

THE CORPORATION OF THE VILLAGE OF SALMO

BYLAW #568

A BYLAW TO IMPLEMENT A REPLOTTING SCHEME

WHEREAS Part 28 of the *Local Government Act* (RSBC Chapter 323) authorizes the Council of the Village of Salmo to initiate and implement a replotting scheme, and

WHEREAS the Council of the Village of Salmo deems it to be in the public interest to replot certain properties on MacLure Avenue

NOW THEREFORE, the Council of the Village of Salmo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. (1) This Bylaw may be cited as the "**MACLURE AVENUE REPLOT BYLAW**".

REPLOTTING SCHEME

2. (1) Blocks 'A' and 'B', Plan 622A, District Lot 206A, Kootenay Land District, together with the parts of Second Street, Third Street, Fourth Street, MacLure Avenue, Hutcheson Avenue, and the unnamed lanes within the said Blocks, as shown on Schedules "A" and "B" respectively attached to and forming part of this Bylaw, are hereby designated as the "MacLure Avenue Replotting District."
3. (1) The Village and its Officers are hereby authorized to prepare such documents, and to undertake or cause to have undertaken such survey and legal works and services as may be required for the purpose of achieving the intent of the replotting scheme.
4. (1) Exterior and interior side lot lines of the parcels within the MacLure Avenue Replotting District shall be moved to the extent required to eliminate encroachments, and to follow, within reason, fence lines such as existed at the time of the adoption of this Bylaw.
 - (2) The new parcels and road dedications to be created on the authority of this Bylaw shall be as shown on Schedules "A" and "B" respectively attached to, and forming part of, this Bylaw.
5. (1) Compensation in the amount of fifteen dollars and ten cents (\$15.10) per m² shall be paid to the owners of properties within the MacLure Avenue Replotting District for land surrendered as a consequence of the replotting scheme.
 - (2) Compensation in the amount of fifteen dollars and ten cents (\$15.10) per m² shall be paid by owners of properties within the MacLure Avenue Replotting District for land acquired as a consequence of the replotting scheme.

- (2) There shall be no surplus property resulting from the MacLure Avenue Replotting District.
- (3) No building, structure, erection or utility shall be relocated in conjunction with, or as a consequence of the replotting of properties within the MacLure Avenue Replotting District.

FINANCIAL MATTERS

6.
 - (1) The cost of the legal survey required to implement the scheme to replot the properties within the MacLure Avenue Replotting District is estimated not to exceed fifteen thousand dollars (\$15,000.00).
 - (2) The cost of the legal services, including Registrar of Land Title fees and charges required to implement the scheme to replot the properties within the MacLure Avenue Replotting District is estimated not to exceed twelve thousand dollars (\$12,000.00).
 - (3) The cost of fees, charges, and services ancillary to survey and legal services required to implement the scheme to replot the properties with the MacLure Avenue Replotting District is estimated not to exceed four thousand five hundred dollars (\$4,500.00).
7.
 - (1) The total amount to be charged to the property owners within the MacLure Avenue Replotting District for all costs associated with the Scheme shall not exceed thirty-one thousand five hundred dollars (\$31,500.00).
 - (2) The total amount to be charged to each property owner within the MacLure Avenue Replotting District for all costs associated with the Scheme shall not exceed one thousand seven hundred and fifty dollars (\$1,750.00).
 - (3) All costs in excess of the costs identified in this section shall be borne by the Village.
8.
 - (1) The value of land lost by an owner as a consequence of the replotting scheme pursuant to section 5(1) of this Bylaw shall be entered as a credit on the account of costs assigned to such owner pursuant to sections 6 and 7 of this Bylaw.
 - (2) The value of land gained by an owner as a consequence of the replotting scheme pursuant to section 5(2) of this Bylaw shall be entered as a charge on the account of costs assigned to such owner pursuant to sections 6 and 7 of this Bylaw.

COST RECOVERY

9.
 - (1) The total cost assigned to owners of property within the MacLure Avenue Replotting District, calculated pursuant to sections 6, 7, and 8 of this Bylaw, shall be recovered by way of a special parcel tax levied and collected on and from the taxable properties in the MacLure Avenue Replotting District over a period of up to ten (10) years.

- (2) Notwithstanding section 9(1), an owner may elect to pay the total cost allocated to his or her property within one year of the completion of the replotting scheme. An owner who elects to pay the cost in full shall be exempt from the special parcel tax established in this section.

ENACTMENT

- 10. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid and severed shall not affect the validity of the remainder of the Bylaw.
- (2) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME
 READ A SECOND TIME
 READ A THIRD TIME
 RECONSIDERED AND FINALLY ADOPTED

this 11th day of July, 2006
 this 8th day of August, 2006
 this 8th day of August, 2006
 this 12th day of September, 2006

 Mayor

 Clerk

Certified a true copy of Bylaw #568, as adopted

 Clerk