



February 7th, 1977

STATUTORY DECLARATION

IN THE MATTER of waiving compliance with Section 86(b) of the Land Registry Act as to the requirement that a Public Road Access be established to a Navigable Water every 1320 feet; AND, as said Section applies to the resubdivision of Block 48, Plan 1859, Lot 13566, Kootenay District, I, Raymond George Johnson, B.C.L.S., P. Eng., having personally familiarized myself with this 774-acre portion of farmland and having full knowledge of the purpose and value of such Public Accesses to such areas of the Kootenay River, MAKE OATH AND DO SOLEMNLY DECLARE that I represent the owners herewith, being ^{s.22}

s.22

of Creston, B. C.

Whereas this survey is only the reapportionment of an internal boundary within the same family according to an agreement made and kept since 1957 this new plan is not subdividing the lands into any additional parcels --- and hence should not be considered in the same context as normal subdivisions; AND, whereas the whole of the area is extensively farmed and is very productive soil in a region where such ground is very limited; AND, whereas the B. C. LAND COMMISSION is of the opinion that this land should be preserved in the first instance for farming above all other possible uses; IT IS THEREFORE REASONED that this resubdivision should be granted an exemption from providing any roadway through the parcels to the Kootenay River, in the "PUBLIC INTEREST."

THEREFORE, as is provided for under Section 87 of the Land Registry Act, I HEREWITH PETITION the Senior Approving Officer for RELIEF from compliance with Section 86(b) of the said Act; AND, I make this solemn declaration conscientiously believing it to be true; AND, knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of
Nelson, in the Province of British
Columbia this 7th day of February, 1977.

WR Brown

A Commissioner in and for Province of B.C.

[Signature]
8045 P. Eng.
2021-15100

British
Columbia
Land Commission

Telephone (604) 294-5211

4333 Ledger Avenue, Burnaby, B.C., V5G 3T3

November 23, 1976

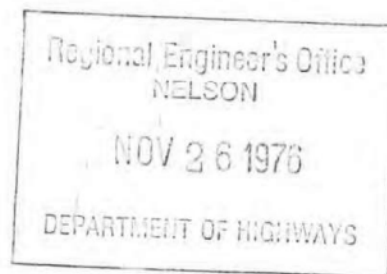
Reply to the attention of: Peter Crawshaw

s.22

Creston, B.C.

s.22

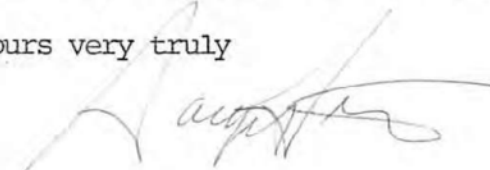
Re: Application #114-F-76-00936 (Formerly #76-302)
Block 48, Map 1859, District Lot 13566, Plan 56002I



In response to your letter of November 8, 1976, please be advised that we have contacted the Approving Office in Nelson and now understand that they have a copy of our letter to you dated May 6, 1976 and that you have been granted relief from Section 86(b) of the Land Registry Act, which means you will not have to dedicate a road across the southern edge of the property for access to the river.

We further understand that you will be receiving confirmation of the above points by mail from the Ministry of Highways.

Yours very truly


G. G. Runka
Chairman

PC/js

cc: Ministry of Highways, Nelson. Attention: Mr. T. West

c.c. Mr. G R Kent, Dist. Hwys. Mgr. NELSON. (Log 1267)

Mr. M.G. Elston,
Senior Approving Officer,
Ministry of Highways & Public
Works (Highways),
VICTORIA, British Columbia.

310 Ward Street, Nelson.

November 23, 1976.

Creston #3

771-1/325142/326392

R3-21-78 (1980)

Log 1267

Proposed Subdivision of Part of
Block 48, Plan 1859, District
Lot 13566, Kootenay District.

Your letter August 10, 1976.

B.C. Land Commission has appealed our requirement for 86(b).
They say road will alienate good farmland. I agree (3-4 acres).

There is little demand for public access to river for swimming
and fishing by pedestrians; major demand is boating. Best
access for boats is old ferry landings \pm 1/2 mile south of
proposal.

