Transportation, Communications and Highways

79-06-13

REGIONAL HIGHWAY ENGINEER, KANLOOPS.

23-01-78/351454

ATTENTION: REGIONAL PROPERTY NEGOTIATOR.

P/N 30418

Ref: RPN Memo 79-03-15

SUBJECT: Order-in-Council No. 1476 - Transfer of Property to Adjacent Owner - re: Discontinued and Closed Road Allowance within Sec. 24, Tp. 14, O.D.Y.D.

Attached herewith for your records please find copy of Order-in-Council No. 1476, approved and ordered June 1st., 1979, authorizing the transfer of closed portion of road allowance to 8.22 s.22

A certified copy of the above noted Order-in-Council has been forwarded to the Kamloops Lend Registry Office.

D. L. South, Senior Approving Officer.

1.

Per: W. W. Solberg.

WWS/mb Encl.

c.c. District Highways Manager, Vernon.

c.c. B.C. Assessment Authority.

PUBLISHER OF TRANSPORTATION, COMMUNICATIONS & HIGHWAYS VICTORIA, B.C.

ANSWERED OF 1979

ANSWERED OF 1979

NOTED OF 1979

HIGHWAY & PUBLIC WORKS

TRANSPORTATION — PLANNING

BRITISH COLUMBIA

1476

APPROVED AND ORDERED JUN. -1.1979

Lieutenant-Governor

EXECUTIVE COUNCIL CHAMBERS, VICTORIA JUN -1.1979

On the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that

WHEREAS by notice dated November 16th., 1978 and published in The British Columbia Gazette of November 23rd., 1978, the Minister of Transportation, Communications and Highways discontinued and closed all that part of the northwest quarter of Section 24, Township 14, 0.D.Y.D., as shown outlined in green on a plan recorded in the Provincial Ministry of Transportation, Communications and Highways, Victoria, B.C., under Road Surveys 5796. The portion of road allowance so discontinued and closed is indicated by solid and broken lines and the words "Closed Road" on a "Plan of Subdivision of Lot 1, Plan 5844, except Plans 9814, 28250; and Closed Road, Fractional NW4, Sec. 24, Township 14, ODYD." prepared by Rodney C. Power, B.C.L.S., the survey for which was completed on August 30, 1978, to be deposited in the Kamloops Land Registry Office.

AND WHEREAS the Minister of Transportation, Communications and Highways deems it desirable to transfer to s.22 and s.22 s.22, as Joint Tenants, Oyama, B.C., the registered owners of Lot 1, Section 24, Township 14, Osoyoos Division Yale District, Plan 5844, except that part thereof included within the boundaries of Plan 9814, the owners of the adjacent land.

THE LAND COMPRISED in the portion of road allowance hereinbefore mentioned be transferred to s.22

, as Joint Tenants, the owners of the adjacent land, without further or formal instrument of transfer, but upon compliance with the provisions of the "Land Registry Act" and the possible requirement that a subdivision plan be provided, subject to the conditions of the "Highway Act" and all other powers thereunto enabling, subject to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown, and to the registered charges, if any, to which the said adjoining lands are subject, with the intent that the land hereby transferred be added to and form part of the said adjoining land, and that the Minister of Transportation, Communications and Highways be authorized to execute and deliver such further assurances of the above described lands as may in the premises be required.

MINISTER OF TRANSPORTATION, COMMUNICATIONS

PRESIDING MEMBER OF THE EXECUTIVE COUNCIL

File 23-01-78

North Okanagan Electoral District

(This part is for administrative purposes and is not part of the Order.)

Authority under which Order is made:

Act and section Highway Act, Section 11 (2) (a).

351454

Other (specify).....

3-940 Blans hund

App Pian Off

J. E. Beltz (Signature and typed or printed name of Legal Officer)

Page 2 of 18 TRA-2022-20891



Ministry of Highways and **Public Works**

MEMORANDUM

H118

Senior Approving Officer Ministry of Highways

Buildings

Attention: Bill Solberg

Re: Transfer of Closed Road Allowance in Section 24, Twp. 14, O.D.Y.D.

