



1361

APPROVED AND ORDERED APR. 29 1976

Administrator

EXECUTIVE COUNCIL CHAMBERS, VICTORIA APR. 29 1976

Pursuant to the Municipal Act, and upon the recommendation of the undersigned, the Administrator, by and with the advice and consent of the Executive Council, orders that

WHEREAS the Council of The Corporation of the City of Penticton has by By-law No. 3397, cited as "Penticton Road Closing By-law (Plan 11114) 1976", a copy of which is attached hereto, stopped up and closed to traffic that portion of highway as shown outlined in red colour on the plan attached to and made part of said By-law No. 3397:

AND WHEREAS the Council has requested the Lieutenant-Governor in Council to abandon the aforesaid portion of highway pursuant to section 508 and to vest title to the land comprising same in the name of the municipality and has demonstrated to the satisfaction of the Minister of Municipal Affairs that special circumstances exist which warrant the making of this Order:

AND WHEREAS the consent of owners of contiguous properties has been obtained and the question of access is not in issue:

THE REQUEST BE GRANTED and that the portion of highway aforesaid be abandoned and title to the lands comprising same be vested in fee simple in the name of The Corporation of the City of Penticton, without further instrument of transfer subject nevertheless to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown and subject to the provisions of Section 47 of the Land Act.

Minister of Municipal Affairs.

Presiding Member of the Executive Council.

THE CORPORATION OF THE CITY OF PENTICTON

BY-LAW NO. 3397

A BY-LAW OF THE CORPORATION OF THE CITY OF PENTICTON TO STOP-UP AND CLOSE THAT PORTION OF DEBECK STREET LYING BETWEEN EDGEWOOD DRIVE AND LYON STREET ADJACENT TO LOTS 2, 5, 7 AND 8, PLAN 11114, SUB-LOT 1, DISTRICT LOT 2710, SIMILKAMEEN DIVISION YALE DISTRICT, AND TO PETITION THE LIEUTENANT-GOVERNOR-IN-COUNCIL FOR THE VESTING OF THE SAID ROAD.

WHEREAS there has been prepared by Philip Metchman, B.C.L.S., a Plan of Survey certified correct by him on the 4th day of February, 1976, entitled "Plan to accompany By-law No. 3397 of The Corporation of the City of Penticton to stop-up and close that portion of DeBeck Street adjacent to Lots 2, 5, 7 and 8, Plan 11114, Sub-lot 1, District Lot 2710, Similkameen Division Yale District, and to accompany Petition to the Lieutenant-Governor-in-Council to vest title thereto", (which said Plan is hereinafter referred to as "the said By-law Plan"), a true copy of which is annexed hereto and marked Schedule "A" to this By-law;

AND WHEREAS the said By-law Plan shows thereon outlined in red parts of roads wholly situate in the City of Penticton, shown on a Plan of Subdivision which is registered at the Land Registry Office at the City of Kamloops, Province of British Columbia, and there numbered 11114, which said portions of road shown outlined in red on the said By-law Plan are hereinafter referred to as "the said road", and which said road lies adjacent to Lots 2, 5, 7 and 8, Plan 11114, Sub-lot 1, District Lot 2710, Similkameen Division Yale District;

AND WHEREAS the Council of The Corporation of the City of Penticton considers that it is not necessary in the interest of the public generally, or in the interest of any person or persons, that the total area of the road allowance shown on Plan 11114 be retained as road, and that the Council of The Corporation of the City of Penticton petition the Lieutenant-Governor-in-Council of the Province of British Columbia for an Order pursuant to Section 508 of the "Municipal Act", being Chapter 255, Revised Statutes of British Columbia and amendments thereto, vesting the said road;

AND WHEREAS notice of intention to pass this By-law in the form of notice which is herewith annexed and marked as Schedule "B" to this By-law and which is identified by there being affixed thereto the Corporate Seal of the said Corporation, attested by the signatures of

the Mayor and Clerk of the said Corporation, has been published in the issues of the Penticton Herald, a daily newspaper published in the said City of Penticton on the 27th day of January, 1976, and on the 3rd day of February, 1976;

AND WHEREAS no objection has been made to the partial closing up of the said road or to the Council of The Corporation of the City of Penticton petitioning the Lieutenant-Governor-in-Council of the Province of British Columbia for an Order vesting the same as hereinafter set out;

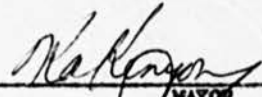
NOW THEREFORE the Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:-

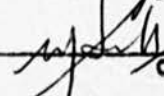
1. That the road shown outlined in red on the said By-law Plan, a true copy of which is hereto annexed and marked as Schedule "A" to this By-law, and which is identified by there being affixed thereto the Corporate Seal of The Corporation of the City of Penticton, attested by the signatures of the Mayor and Clerk of the said Corporation, BE AND HEREBY IS CLOSED.
2. That the Council of The Corporation of the City of Penticton BE AND HEREBY IS AUTHORIZED to petition the Lieutenant-Governor-in-Council of the Province of British Columbia for an Order whereunder the road shown outlined in red on the said By-law Plan BE ABANDONED; and further, that such Order vest title to the said road shown outlined in red on the said By-law Plan hereto annexed as Schedule "A" in The Corporation of the City of Penticton, and that the Mayor and Clerk of the said Corporation BE AND HEREBY ARE AUTHORIZED to sign such Petition on behalf of the Council of the said Corporation and affix the Corporate Seal of the said Corporation thereto.
3. That the parcel created by the road closure be consolidated with the adjoining existing parcels, and subject to all registered mortgages, rights-to-purchase, options-to-purchase, or other registered charges.
4. That the consent of the adjoining owners and those who have an interest in the land has been obtained.
5. That this By-law be cited for all purposes as the "Penticton Road Closing By-law (Plan 11114), 1976".

Read a first time by the Municipal Council on the 9th day of February, 1976.

Read a second and third times by the Municipal Council on the 9th day of February, 1976.

Reconsidered and finally passed by the Municipal Council this 16th day of February, 1976.

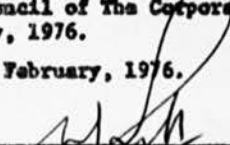


MAYOR


CLERK

I, James Sewall, Clerk of The Corporation of the City of Penticton, hereby certify the within to be a true and correct copy of By-law No. 3397, duly passed by the Municipal Council of The Corporation of the City of Penticton on the 16th day of February, 1976.

Certified this 16th day of February, 1976.



CITY CLERK



INFORMATION

FILE DOCUMENT PAGE _____

doc# 1361/76 _____

NOT AVAILABLE AT TIME OF FILMING.

DOES NOT EXIST.

OVERSIZE PLAN POOR QUALITY
NOT SUITABLE FOR FILMING, REFER TO: FILED SEPARATELY

THE FOLLOWING DOCUMENT IS OF POOR QUALITY,
ALSO RETAINED IN HARD COPY, REFER TO: _____



PROVINCE OF B.C.

DO NOT PHOTOCOPY/USE BLACK PEN.