Discussed with Regional Highway Engineer. We will recommend
absolute relief for large A.L.R. parcel subdivisions unless
the extension to HWM of existing roads involves only short
dedications. We will request dedications for small parcel
subdivisions.

In this specific case, we have granted absolute relief on
basis of your previous letter.

W.M. Sproul,
Regional Highway Engineer.

by:

C.T. West,
Regional Approving Officer.

CTW/kh

Mr. G.R. Kent,
District Highways Manager,
Ministry of Highways & Public
Works (Highways),
NELSON, British Columbia.

310 Ward Street, Nelson.

November 22, 1976.

Creston R#3

771-1/325142/326392

R3-21-78 (1980)

Log 1267

Proposed Subdivision of Part of
Block 48, Plan 1859, District
Lot 13566, Kootenay District.

Full relief from Section 86(b) granted.

We will require Statutory Declaration giving "public
interest" as reason.

Please advise applicant.

W.M. Sproul,
Regional Highway Engineer.

by:

C.T. West,
Regional Approving Officer.

CTW/kh

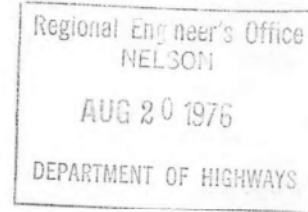


DEPARTMENT OF HIGHWAYS

August 19, 1976

Ray Johnson
1415 Jeffs Avenue
Nelson, B.C.

Dear Sir:



Proposed subdivision of block 48 plan 1859 (including ref plan 56002I)
D.L. 12566 K.D.

Your proposal for a 2 lot subdivision is not approvable. The property lies within the Agricultural Land Reserve so designated under the *Land Commission Act*. Subdivision within the Agricultural Land Reserve is only allowed by the Land Commission under certain circumstances.

We advise you to consult the office of **Regional District of Central Kootenay** at **Nelson** for detail. In addition to this obstacle the Department of Highways does not approve the plan for the following reasons:

1. The road dedication as shown be constructed to Department of Highways standards
 2. One 66 foot access to Kootenay River from most southerly road to Kootenay River
- Partial relief will be granted for any further access

Please note that if you do receive permission to subdivide from the British Columbia Land Commission it will be necessary for you to resubmit the proposal for preliminary layout approval whether it is different from this submission or not. You will also need to attach a copy of the Commission's approval. If you desire to discuss this further please do not hesitate to phone me to arrange time and place of meeting.

Very truly yours,

G.R. Kent
for
G.R. Kent
District Highways Manager,
Department of Highways

cc - Creston
Region ✓



**Mr. G.R. Kent,
District Highways Manager,
Department of Highways,
NELSON, British Columbia.**

310 Ward Street, Nelson.

August 13, 1976.

Creston R#3

771-1/325142/326392

R3-21-78 (1980)

1267

**Proposed Subdivision of Part of
Block 48, Plan 1859, District
Lot 13566, Kootenay District.**

Your H.235P

July 29, 1976.

**Unless there is a strong local need for access to
river, we do not require dedication and relief is
granted as property is farmland.**

**Also require your other conditions as previously
outlined.**

**W.M. Sproul,
Regional Highway Engineer.**

by:

**C.T. West,
Regional Technician.**

CTW/kh

PROVINCE OF BRITISH COLUMBIA

DEPARTMENT OF HIGHWAYS

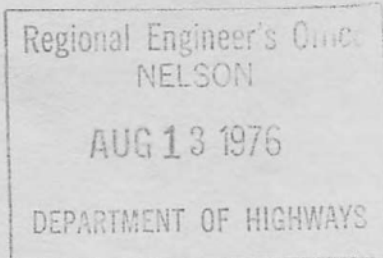
TO:		SENDER'S ADDRESS: Victoria, B.C.	
REGIONAL TECHNICIAN, NELSON.		DATE: August 10, 1976	
ATTENTION:		DISTRICT: Creston	
SUBJECT: Proposed Subdivision of Pt. Blk. 48, Pl. 1859, D.L. 13566, K.D.		HEADQUARTERS FILE: 771-1/325142/326392	
		REGIONAL FILE: R3-21-78 (1980)	
		DISTRICT FILE:	
		REFERENCE:	DATED:
		Hdq. Ltr.	May 18/76
		Reg. f.n.	June 16/76
		Reg. TT	July 29/76

We do not appear to have an application for relief.
The arguments appear to be that:

- (1) the land is farmland.
- (2) use of the banks accelerates erosion.
- (3) the access will open the dikes to the public.

