

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

The works comprising of one (1) 6 metre access and enclosure of lot frontage on the south side of Cathy Crescent #1065 located 2 km north of Courtenay to serve property legally described as Lot 16, Plan 32686, Section 23 and 49, Comox District in accordance with sketch and application submitted by Bryan Russwurm dated November 9, 1998.

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

And operate the said works is hereby granted to: s. 22  
s. 22

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

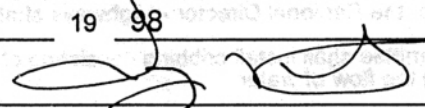
1. That the construction and maintenance of the said works is carried out to the satisfaction of the Regional Director -- Highways.
2. That any person appointed by the Regional Director - Highways for that purpose shall have free access to all parts of the said works for the purpose of inspecting same.
3. That the construction of the said works shall be commenced on or before the 27<sup>th</sup> day of November, 1998 and shall be prosecuted with due diligence and completed to the satisfaction of the Regional Director - Highways on or before the 27<sup>th</sup> day of February, 1999 or this permit is void.
4. That the safety, economy, and convenience of the travelling public must at all times be recognized and all traffic control must be undertaken by the permittee to the satisfaction of the Regional Director - Highways.
5. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
6. That the permittee shall at all times accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by the said works, and shall save harmless and keep indemnified the Crown from all claims and demands whatsoever in respect of the works. That, prior to proceeding with any excavation, the permittee will be responsible for notifying any utility company whose works may be close to or affected by the installation.
7. That the permission herein granted to use and maintain the said works is only granted for such time as the land on which the said work is constructed is under the jurisdiction of the Minister of Transportation and Highways.
8. This permission shall not be deemed to vest in the permittee any right, title, or interest whatsoever in or to the lands upon which the works are constructed.
9. This permission is contingent upon the following land use: Single Family Dwelling

Any change in land use shall render the permission void.

10. That should the proposed land use not be instituted within six months of the date of this permit or should it be instituted and subsequently discontinued for a period of 30 days, this permit shall be void.
11. This permission is granted only to the person or corporation named above, and any change in ownership to the property renders this permit void.
12. That while reasonable care will be taken on the part of the Crown to do as little damage as possible to any works authorized by this permit in the carrying-out of the construction, extension, alteration, improvement, repair, maintenance or operation of any public work adjacent thereto, the Crown and its employees accept no responsibility of any kind for such damage.
13. That, after receiving notice in writing of the intention of the Crown to construct, extend, alter, or improve any public works, the permittee shall within 30 days move or alter works authorized by this permit at his own expense to such new position or in such manner as may be necessitated by the construction, extension, alteration, or improvement, and that where such movement of access point or change of grade takes place there shall be no claim against the Crown for damages arising out of the changed access condition.
14. (a) This permit may be cancelled in the absolute discretion of the Minister of Transportation and Highways without any notice of hearing.  
(b) This permit may be cancelled by the Regional Director - Highways when alternative access becomes available as a result of the construction of a frontage road or other service road.
15. Any existing access to the property not covered by a valid permit shall be removed within 90 days of the date of this permit.
16. That the access or accesses may be restricted as to allowable movements as traffic safety and flow conditions warrant, and at that time this permit may be cancelled and a new permit issued.
17. Clauses 19, 20, 22, 25, 26, 33, 34, 40, 43, 44, 45

as printed or typed overleaf on this permit, shall be deemed to apply and form part of these conditions.

Dated at 550 Comox Road, Courtenay, B.C. V9N 3P6  
this 27<sup>th</sup> day of November 19 98

  
D.R. Bowen, Sr. District Development Technician  
For Minister of Transportation and Highways

H.21B (Rev. 85/08)

(OVER)