Date: March 20, 1979

Headquarters File: 2070-2/

Regional File: P/N 30418

District File:

Forwarded herewith copy of Region's letter dated March 15, 1979, in which they advise that the Land Registry Office requires an Orderin-Council to transfer this closed road.

Please note this closure was gazetted November 23, 1978 and the H-222, copy of which is attached, originally asked that the transfer be by Section 113, Land Registry Act.

V. A. Drew

Director of Property Services

Per:

KM/do

R.S. 5796 622 78-Nov 23

2070-2 /334688

Ministry of Highways and Public Works

MEMORANDUM

Headquarters File:

Regional File:

District File:

Date: March 15, 1979

Elec.Dist. North Okanagan

P/N 30418

H118

To: Director of Property Services

Victoria

Att: K. Muir

Re:

From: Regional Property Negotiations

Kamloops

Discontinuing and Closing Road Allowance within

Sec.24, Tp.14, ODYD

I and Paradokan Office possings on Order to Council week

Land Registry Office requires an Order-in-Council vesting the closed road to Lot 1, Plan 5844 in the name of $\underline{s.22}$, Oyama, B.C. as per C of E attached.

Could this please be arranged.

Robert E. Burnett Regional Property Negotiator

GS:nt Enc.

cc: District Highways Manager, Vernon

Certificate of Indefeasible Title Date of application for registration, the 10th November ____day of____ ____, 19_59 Register, Vol. 829 At 10:05 A.M. This is to certify that Helson, B.C. As Joint Tenants absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to of land situate in the Vernon Assessment District and Province of Briitsh Columbia, and more particularly known and described as:-Lot One (1) Section Twenty-four (24) Township Fourteen (14) Osoyoos Division Yale District rlan Five thousand eight hundred and forty-four (5644) Except that part thereof included within the boundaries of Plan Nice thousand eight hundred and fourteen (9814) HERETE IS ANNEXED FASEMENT M GESCH OVER PARTOF LOTI PLAN 9814

Parts Transferred hy plan 28250,

In witness whereaf I have hereunto set my hand and seal of office

Kanloops

Reitish Columbia

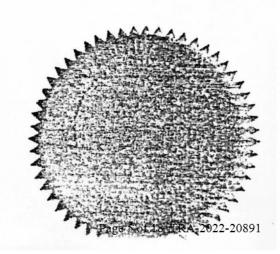
at ______, British Columbia,

16th Lecember

this ______ day of ______

19.59

Matterson -



S	Annaist M.= Mortgag R.P.= Right to I.P.= Us pend L.= Leave R.C.= Restricti	ABBREVIATIONS: M.=Mortgage in fee. R.P.=Right to purchase. S.R.P.=Sub-right to purchase. L.P.=Lis pendens. L.=Lease. R.C.=Restrictive covenant.		CH
	LANG	LAND	Nature of No. Charge	Date of Appli- cation
		Part outlined Green on Plan 9814	E. 80481	E 16/7/59
	, a	All	м. 82348	E 10/11/5
		PART SHOWN ON PLAN H-13266	E MESSO	181177
		AL'	E N2538	01/578
\				

CHARGES, LIENS, AND INTERESTS

OWNER OF CHARGE

80481E 16/7/59 3:05 P.M.

82348E 10/11/59 10:07

Time

A.M.

Value PARTICULARS, TERM, RATE, ETC. RELEASES or Amount No. 23/3/59 See D.D. 209013F Appurtenant to Lots 1 and 2 Plan 9814 13/10/59 APPURTENANT TO

LOT A RAW 28250

DEPARTMENT OF HIGHWAYS AND PUBLIC WORKS

CLOSING ROAD ALLOWANCE BY GAZETTE NOTICE (OTHER THAN BY PLANS CANCELLATION)