- (1) is a strong argument by itself.
- (2) if the banks are that soft that persons walking around, fishing etc increase erosion then surely they are so soft they should be riprapped anyway.
- (3) we offered before to close the road during the freshet and they can surely fence off their dike.

I think therefore that if there is expressed local demand for access we should require one dedication - otherwise full relief because farmland.



M. G. Elston,
Senior Approving Officer.

Per: *[Signature]*

MGE/mb

FOR DEPARTMENTAL CORRESPONDENCE ONLY.

PROVINCE OF BRITISH COLUMBIA

DEPARTMENT OF HIGHWAYS

TO: Mr. W. M. Sproul, Regional Highway Engineer, Department of Highways, Provincial Government Building, 310 Ward Street, Nelson, B.C.	SENDER'S ADDRESS: Victoria, B.C. DATE: May 18, 1976 DISTRICT: Creston HEADQUARTERS FILE: 771-1/325142 REGIONAL FILE: DISTRICT FILE:
ATTENTION: SUBJECT: Proposed Subdivision of Blk. 48, Pl. 1859, D.L. 13566, Kootenay District.	REFERENCE: BCLC Memo DATED: May 6/76

Attached is forwarded for your information.

This office has no record of an application for relief from 86b covering the above noted.

Regional Engineer's Office
NELSON

MAY 20 1976

DEPARTMENT OF HIGHWAYS

M. G. Elston,
Senior Approving Officer.

Per: *[Signature]*

WWS/mb
Encl.

Mr. M.G. Elston,
Senior Approving Officer,
VICTORIA.

June 16, 1976.
Reg. File: R3-21-78 (1980)

Reference made to a letter of January 5, 1972, by Cooper and Vogel, Barristers. Copy attached along with our letter containing additional comments. (See your reply to us dated Feb. 18/72, File 1154/230614/230954) W.M. Sproul, Reg. Hwy. Engineer.

by:

C.T. West, Reg. Technician.
DY/kh

MEMORANDUM

TO Mr. M.G. Elston
Senior Planning Engineer
Department of Highways
Victoria, B.C.

FROM G.G. Runka, Chairman
B.C. Land Commission
4333 Ledger Avenue
Burnaby, B.C.

May 6 1976


SUBJECT

OUR FILE

YOUR FILE

We are enclosing some relevant information on an application for a re-subdivision of land for farm purposes on the Creston flats in the Regional District of Central Kootenay.

Considering the points raised in ^{s.22} letter of March 25, 1976, we would lend our support to the applicants' request that the access requirement under Section 86b be waived in this instance. A copy of Land Commission approval for re-subdivision as requested is also attached for your information.


for G.G. Runka
Chairman

cc: Approving Officer, Hwys., Nelson

JMS/dj
encl

British
Columbia
Land Commission

May 6, 1976

Regional Engineer's Office
NELSON

MAY 12 1976

DEPARTMENT OF HIGHWAYS

Telephone (604) 294-5211

4333 Ledger Avenue, Burnaby, B.C., V5G 3T3

Reply to the attention of:

Joan Sawicki

s.22

Creston, B.C.

Dear Sirs:

Re: Application #76-302

This is to advise that the Provincial Land Commission has considered your application regarding land described as That part of Bl. 48, Plan 1859, District Lot 13566, shown outlined in red on Ref. Plan 56002I, and Block 48, District Lot 13566, Plan 1859 save and except that portion outlined in red on Ref. Plan 56002I.

Pursuant to Section 11(4) of the Land Commission Act, the Commission, by Resolution #3775/76, allowed your application to move the present line dividing the above properties southward in order to equalize the respective parcel sizes. Present parcel sizes are 270 and 545 acres respectively. New parcels will be 444 and 360 acres respectively.

This approval is granted provided that your subdivision is in substantial compliance with the sketch plan submitted with your application attached hereto and outlined in red.

The land referred to in the application is to remain in the Agricultural Land Reserve of the Regional District of Central Kootenay and is subject to the provisions of the Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, bylaws, and decisions of responsible authorities which may apply to the land.