18. This permit cancels and replaces Permit No. \_\_\_\_\_
19. This property shall not be connected to any other property by private roadway.
20. The access (or accesses) shall be defined to the satisfaction of the Regional Director - Highways by the erection of standard white-painted delineator posts, guard-rail, nonmountable curb, or some other substantial barrier to traffic satisfactory to the Regional Director - Highways.
21. This permit includes permission to construct channelization with the highway right of way as specified by the Regional Director - Highways, and such channelization shall be constructed at the permittee's expense and maintained and operated by the Ministry of Transportation and Highways.
22. The access (or accesses) shall be gravelled to an extent satisfactory to the Regional Director - Highways to prevent the tracking of mud and soil onto the highway surface.
23. The access (or accesses) shall be paved to the satisfaction of the Regional Director - Highways.
24. The highway shoulder between these accesses shall be paved to the satisfaction of the Regional Director - Highways.
25. The finished grade of the access (or accesses) at the ditch-line shall be 15 cm below the highway shoulder elevation.
26. The access (or accesses) shall be restricted to the following movements only Full movements  
(no restrictions) \_\_\_\_\_
- \_\_\_\_\_
- and the permittee shall construct and erect all necessary channelization, signs, and other traffic-control devices at his cost.
27. This permit is temporary and expires the \_\_\_\_\_
28. The permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by construction of the works allowed by this permit. Replacement must be by a British Columbia land surveyor at the permittee's expense.
29. The access (or accesses) will only be open to traffic between the \_\_\_\_\_  
and the \_\_\_\_\_ each year, and when not open shall be closed with a suitable barrier and signs.
30. Before commencing construction, intimation in writing of the intention to do so must be given to the District Highways Manager at least seven days before the work is begun.
31. The access (or accesses) shall be used jointly with the access covered by Permit No. \_\_\_\_\_ which serves the property legally described as \_\_\_\_\_
- \_\_\_\_\_
32. The permittee shall erect a tight board fence or thick evergreen hedge so that no part of the property is visible from the highway at any point along its frontage at an eye elevation 2.5 m above highway pavement.
33. The access (or accesses) shall be constructed with 300 mm diameter x 32 m long (1.6 mm gauge)  
\_\_\_\_\_ Culvert pipe manufactured to CSA or ASTM standards and laid at ditch invert elevation. Maintenance and periodic cleaning of this culvert is the responsibility of the permittee.
34. Any mud, soil, debris, or other foreign material tracked onto the highway from the access (or accesses) shall be removed by the permittee at his expense, at least daily, or at any time the material unduly inconveniences traffic.
35. The access (or accesses) shall be constructed of standard concrete drop curb and sidewalk crossing, to the satisfaction of the Regional Director - Highways.
36. The profile of the access (or accesses) shall not exceed \_\_\_\_\_ grade from the ditchline for a distance of at least \_\_\_\_\_ as measured away from the highway along the centreline of the access.
37. The layout shown on permittee's drawing \_\_\_\_\_
- \_\_\_\_\_
- is a condition of this permit and any change in layout without prior consent in writing to the Regional Director - Highways shall render this permit void.
38. Placing of speed arresters on the access (or accesses) or in the permittee's property without the prior consent in writing of the Regional Director - Highways shall render the permit void.
39. The permittee shall, at his cost, supply, erect, and maintain standard traffic control signs, as specified by the Regional Director - Highways.
40. The permittee shall provide offstreet parking in the amount of 2 stalls minimum
41. This permission is subject to compliance with the conditions of approval stated in the Public Works (Canada) letter to the permittee dated \_\_\_\_\_
42. The layout shown on the attached drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Regional Director - Highways shall render the permit void.
43. The permittee shall install cribbing consisting of cement, rocks, sandbags, etc., sufficient to stabilize the ditch and culvert fill from obstructing the flow of water.
44. Applicant to install a clean out approximately half way along frontage.
45. Applicant to contact the Ministry representative for inspection prior to covering of enclosed system.





# APPLICATION FOR PERMISSION TO CONSTRUCT WORKS WITHIN HIGHWAY RIGHT-OF-WAY

I (We) hereby apply for permission to construct, use, and maintain works within the limits of highway right-of-way under the jurisdiction of the Minister of Transportation and Highways, British Columbia, in accordance with the particulars, plans, and specifications submitted herewith in triplicate. It is understood that the completion of this form constitutes an application only and that the works applied for will not be commenced until a covering permit has been issued. The proposed works consist of and are described as follows:

Description of works:..... Install and Maintain \_\_\_\_\_ Access/es ENTIRE LOT FRONTAGE  
TO COMPLY WITH HEALTH

..... Culvert Size \_\_\_\_\_

..... Comments 300mm x 32m PLUS  
CLEANOUT

Location of works:..... The N (S) E W Side of CATHY CRES Road

..... No. 1065 Area A

..... Located 1 Km, From COURTENAY City

Legal description of property to be served:..... Lot 16 Plan 32680  
..... DL \_\_\_\_\_ Sec 49 Blk \_\_\_\_\_ TP \_\_\_\_\_

..... Land District Comox

Drawing or sketch number:..... Attached \_\_\_\_\_  
..... s. 22 s. 22 s. 22

Name of applicant (Print please)..... s. 22 s. 22 s. 22

Mailing address..... s. 22

Postal Code:..... s. 22 Telephone.....