	Date June 27, 1978.		
	Electoral Dist. North Okanagan		
DEPARTMENT OF HIGHWAYS AND PUBLIC WORKS	Highway Dist. Vernon 5134/341650 Headquarters File. Dec. 20/77		
CLOSING ROAD ALLOWANCE BY GAZETTE NOTIC (OTHER THAN BY PLANS CANCELLATION)	CE Regional File R2-23-21-76 (1217) 23-21-78 (1217) District File 23-21-62		
	Reference		
	Dated		
	YES NO		
1. Description and plan attached	Drawing 9/1104		
2. Final disposition will be carried out under section 11, subsection ((2), of the Highway Act		
3. Is closure required in order to meet the requirements of section 113 of the Land Registry Act?			
4. Has consideration been given to the sale of the closed portion of road allowance?			
5. Is an Order in Council required by the Land Registry Office authorizing the transfer of closed portion of road allowance to the adjacent property-owner?			
6. A check has been made to see that there are no public utili right-of-way involved.	ties or private works on the		
7. Have regular users and adjacent property-owners been informed o	of intent to close? \(\sum_X \)		
8. Objections, if any, attached.	none		
A check has been made to ensure that this closure does not cuparcel of land.	at off access to any individual		

n/a

11. Statement as to reasons for closure and comment on objections if any:

10. If closure is within a municipal area, has the municipality signified approval?

A widening of Highway 97 right-of-way was dedicated by \$.22 R.P. 28250 for purposes of widening Highway 97 to four lanes. The Ministry of Highways since determined that there was a surplus of right-of-way dedicated and that it would be returned to him. Please refer to attached by s.22 correspondence.

Recommended: .

Regional Engineer.

District Official.

Right-of-way Agent.

NORTH OKANAGAN ELECTORAL DISTRICT (0) on

821 /SW.

Discontinuing and Closing Portions of Road Allowance in DL 3910, ODYD

NOTICE is given, pursuant to section 11 of the Highway Act, that all those portions of Lot 99, Plan 19550; and Lots 151, 152, and 153, Plan 21925, all in District Lot 3910, ODYD, as shown outlined in green on a plan recorded in the Provincial Department of Highways, Victoria, B.C., on File 2070-2, are hereby discontinued and closed.

The portions of road allowance so dis-continued and closed are indicated by solid and broken lines and the words "Closed Road" on a "Plan of Subdivision of Lot 99, Plan 19550 and Lots 151, 152, and 153, Plan 21925 and Closed Road District Lots_3910 and 2197, Osoyoos Division of Yale District", prepared by S. R. Leggett, B.C.L.S., the survey for which was completed on the 25th day of July 1972, to be denoted in the Yang July 1972, to be deposited in the Kamloops Land Registry Office.

R. M. STRACHAN Minister of Highways

Department of Highways, Parliament Buildings, Victoria, B.C., December 14, 1972. de14-3884 File 2070-2/253307

NORTH OKANAGAN ELECTORAL 14 Jon DISTRICT

Allowance in DL 67, ODYD

NOTICE is given, pursuant to section 11 of the *Highway Act*, that all that portion of road allowance in Lot 28, District Lot 67, Plan 1689, ODYD, as shown outlined in green on a plan recorded in the Provincial Department of Highways, Victoria, B.C., on File 2070-2, is hereby discontinued and closed.

The portion of road allowance so discontinued and closed is indicated by solid and broken lines and the words "Closed Road" on a "Plan of Subdivision of Lot 28, Plan 1689 (except Plan 20126), and that part outlined in red on Plan H8740, part of Lot 35, Plan 1689 (except Plans 20126 and 21182), and Closed Road, Plan H8740 (except Plan 20126), District Lot 67, ODYD," prepared by B.C. Foster, British Columbia Land Surveyor, the survey for which was completed on July 17, 1972, to be deposited in the Kamloops Land Registry Office.

R. M. STRACHAN

Minister of Highways

Department of Highways, Pg 1726 Parliament Buildings, Victoria, B.C., May 10, 1973. File 2070-2/273049 my10-4330

NORTH OKANAGAN ELECTORAL

Bistrict
Establishing Road Allowance in Lot 1,
Plan 23446, of DL 3855, ODYD

NOTICE is given, pursuant to section 8 of the Highway Act, that all that part of Lot 1, Plan 23446, District Lot 3855, ODYD, containing 0.93 acre, more or less, as shown outlined in red on a plan recorded in the Provincial Department of Highways, Victoria, B.C., on File 1015 (being a copy of Highway District Plan 101-889), is hereby established as public highway.

G. R. LEA Minister of Highways

Department of Highways, pge. 2780 Parliament Buildings. Victoria, B.C., July 19, 1973.