Please obtain the confirmation of the Commission, if, in the process of approval by the Approving Officer, any substantial changes are required to the subdivision proposal as approved by this office.


When the final survey plans or documents as required for Land Registry purposes have been prepared, please send two paper prints to this office prior to registration. The Commission will then authorize the Registrar of Titles to accept the application for deposit of the subdivision plan.

For your information, in reference to Section 86b requiring access to the river, we have forwarded your letter to the Senior Planning Engineer, Department of Highways along with our letter of approval for re-subdivision and have asked that the possibility of waiving the access requirement be given consideration in this instance.

Cont'd

Please quote Application #76-302 in any future correspondence.

Yours truly,


for G.G. Runka
Chairman

cc: Regional District of Central Kootenay
Approving Officer, Hwys., Nelson
Mr. M.G. Elston, Senior Planning Engineer, Hwys., Victoria
R. Sampson, B.C. Assessment Authority

JMS/dj
enc1

Page 16 of 46 to/à Page 17 of 46

Withheld pursuant to/removed as

s.22

Mr. G.R. Kent,
District Superintendent,
Department of Highways,
NELSON, British Columbia.

Regional Highway Engineer,
101 Baker Street, Nelson.

September 11th, 1972.

Nelson R#3

1154/230614/230954

R3-21-78 (1980)

31-21-78 (1267)

Proposed Subdivision of Block 48,
Plan 1859, Ref. Plan 56002-I and
Block 7C, Plan 1859, District Lot
13566, Kootenay District.

Please advise the subdivider that the conditions as outlined
in our letter of February 23rd, 1972, still prevail.

LJ/kh

J.W. Nelson,
Regional Highway Engineer.

1267

Ray G. Johnson

B.C.L.S., P. ENG.

BRITISH COLUMBIA LAND SURVEYOR

AND ASSOCIATES

CONSULTING PROFESSIONAL ENGINEER

LAND SUBDIVISION
AND ENGINEERING
SURVEYS & DESIGN

1415 JEFFS AVE.,
NELSON, B. C.
TELEPHONE 352-7117

Mr. George R. Kent,
District Superintendent,
Department of Highways,
820, Nelson Avenue,
Nelson, B.C.

4th August 1972

Dear Sir:

Re: Proposed subdivision of Bk. 48, Plan 1859 including
REF. PLAN 56002-I and of part of Bk. 70, Plan 1859,
Lot 13566, K.D. s.22 - Creston Flats.

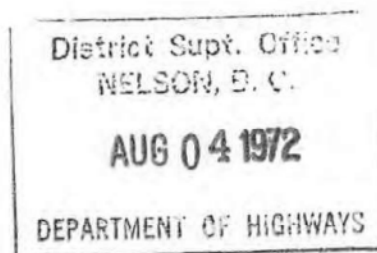
May we have your tentative approval for the subdivision shown on the enclosed prints. Two lots are being created. It is proposed to include the drainage channel and the dykes within Lots 1 and 2 and to deal with them by way of easements or a right-of-way plan. Access is provided into both lots from existing roads with turnarounds from Plan 1859 and I am enclosing a letter regarding the 10% perimeter rule.

Since this subdivision is being done for the splitting up of agricultural holdings, I trust you will take this into consideration in processing this proposal.

Yours Sincerely,



Michael J. Tacon. B.C.L.S.
RAY JOHNSON & ASSOCIATES



1267

Ray G. Johnson B.C.L.S., P. ENG.
AND ASSOCIATES

BRITISH COLUMBIA LAND SURVEYOR

CONSULTING PROFESSIONAL ENGINEER

LAND SUBDIVISION
AND ENGINEERING
SURVEYS & DESIGN

1415 JEFFS AVE.,
NELSON, B. C.
TELEPHONE 352-7117

Approving Officer,
Department of Highways,
820, Nelson Avenue,
NELSON, B.C.

4th August 1972

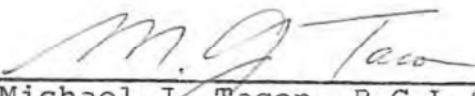
Dear Sir:

Re: Subdivision of Block 48 including Ref. Plan 56002-I
and of part of Block 70, Plan 1859, Lot 13566, K.D.
Application for relief from compliance with Section
6.08 of the Local Services Act Regulations.