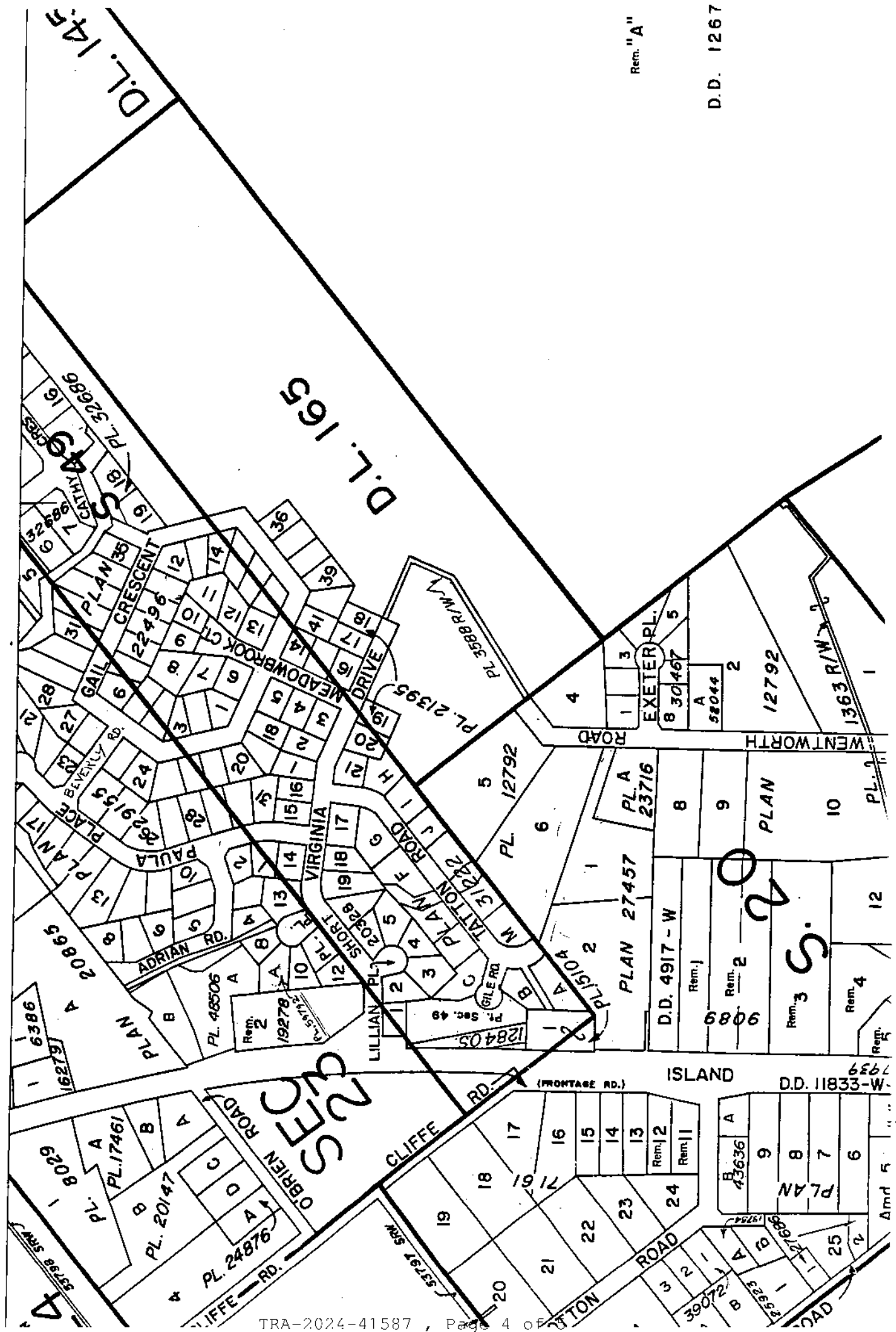
Signature (Applicant)