File 1015/279127

jy19-4656

NORTH OKANAGAN ELECTORAL

53 on 82+(5cm

Discontinuing and Closing Road Allow-ance Within Sec. 24, Tp. 14, ODYD

NOTICE is given, pursuant to section 11 of the Highway Act, that all that part of the northwest quarter of Section 24, Township 14, ODYD, as shown outlined in green on a plan recorded in the Provincial Ministry of Highways and Public Works, Victoria, B.C., under "Road Sur-veys 5796," is hereby discontinued and closed.

The portion of road allowance so discontinued and closed is indicated by solid and broken lines and the words "Closed Road" on a "Plan of Subdivision of Lot 1, Plan 5844, except Plans 9814, 28250; and Closed Road, Fractional NW 1/4, Sec. 24, Township 14, ODYD." prepared by Rodney C. Power, B.C.L.S., the survey for which was completed on Avenue 20 for which was completed on August 30, 1978, to be deposited in the Kamloops Land Registry Office.

> ALEX. V. FRASER Minister of Highways and Public Works

Ministry of Highways and Parliament Buildings, P8. 1720 -Victoria, B.C., November 16, 1978. File 2070-2/334688 no23—216 no23-2109 Regional Highway Engineer Kamloops.

ATTN: Regional Property Negotiator.

RE: Discontinuing and Closing Road Allowance within Section 24, Township 14, O.D.Y.D.

REF: Reg. Letter October 25, 1978.

November 30, 1978

P/N 30418

2070-2/334688

Dist. North Okanagan

Forwarded herewith for your records please find copy of Gazette Notice dated November 16, 1978, and published in The British Columbia Gazette of November 23, 1978, discontinuing and closing road allowance within Section 24, Township 14, 0.D.Y.D.

D. L. South Senior Approving Officer

1

Per: W. W. Solberg

wws/de

Encl.

c.c. District Highways Manager, Vernon.

Similar letter sent to: Land Registry Office, Kamloops. B. C. Assessment Authority.

File: 2070-2/334688

The attached gazette notice discontinues and closes road allowance within Section 24, Township 14, O.D.Y.D., as requested by the Regional Property Negotiator.

nin

Minister:
Recommended for Signature
Asst. Deputy Minister

he "Highway Act", ction 24, Township ined in green on

a plan recorded in the **Pr**ovincial Ministry of Highways and Public Works, Victoria, British Columbia, under Road Surveys 5796, is hereby discontinued and closed.

The portion of road allowance so discontinued and closed is indicated by solid and broken lines and the words "Closed Road" on a "Plan of Subdivision of Lot 1, Plan 5844, except Plans 9814, 28250; and Closed Road, Fractional NW4, Sec. 24, Township 14,

NORTH OKANAGAN ELECTORAL DISTRICT

Discontinuing and Closing Road Allowance Within Sec. 24, Tp. 14, ODYD

NOTICE is given, pursuant to section 11 of the *Highway Act*, that all that part of the northwest quarter of Section 24, Township 14, ODYD, as shown outlined in green on a plan recorded in the Provincial Ministry of Highways and Public Works, Victoria, B.C., under "Road Surveys 5796," is hereby discontinued and closed.

The portion of road allowance so discontinued and closed is indicated by solid and broken lines and the words "Closed Road" on a "Plan of Subdivision of Lot 1, Plan 5844, except Plans 9814, 28250; and Closed Road, Fractional NW ½, Sec. 24, Township 14, ODYD." prepared by Rodney C. Power, B.C.L.S., the survey for which was completed on August 30, 1978, to be deposited in the Kamloops Land Registry Office.

ALEX. V. FRASER Minister of Highways and Public Works

Ministry of Highways and Public Works, Parliament Buildings, Victoria, B.C., November 16, 1978. File 2070-2/334688 no23—2109

NORTH OKANAGAN ELECTORAL DISTRICT

Discontinuing and Closing Road Allowance Within Section 24, Township 14, O.D.Y.D.

NOTICE is given, pursuant to Section 11 of the "Highway Act", that all that part of the northwest quarter of Section 24, Township 14, Osoyoos Division Yale District, as shown outlined in green on a plan recorded in the **Provincial** Ministry of Highways and Public Works, Victoria, British Columbia, under Road Surveys 5796, is hereby discontinued and closed.