I, Michael John Tacon of Nelson, acting as agent for the
subdivider of the aforementioned subdivision, s.22
s.22 Creston, B.C., do hereby apply for relief from
compliance with Section 6.08 of the Local Services Act
regulations in the case of this subdivision.

I believe that this application for relief is justified by
virtue of the fact that the lands being dealt with ~~XXXXXX~~
are large tracts of agricultural holdings served by a pattern
of access roads laid out some 25 years ago which remain adequate
for the present and projected land use in this vicinity.
There is no way of practically meeting the 10% perimeter frontage
requirement in these circumstances.

Yours Sincerely,


Michael J. Tacon. B.C.L.S.
RAY JOHNSON & ASSOCIATES

1201

**STATUTORY DECLARATION TO SEEK RELIEF FROM COMPLIANCE WITH
SECTION 86 (b) OF THE LAND REGISTRY ACT.**

I, Michael John Tacon of Nelson, by occupation a B. C. Land Surveyor, acting as agent for the subdivider, ^{s.22}
s.22 Creston, B.C., do hereby apply for relief from compliance with Section 86(b) of the Land Registry Act in the case of the subdivision of Block 48, Plan 1859 (including Reference Plan 56002-I) and of part of Block 70, Plan 1859, Lot 13566, Kootenay District.

I do solemnly declare that I am personally familiar with the subject lands and that the application for relief is justified for the following reasons:-

- 1). The provision of access to the Kootenay River as required under this section of the act would be an undue hardship on the subdivider since it would necessitate the building of over a half mile of road.
- 2). The purpose of the subdivision is the dividing of existing agricultural holdings. In my opinion, the provision of public access to the river in this vicinity is not compatible with the prime agricultural use of the subject lands.

The subdivision is as shown on the attached sketches and/or plans.

I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

Declared before me at Nelson, B.C.

this 8th day of August, 1972.


B.C.L.S.



A Commissioner for Taking Affidavits
for British Columbia.

Mr. G.R.Kent,
District Superintendent,
Department of Highways,
NELSON, British Columbia.

Regional Highway Engineer,
101 Baker St., NELSON.
February 23rd, 1972.

Nelson R#3

1154/230614/230954

R3-21-78 (1980)

31-21-78 (1267)

Proposed Subdivision of Block 48, Plan
1859, Reference Plan 56002-I and Block
70, Plan 1859, District Lot 13566,
Kootenay District.

The Senior Approving Officer advises that we require
one access to navigable water. He further advises that
if the location can be mutually acceptable then good; if
not, it should be where you want it. You should explain
to the applicant that we appreciate their feelings about
the dyke and are prepared to close the road to the public
when the dyke is soft during the freshet. They will need
to fence and gate it to keep the public off it outside
the road allowance.

J.W.Nelson,
Regional Highway Engineer.

/nm
Enclosures

PROVINCE OF BRITISH COLUMBIA

DEPARTMENT OF HIGHWAYS

TO:

Mr. J. W. Nelson,
Regional Highway Engineer,
Department of Highways,
101 Baker Street,
Nelson, British Columbia

ATTENTION:

SUBJECT: Proposed Subdivision of Block 48, Plan
1859, Reference Plan 56002-I and Block
70, Plan 1859, District Lot 13566,
Kootenay District.

SENDER'S ADDRESS: Victoria, British Columbia

DATE: February 18, 1972

ELECTORAL DISTRICT: Nelson

HEADQUARTERS FILE: 1154/230614/230954

REGIONAL FILE: R3-21-78 (1980)

DISTRICT FILE: 31-21-78 (1267)

REFERENCE:

DATED:

Your letter,

January 18/72

We require one access to navigable water. If the location can be mutually acceptable then good: if not it should be where you want it. Bill should explain to applicant that we appreciate their feelings about the dyke and are prepared to close the road to the public when the dyke is soft during the freshet. They will need to fence and gate it to keep the public off it outside the road allowance.

Applicant's letter and plan attached.

M. G. Elston,
Senior Approving Officer,

MGE:lb
enc.