Nov 9th 1998

Date

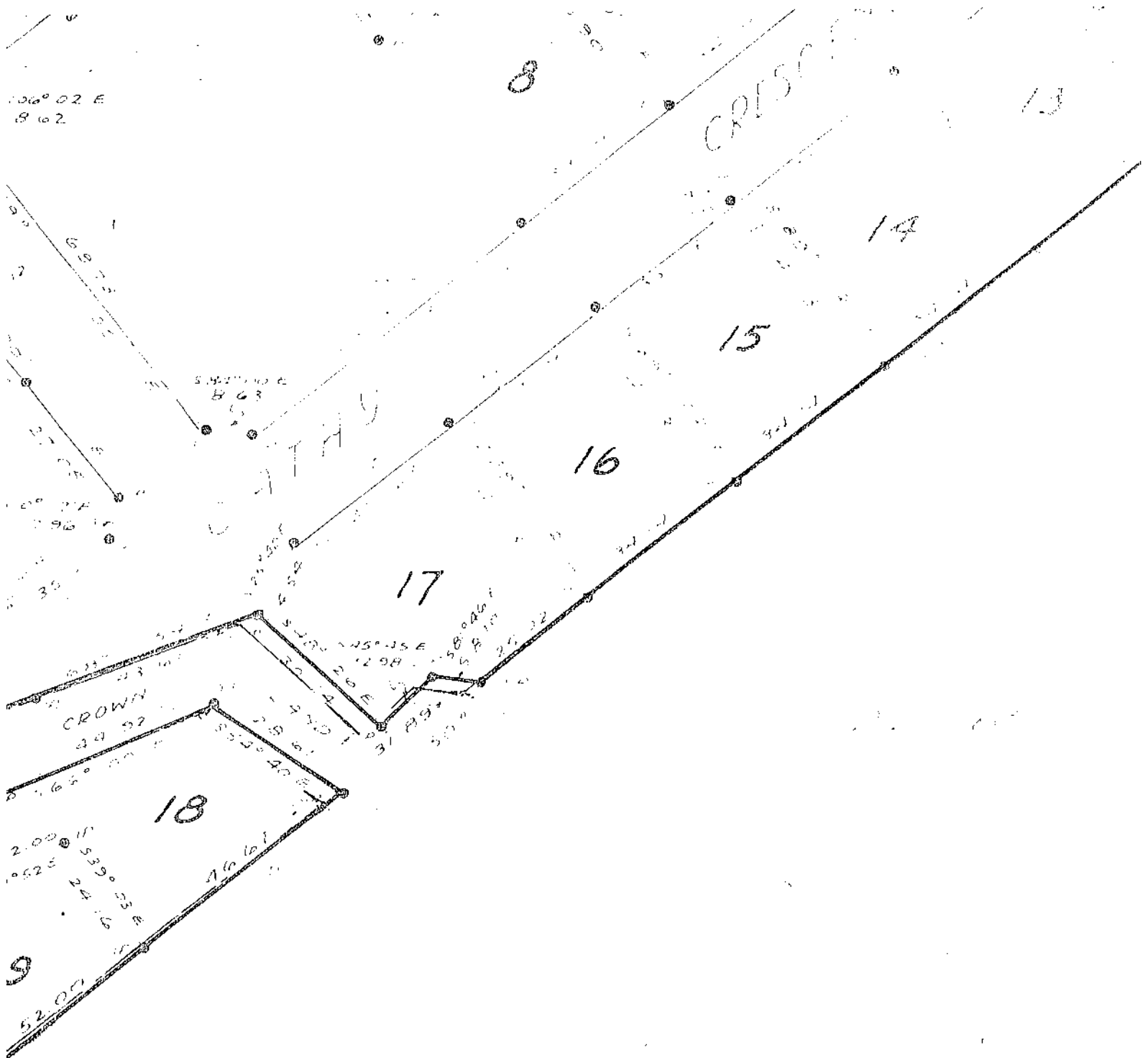
Perimeter Drain Approved: Yes ☒ No ☐ N/A ☐

The personal information on this form is collected under the authority of the Highway Act. The information collected will be used to process your application for permission to construct, use and maintain works within the limits of a highway right-of-way. If you have any questions about the collection, use and disclosure of this information, contact the local Ministry of Transportation and Highways District Development Technician.



Rem. "A"

D.D. 1267



OWNER

The Corporate Seal of  
"EV Construction Ltd"  
affixed in the presence of

*EB Rinck*