The portion of road allowance so discontinued and closed is indicated by solid and broken lines and the words "Closed Road" on a "Plan of Subdivision of Lot 1, Plan 5844, except Plans 9814, 28250; and Closed Road, Fractional NW4, Sec. 24, Township 14, 0.D.Y.D." prepared by Rodney C. Power, B.C.L.S., the survey for which was completed on August 30th., 1978, to be deposited in the Kamloops Land Registry Office.

MINISTER OF HIGHWAYS AND PUBLIC WORKS

Ministry of Highways and Public Works, Parliament Buildings, Victoria, British Columbia. November 16th., 1978

File 2070-2/334688



Ministry of Highways and Public Works

MEMORANDUM

To: Director of Property Services Victoria, B.C.

NOV - 2 1978

Headquarters File:

Regional Property Negotiations NOTED Regional File: P/N 30418

RE: Closing Road Allowance In NW%, Sec.24, Tp.14, ODYD

It is requested that the above-noted highway be closed pursuant to the ${\tt HIGHWAY}$ ACT in accordance with Ministry regulations.

- 1. Attached draft gazette notice.
- 2.(a)]
- 3.] Form H222 enclosed.
- 4.
- 5. Mylar and two prints enclosed.

R	P	C	5	*	**	-	2
M.	-	TRY	-				3
	Ğ	PUE	IL.IC				

NOV 7 1978

GS:nt Enc. ANSWERED.....

Robert E Burnett

Robert E. Burnett Regional Property Negotiator

- CHE - After: RPN - OHM - Vernun * - LRO-Kamloops

* - 6 C. Know

To. SUBTIVITIONS & GAZETTE MOTICES

For your attention, please.

Date NN. 3/78

Chief Property Negotiator

334688

(53) on 826/5W

50-119 SE

Page 12 of 18 TRA-2022-20891

North Okanagan Electoral District

Discontinuing and Closing Road Allowance In North West Quarter, Section 24, Township 14, ODYD

The portion of road allowance so discontinued and closed is indicated by solid and broken lines and the words "Closed Road" on a "Plan of Subdivision of Lot 1, Plan 5844, except Plans 9814, 28250; and Closed Road, Fractional NW4, Sec.24, Township 14, O.D.Y.D." prepared by Rodney C. Power, B.C.L.S., the survey for which was completed on August 30, 1978, to be deposited in the Kamloops Land Registry Office.

2070-2 /334688 1978-Nov-16

DEPARTMENT OF HIGHWAYS AND PUBLIC WORKS

CLOSING ROAD ALLOWANCE BY GAZETTE NOTICE (OTHER THAN BY PLANS CANCELLATION)

11. Statement as to reasons for closure and comment on objections if any:

parcel of land.

8. Objections, if any, attached.

	Date June 27, 1978.
	Electoral Dist. North Okanagan
DEDARTMENT OF HIGHWAYS AND DUDI IS WODES	Highway Dist. Vernon
DEPARTMENT OF HIGHWAYS AND PUBLIC WORKS ————	5134/341650 Headquarters FileDec 20/77
CLOSING ROAD ALLOWANCE BY GAZETTE NOTIC	
(OTHER THAN BY PLANS CANCELLATION)	23-21-78 (1217) District File 23-21-62
	Reference
	Dated
	YES NO
1. Description and plan attachedVernon_HwyDistrict_D)rawing 9/1104 🗆 🗆
2. Final disposition will be carried out under section 11, subsection (2), of the Highway Act
3. Is closure required in order to meet the requirements of section 113	3 of the Land Registry Act? □
4. Has consideration been given to the sale of the closed portion of	road allowance?
5. Is an Order in Council required by the Land Registry Office auth portion of road allowance to the adjacent property-owner?	
6. A check has been made to see that there are no public utilit right-of-way involved.	

------none-----

A widening of Highway 97 right-of-way was dedicated by \$.22 R.P. 28250 for purposes of widening Highway 97 to four lanes. The Ministry of Highways since determined that there was a surplus of right-of-way dedicated and that it would be returned to him. Please refer to attached by s.22 correspondence.