Per: *w.w. Sackey*

FOR DEPARTMENTAL CORRESPONDENCE ONLY.

Mr. M.G. Elston,
Senior Approving Officer,
Department of Highways,
VICTORIA, British Columbia.

Regional Highway Engineer,
101 Baker St., NELSON.

January 18th, 1972.

Nelson R#3

R3-21-78 (1980)

31-21-78 (1267)

Proposed Subdivision of Block 48,
Plan 1859, Reference Plan 56002-I and
Block 70, Plan 1859, District Lot
13566, Kootenay District.

May we please add the following comments as to the attached
plan and Mr. R. McL. Cooper's letter:

- (1) The initial survey was completed by Mr. V.L. Mosher,
B.C.L.S. on March 28th, 1962, and submitted to the
Approving Officer on June 2nd, 1966.
- (2) The proposed plan was returned subsequently for con-
struction of turn-a-rounds, fence removal, Tax
Certificate and with the suggestion that it be checked
by the Registrar as to the acceptability of the plan
itself, as it had some obvious large discrepancies.
- (3) The proposed subdivision plan was re-surveyed on June
8th, 1971 and received by this office on November
9th, 1971. As the proposed new survey did not comply
with Section 86 (b), nor was an application for relief
applied for, it was returned to Mr. Cooper with the
suggestion that access to the Kootenay River be provided
or affidavit for relief be submitted.
- (4) In addition, the Department did request the turn-a-round
construction, and fence removal from the dedicated road
allowances.
- (5) Considering the reasons for relief from Section 86 (b)
as outlined by Mr. Cooper's letter to the Honourable
Minister of Highways, we recommend that relief be granted
subject to road construction, fence removal and that the
surveyor adds to the plan a signing notation for relief
from Section 86 (b).

J.W. Nelson,
Regional Highway Engineer.

LJ/mm Enclosure

COOPER & VOGEL

BARRISTERS-AT-LAW
SOLICITORS, ETC.

R. MCL. COOPER, B.A., LL.B.
R. H. VOGEL, LL.B.

OUR FILE

YOUR FILE

Regional Engineer's Office
NELSON

JAN 6 1972

DEPARTMENT OF HIGHWAYS

TELEPHONE: 428-2208
AREA CODE: 604

OFFICES
125-10TH AVENUE

P.O. BOX 1429

CRESTON

BRITISH COLUMBIA

3079

January 5, 1972

The Honourable,
The Minister of Highways,
Parliament Buildings,
VICTORIA, B.C.

Dear Mr. Black:

Re: s.22
s.22 Creston, B.C.
Plan of Subdivision of Block 48,
Plan 1859 including R.P. 56002-I
and part of Block 70, Plan 1859,
D.L. 13566, K.D.

s.22 We act for s.22 in respect of a
plan of subdivision of farm lands on Creston flats,
prepared by V.L. Mosher.

The Department of Highways at Nelson
has required road dedication on the said plan to give
access to Kootenay River. Such access is not desirable
as it would permit vehicular traffic upon the dykes which
are maintained by Creston Dyking District.

We are enclosing a Statutory Declaration
sworn to by the parties pursuant to Section 87 of the
Land Registry Act. The effect of the Declaration is to
request relief from the requirement to dedicate road access over
the dyke to Kootenay River.

We are further enclosing the original
linen tracing of the plan of subdivision. We would be
greatly obliged if you would grant relief by endorsing the
plan with your certificate.

4.....

Valley Wildlife Management Area, who plan public use of this area.

(4) The requirements of Section 86(b) are not enforced in the Fraser River dyked area and should not apply in the Creston dyked area.

We have been endeavouring to complete this subdivision for a great number of years. Anything you could do at this time to expedite the approval and deposit of the plan would be appreciated.

Yours very truly,

R. McL. COOPER

RMC/db
Encl. s.22
C.C.

Mr. J.W. Nelson, Regional Engineer,
Department of Highways, Nelson, B.C. ✓

Mr. G. Kent
District Superintendent
Department of Highways
Nelson, British Columbia

101 Baker Street,
Nelson, British Columbia
November 16, 1971
R#3 Nelson

R3-21-78 (1980)

31-21-78 (1267)

Proposed Subdivision of Block 48, 70 and
Ref. Plan 56002-1 of D.L. 13566 K.D.

