

DISTRICT OF KITIMAT

BYLAW NO. 1990

A BYLAW TO AUTHORIZE THE CLOSURE AND DISPOSAL OF A PORTION OF PARK DEDICATED BY PLAN 12071, LOCATED ALONG THE KITIMAT RIVER ADJACENT TO HAISLA BOULEVARD AND THE BRIDGE CROSSING THE RIVER, IN EXCHANGE FOR A LARGER PORTION ACQUIRED BY ACCRETION FROM THE KITIMAT RIVER ADJACENT TO THAT SAME PARK, FURTHER TO ACCRETION PLAN EPP105785

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WHEREAS, pursuant to Section 29 of the *Community Charter*, land in a municipality that is dedicated to the public for the purpose of a park by a subdivision plan deposited in the land title office is vested in the municipality for that purpose;

AND WHEREAS, pursuant to Section 27(2)(a) of the *Community Charter*, a council may, by bylaw adopted with the approval of the electors, dispose of a portion of such parkland in exchange for other land suitable for a park;

AND WHEREAS the Surveyor General of British Columbia cannot attach land acquired through accretion to dedicated park but can attach such accretion area to park lands held in fee simple;

AND WHEREAS, pursuant to Section 30 of the *Community Charter*, a council may, by bylaw adopted with a 2/3 affirmative vote, dedicate land held in fee simple as park; land may be dedicated as park on a plan of subdivision in accordance with Section 107 of the *Land Title Act*;

AND WHEREAS, the District is rebuilding the Haisla Bridge crossing of the Kitimat River adjacent to the Park, and while it would be permissible for the bridge pier to be located in the Park, the District prefers to remove such area from the park and dedicate it as road instead;

AND WHEREAS Kitimat Council wishes to raise title to the land dedicated as park in Plan 12071 ("**Existing Park**"), located along the Kitimat River adjacent to Haisla Boulevard and the Bridge crossing the river, in order to dispose of a 0.4 hectare portion of the (the "**Closed Park**"), to be dedicated as road, in exchange for a 4.7 hectare portion of land accreted from the Kitimat River (the "**New Park**"), in accordance with Accretion Plan # EPP105785, as generally shown on the Preliminary Information Plan for Accretion Plan # EPP105785 attached to this Bylaw as Schedule "A", such that the New Park and the Existing Park less the Closed Park, shall be first consolidated in fee simple and then all immediately dedicated anew as park;

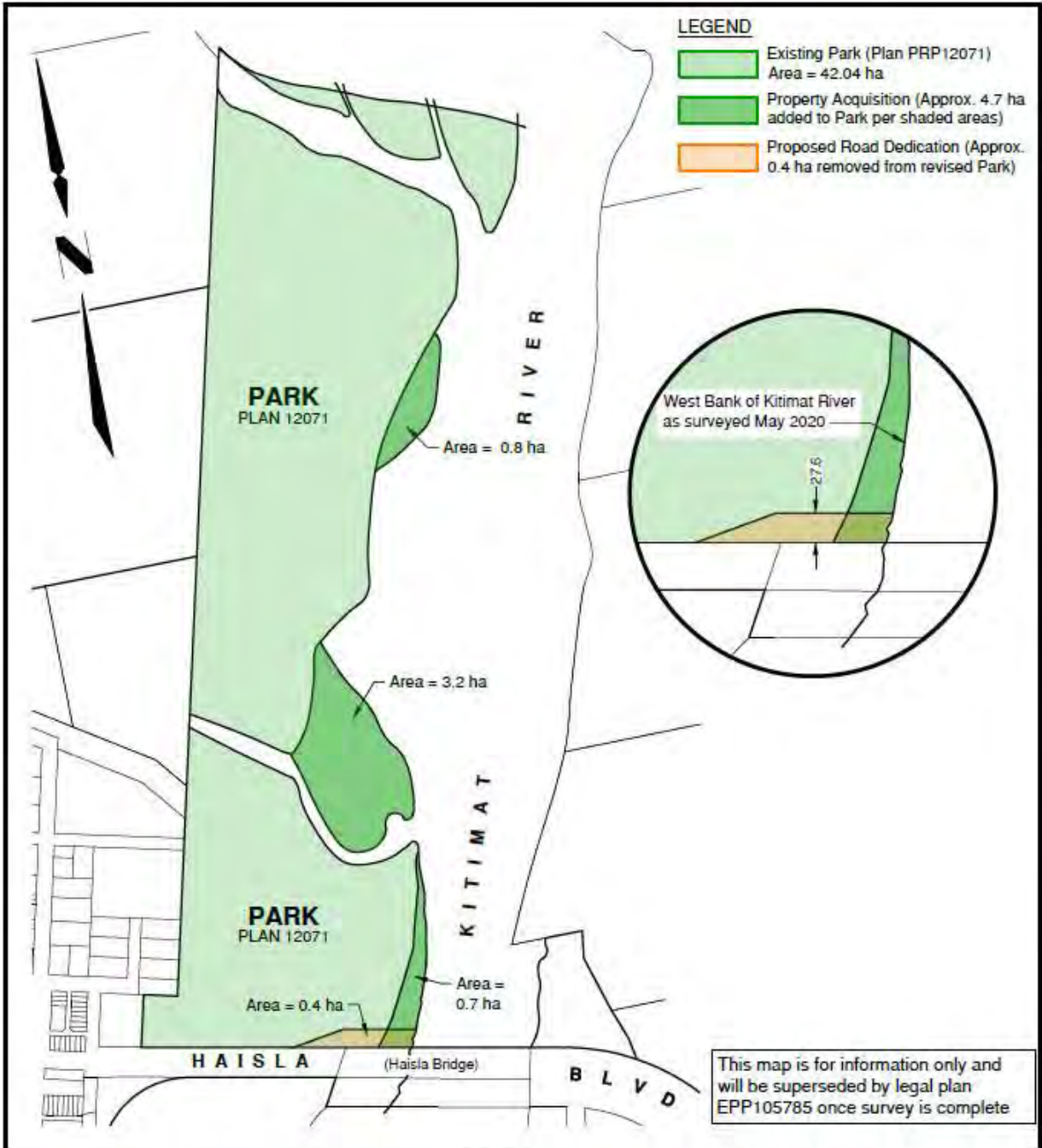
NOW THEREFORE the Council of the District of Kitimat in open meeting assembled ENACTS AS FOLLOWS:

1. This bylaw may be cited as "Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020".
2. The District of Kitimat is hereby authorized and empowered to dispose of the Closed Park and to exchange the Closed Park for the New Park, in general accordance with Plan EPP105785, such that:
  - a. fee simple title to the Existing Park shall be raised;
  - b. the New Park and the Existing Park shall be consolidated in fee simple;
  - c. the New Park and the Existing Park less the Closed Park shall be promptly dedicated anew as park on a plan of subdivision; and
  - d. the Closed Park shall be dedicated as road including for purposes of accommodating the pier and support for the Haisla Bridge.



Haisla Bridge Park Closing and Exchange Bylaw No. 1990, 2020 Schedule "A"

Preliminary Information Plan for Accretion Plan EPP105785



Plotted: 10/11/2020 10:56 AM User: Mervyn



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PROJECT: HAISLA BRIDGE REPLACEMENT	
TITLE: PARK ACQUISITION AND ROAD DEDICATION	
DRAWING NO: 20R-00743-G0-SSDSK003-R1	
SCALE: NTS	DATE: 2020-10-01
DISCIPLINE: GEOMATICS	SHEETS: 1 OF 1