7. Have regular users and adjacent property-owners been informed of intent to close?

9. A check has been made to ensure that this closure does not cut off access to any individual

10. If closure is within a municipal area, has the municipality signified approval?

Recommended:

District Official.

Right-of-way Agent.

MINISTRY OF HIGHWAYS AND PUBLIC WORKS

(HIGHWAYS)

SENDER'S ADDRESS: Victoria, B.C. Regional Approving Officer, December 20, 1977 Kanloops, B.C. Vernon DISTRICT: HEADQUARTERS FILE: 5134/341650 R2-23-21-78 (1217) REGIONAL FILE: ATTENTION: 23-21-78 (1217) DISTRICT FILE: SUBJECT: REFERENCE: DATED: Subd. of Sec. 24, Tp. 14, O.D.Y.D. -, Oyama - Okanagan Hwy. s.22 Your letter, Dec. 2/77.

The Ministry has no objection to partial closure and vesting of dedicated frontage road as you recommend.

Please see attached copy of my letter to \$.22

Regional Engineer's Office DEPARTMENT OF HIGHWAYS

DEC 221977

KAMLOOPS, B. C.

D. L. South, Senior Approving Officer,

Per: L. J. Baines, Hdq. Tech.

LJB:ls

December 20th, 1977

s.22

R. R. #1, Oyana, British Columbia

Dear s.22

Re: Subdivision of Sec. 24, Tp. 14, O.D.Y.D. - Okanagan Highway

Further to my letter dated September 29, 1977, I understand from the Regional Approving Officer's report that he has discussed with you the possibility of closing a portion of the dedicated frontage road and returning it to you.

Since this could be done without prejudicing the highway design in the area I have advised the Regional Approving Officer that there is no objection by senior staff.

The Regional Approving Officer will be in touch with you to work out details.

Yours truly,

D. L. South, Senior Approving Officer,

Per: L. J. Baines, Hdq. Tech.

LJB:1s

c.c. Regional Approving Officer, Kamloops.

Road Survey 5796 PLAN OF SUBDIVISION OF LOT 1, PLAN 5844, EXCEPT PLAN NO. PLANS 9814 and 28250; and CLOSED ROAD, FRACTIONAL N.W. 1/4, SEC. 24, TP. 14, O.D.Y.D. Deposited in the Land Registry Office at Kamloops, B.C. SCALE: | inch = 50 feet WITNESS OWNER LEGEND • OIP Denotes Old Iron Post found . PLAN Approving Officer, Ministry of Highways & Public Works This plan lies within the North Okanagan Regional District. I, Rodney C. Power, of the City of Vernon, British EASEMENT Columbia Land Surveyor, make oath and say that I PLAN was present at and did personally superintend the survey represented by this plan and that the survey and plan are correct. The said survey was completed GAZ. DATED NOV. 16/78 GAZ. PUBL. NOV. 23/78 FILE 2070-2/334688 R. C. POWER & ASSOCIATES 223828 3316A 30 th Vernon, B. C. VIT 2C8 Tel. 542-1235 File: B1662 Page 17 of 18 TRA-2022-20891

DISTRICT Discontinuing and Closing Road Allow-

ance Within Sec. 24, Tp. 14, ODYD
NOTICE is given, pursuant to section

NORTH OKANAGAN ELECTORAL

11 of the Highway Act, that all that part of the northwest quarter of Section 24, Township 14, ODYD, as shown outlined in green on a plan recorded in the Provin-

cial Ministry of Highways and Public Works, Victoria, B.C., under "Road Surveys 5796," is hereby discontinued and closed.

The portion of road allowance so discontinued and closed is indicated by solid and broken lines and the words "Closed Road" on a "Plan of Subdivision of Lot 1, Plan 5844, except Plans 9814, 28250;

and Closed Road, Fractional NW ¼, Sec. 24, Township 14, ODYD." prepared by Rodney C. Power, B.C.L.S., the survey for which was completed on August 30, 1978, to be deposited in the Kamloops Land Registry Office.

Land Registry Office.

ALEX. V. FRASER

Minister of Highways and

Public Works

Ministry of Highways and Public Works, Parliament Buildings, Victoria, B.C., November 169219781

File 2070-2/334688

no23—2109