Returned herewith 1 linen tracing, 1 linen transparency,
2 linen prints, Card H27, TX 55 and Creston Dyking District Certificates.

I concur with items 1 to 3 as outlined in your report.

However, the proposed #161 Indian road extension
would not still satisfy the requirements under Section 86 (b) as there
is considerable length of additional shore line along the west boundary
of the proposed subdivision.

Access to the Kootenay River must be provided for or
an application for relief must be applied for.

J.W. Nelson
Regional Highway Engineer

LJ:hg
enc.

DEPARTMENT OF HIGHWAYS

Date November 4, 1971

Highway Dist. N/C

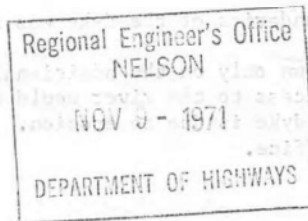
Headquarters File 100-361100

Regional File R3-21-78 (1980)

District File 31-21-78

Reference #1267

Dated _____



Subdivision of Block 48, Plan 1859 including Reference Plan 56002 I and Part of Block 70,
Plan 1859, Lot 3566.

Submitted by (Name of Owner or Agent) Cooper & Vogel, P.O. Box 1429, Creston, B.C.

General Location (state nearest place) Creston Flats

Tentatively Approved (give date, file and letter no.) R3-21-78 (1980); Aug. 1/66 & Mar. 17/67

- (1) Date plan received at District Office August 31, 1971
- (2) If plan returned to subdivider, date and reason for return _____
- (3) Date examined on ground September 23, 1971
- (4) Roads graded and gravelled to your satisfaction See below
- (5) Physical access by vehicle is possible to all lots of subdivision and lands lying beyond or around Yes, Indian Road & Wilson Road
- (6) Sufficient access is provided to navigable water as required by Sec. 86 (b) of Land Registry Act No, see below
- (7) Is land improved? Yes Is land subject to serious erosion or flooding? Erosion adjacent to Kootenay River
- (8) Is the land situated in a regulated area? No
If yes, has the Inspector approved the subdivision? N/A
- (9) (a) Is the land situated in an improvement district? Creston Dyking District
If yes, have the Trustees been notified as per the Land Registry Act, Sec. 91 (3)? Yes
- (b) If lots are under 15,000 sq. ft. in area, is piped water available? Over 18,000
- (10) (a) By reason of the size and location of the subdivision do you consider sanitation might create a health problem? No
- (b) Has this been referred to the Health Department? No
- (11) What are the topographical features of the subdivision? Flat, grain farm land
- (12) Are any public road allowances being cancelled by this plan pursuant to Section 113 (and amendment 1961) Land Registry Act? No
If so, are same indicated on plan as per Surveyor-General's Regulations? N/A
Will any Public Utility Company be affected by this closure? N/A
- (13) Are any oil or gas pipe lines under the jurisdiction of the Dept. of Railways or Board of Transport Commissioners included within this plan? No
- (14) What is your recommendation? Approval pending; see below

Receipt No. 131377 D TX.55 attached 2

Attached 2 linen tracings, 2 linen prints, 1 paper prints

NOTE: Back of Form for extra
remarks if required.

District Official

1. Road dedication and two cul-de-sacs in Block 48 to be constructed to Department specifications.
2. Road dedication is free of fencing or buildings.
3. There is no access to navigable waters north of Hwy. #3. We feel we should ask for access south from Indian Road #161 along drainage channel to Kootenay River a distance of about 2000 feet.

OVER

REMARKS: (con't)

Access from Wilson Road #365 to Kootenay River would be about 4000 ft. Would involve considerable expense.

The red outline on the exterior boundaries of the dyke was shown in order to make it one lot.

The red outline could have been shown only on the additional portions taken for the dyke and drainage channel. Then access to the river would not have been affected.

The reason for additional land for dyke is due to erosion.

Pcl #70 is on exempt roll in tax office.

