

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1859

A BYLAW TO AUTHORIZE THE EXCHANGE OF A PORTION OF LITTLE QUALICUM RIVER REGIONAL PARK FOR OTHER LAND TO BE USED FOR REGIONAL PARK PURPOSES AND THE CANCELLATION OF THE DEDICATION OF A PORTION OF LITTLE QUALICUM RIVER REGIONAL PARK AS REGIONAL PARK AND ITS DEDICATION AS HIGHWAY

WHEREAS pursuant to section 280 of the *Local Government Act*, a regional district, by bylaw adopted with the approval of the electors, may sell or exchange a regional park or regional trail for other land to be used for park purposes;

AND WHEREAS pursuant to section 278 of the *Local Government Act* and section 30 of the *Community Charter*, a regional district may, by bylaw adopted with approval of two thirds of the directors, dedicate land owned by the regional district as regional park or regional trail;

AND WHEREAS pursuant to section 278 of the *Local Government Act* and section 30 of the *Community Charter*, a regional district may, by bylaw adopted with approval of the electors, cancel or remove a reservation or dedication of land owned by the regional district as regional park or regional trail;

AND WHEREAS the Regional District of Nanaimo (the "Regional District") is the registered owner of certain lands situated and known as Little Qualicum River Regional Park and more particularly described as:

Parcel Identifier: 024-585-912

Legal Description: Lot 1, Block 359, Plan VIP 69346, Newcastle Land District

which was dedicated as regional park on the 23rd day of June, 2015 by adoption of Bylaw No. 1726 (the "Park");

AND WHEREAS the owner of land adjacent to the Park more particularly described as:

Parcel Identifier: 000-441-724

Legal Description: BLOCK 359, NEWCASTLE DISTRICT, EXCEPT PARCEL A (DD 21980N) AND EXCEPT PLANS 41094, VIP54534, VIP54535, VIP57567, VIP64186, VIP64189, VIP64696, VIP66682, VIP67560, VIP69346, VIP69786, VIP73141, VIP75374, VIP77754, VIP80715, VIP83984, VIP86930 EPP53469, EPP66259, EPP66561 and EPP105110

(the "Developer's Land")

wishes to acquire 0.25 hectares, more or less, of the Park in exchange for 0.27 hectares, more or less, of the Developer's Land;

NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. The Regional District shall exchange those portions of the Park comprising 0.25 hectares, more or less, identified as "Regional Park Closed Lot" on the drawing prepared by Timberlake-Jones Engineering, numbered 03-P4 Rev. H, dated March 16, 2022, (the "District Exchange Parcel"), a reduced copy of which is attached as Schedule 'A' to this Bylaw, for that portion of the Developer's Land comprising 0.27 hectares, more or less, identified as "Developer's Proposed Regional Park Parcel" on Schedule 'A' to this Bylaw (the "Developer Exchange Parcel").
2. The dedication as regional park of the District Exchange Parcel is hereby cancelled and removed.
3. The dedication as regional park of that portion of the Park comprising 149 m², more or less, identified as "Regional Park Proposed Road" on the drawing prepared by Timberlake-Jones Engineering, numbered 03-P4 Rev. H, dated March 16, 2022, (the "Regional Park Proposed Road"), a reduced copy of which is attached as Schedule 'A' to this Bylaw, is hereby cancelled and removed and the Regional District is hereby authorized to dedicate the Regional Park Proposed Road as highway in accordance with section 107 of the *Land Title Act*.
4. The Developer Exchange Parcel shall be used for regional park purposes and shall vest in the Regional District of Nanaimo and be reserved for the purpose of regional park.
5. The District Exchange Parcel shall be transferred to the Developer free of any dedication to the public for the purpose of a park.
6. This bylaw shall be cited as "Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022."

Introduced and read three times this 28th day of June, 2022.

Approval of the electors obtained by alternative approval process this __ day of _____, 20__.

Adopted this __ day of _____, 20__.

CHAIR

CORPORATE OFFICER

Schedule 'A'