MINISTRY OF HIGHWAYS AND PUBLIC WORKS

Road Name Indian Route/Road No. 161
Electoral District NELSON-CRESTON Arterial No. _____ Page 108
Highway District CRESTON Foreman Area A

CLASSIFICATIONS

FUNCTION	SURFACE	MAINTENANCE	
Organized:	A-PC	Summer	Winter
Arterial	A-BPM	1	A
Secondary	B	2	B
	C 1.93	3	C
Unorganized:	D	4	D X
Trunk	Total open 1.93 ^{2.2}	5	E
Main	E	6 X	F
Collector	F	7	
Minor X	Total net	8	
Total open 1.93 2-2	Total 1.93 2.2	(2.1016 - 2.1008)	

Definitions of these classifications may be found in the Manuals of **Policy and Procedures** and **Maintenance Management**

Initial Point.....Creston - Wynndel Rd. #76 - 1.85 km.
Terminal Point.....West to Blk. 48 - Plan 1859
Establishment: When.....1937

How Flan 1859 - D.L. 13566, K.D.

Date Compiled June 1964
or Revised February 1979

Remarks.....Creston Flats

KILOMETRE LOG[illegible]

DETAILS OF ROAD **MINISTRY OF HIGHWAYS AND PUBLIC WORKS**

Road Name Indian Route/Road No. 161
 Electoral District Nelson-Creston Arterial No. 9100
 Highway District Creston Foreman Area "A"

CLASSIFICATIONS

FUNCTION	SURFACE	MAINTENANCE	
Organized:	A-PC	Summer	Winter
Arterial	A-BPM	1	A
Secondary	B	2	B
	C <u>2.107</u>	3	C
Unorganized:	D	4	D <u>2.107</u>
Trunk	Total open <u>2.107</u>	5	E
Main	E	6 <u>2.107</u>	F
Collector	F	7	
Minor <u>2.107</u>	Total net	8	
Total open <u>2.107</u>	Total <u>2.107</u>		

Definitions of these classifications may be found in the Manuals of
Policy and Procedures and Maintenance Management

Initial Point LOWER WYNDEL RD. #76 (1.728 KM.)
 Terminal Point 55 m. WEST OF WEST CUL-DE-SAC Bdy. LOT 2, PLAN 10503 D.L. 13566
 Establishment: When 1937

How Plan 1859, 10503, D.L. 13566

Date Compiled June 1964, Feb. 1979
 or Revised December 1981 OCT, 1986

Remarks Road terminates at Airport Hangar
1982 - ditching, gravelling, drainage installation. partially completed.

1987 - D.F. WORK DONE ON RD.

KILOMETRE LOG

Km.	Junctions and Structures	Legal Status	R/W Width	References
0.000	<u>LOWER WYNDEL RD. #76 (1.728 KM.)</u>	<u>Plan 1908</u>	<u>20.12</u>	<u>GRAVEL</u>
	<u>SECTION 10503</u>		<u>15.24</u>	<u>Rad.</u>
1.988	<u>OLD CHANNEL</u>	<u>10503</u>	<u>20.12</u>	<u>GRAVEL</u>
	<u>SECTION 10503</u>			
2.107	<u>55 M. WEST OF WEST CUL-DE-SAC Bdy. LOT 2, PLAN 10503, D.L. 13566</u>			

SEE CAP. #40

DETAILS OF ROAD

Road Name Indian Route/Road No. 6161

Electoral District Nelson/Creston Arterial No. Page 75

Highway District Central Kootenay Area F

[illegible]

DETAILS OF ROAD

Road Name Indian Route/Road No. 6161
Electoral District Nelson/Creston Arterial No. _____ Page 96
Highway District Creston Foreman Area A H B
CENTRAL ROUTENAYS



Province of
British Columbia

Ministry of
Transportation
and Highways

Central Kootenay District
Second Floor
310 Ward Street
Nelson BC V1L 5S4
Phone: 354-6521 Fax: 354-6547

Our file: 10-21-81

October 30, 1998

s.22

Creston, BC V0B 1G8

Dear s.22

**Re: Indian Road ✓
Pcl. A (Ref. Plan 114853I),
Block 39, D.L. 13566, K.D., Plan 1859**

Further to your telephone request, attached is a photocopy of Reference Plan No. 114853I.

Yours truly,

Michael Bancroft
A/Development Approvals Tech.

MB/imw
Attach.

Page 38 of 46 to/à Page 46 of 46

Withheld pursuant to/removed as

s.3