

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 606

A Bylaw to establish a Specified Area within Electoral Area "B" of the Regional District of East Kootenay for the purpose of replacing the dam at the outlet (west side of lake) in order to maintain the level and quality of the water of Rosen Lake.

WHEREAS the Board of Directors of the Regional District of East Kootenay has been requested to establish a Specified Area for the purpose of replacing the dam at the outlet (west side of lake) in order to maintain the level and quality of the water of Rosen Lake;

AND WHEREAS the Regional Board is empowered with respect to that part of the Regional District not within a City, District, Town or Village, to undertake any work or service under the provisions of Part 16 of the "Municipal Act";

AND WHEREAS pursuant to Section 770 of the "Municipal Act", or Bylaw establishing a Specified Area requires a sufficient petition in accordance with Sections 658 and 659 of the "Municipal Act";

AND WHEREAS pursuant to Section 658(2) of the "Municipal Act", a petition was lodged with the Secretary of the Regional District of East Kootenay on the 14th day of August, 1984;

AND WHEREAS pursuant to Section 659(1) of the "Municipal Act" the petition of the owner-electors of the Rosen Lake area, was determined by the Secretary to be sufficient on the 5th day of September, 1984;

AND WHEREAS in order to provide this service to the Specified Area located within Electoral Area "B", it is necessary to construct a dam at the outlet (west side of lake), the estimated cost of which, including expenses incidental thereto, is the sum of Fifteen Thousand (\$15,000.00) Dollars which is the amount of debt intended to be created by this Bylaw;

AND WHEREAS at December 31, 1983 the amount of authorized debenture debt of the Regional District as incurred pursuant to Section 797 of the "Municipal Act" is Seven Million Four Hundred Fifty Thousand Five Hundred Thirty (\$7,450,530.00) Dollars of which Seven Million One Hundred Eighteen Thousand Seven Hundred Seventy-Five (\$7,118,775.00) Dollars is existing outstanding debenture debt and Three Hundred Thirty-One Thousand Seven Hundred Fifty-Five (\$331,755.00) Dollars is authorized and unissued Debenture Debt, and none of the Principal or Interest of the Debenture Debt of the Regional District is in arrears;

AND WHEREAS at December 31, 1983 the amount of authorized debt of the Regional District incurred pursuant to Section 798 of the "Municipal Act" is Fifty-Eight Million Two Hundred Forty-Nine Thousand Two Hundred Forty-Six (\$58,249,246.00) Dollars of which Fifty-Eight Million Two Hundred Forty-Nine Thousand Two Hundred Forty-Six (\$58,249,246.00) Dollars is existing outstanding debenture debt and NIL Dollars is the authorized and unissued Debenture Debt remaining, and none of the Principal or Interest of the Debenture Debt of the Regional District is in arrears;

AND WHEREAS the maximum term for which debentures may be issued to secure the debt to be created by this Bylaw is five (5) years:

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

1. This Bylaw may be cited for all purposes as the "Regional District of East Kootenay - Rosen Lake Water Level and Quality Control Specified Area Establishment and Loan Authorization Bylaw, 1984".

Approved pursuant to the provisions of section 332(79) of the "Municipal Act" this 22nd day of January 1985.

Inspector of Municipalities

- 
2. The Regional Board is hereby empowered and authorized:
- (1) to establish in Electoral Area "B" a Specified Area to be known as the "Rosen Lake Water Level and Quality Control Specified Area" and such area shall be comprised of that tract of land outlined on Schedule "A" attached hereto and which is incorporated in and forms part of this Bylaw, and more particularly described in Schedule "B" attached hereto and which is incorporated in and forms part of this Bylaw;
  - (2) to undertake and carry out or cause to be carried out and provide for the control of the level and quality of the water of Rosen Lake for the said Specified Area and to do all things necessary in connection therewith, including the acquisition of the necessary leases and licences, and the construction and continuing maintenance of a dam at the outlet (west side of lake) of Rosen Lake generally in accordance with plans prepared in connection herewith and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
    - (a) to borrow upon the credit of the Regional District a sum not exceeding Fifteen Thousand (\$15,000.00) Dollars.
    - (b) to acquire all such real property, easements, rights-of-way, licences, rights or authorities as may be requisite or desirable for or in connection with the construction of a dam at the outlet (west side of lake) of Rosen Lake.
    - (c) to provide an annual grant to the Rosen Lake Ratepayers Society for the purpose of maintaining the dam and the payment of lease fees, licence fees, administration, etc. in connection therewith.
3. The entire cost of providing for the construction of the dam at the outlet (west side of lake) of Rosen Lake and the continuing maintenance thereof for the purpose of maintaining the level and quality of the water of Rosen Lake shall be borne by the owners of land in the said Specified Area and a sum sufficient therefore shall be levied and raised in the manner prescribed in the "Municipal Act" in each year commencing with the year 1985, in an amount equivalent to the productivity of a tax rate maximum of \$0.60 per Thousand Dollars of Taxable Assessed Values for the first five (5) years or until the capital costs in connection with the project are paid; and in addition, an annual charge of an amount equivalent to the productivity of a tax rate maximum of \$0.14 per Thousand Dollars of Taxable Assessed Values for maintenance purposes, and for such period as is necessary, on all lands and improvements, on the basis of assessment as fixed for taxation for school purposes, excluding property that is taxable for school purposes only by special Act, within the said Specified Area.
4. The Specified Area established by this Bylaw may be merged with any other specified area or areas for the same purpose, whether contiguous or not, in the manner provided in Section 677(3) of the "Municipal Act".

SCHEDULE "B"  
TO BYLAW NO. 606

Commencing at the northwest corner of Block A, of Lot 4590, Kootenay District, Registered Plan 7711, on file in the Land Title Office, Nelson; thence easterly along the northerly boundary of said lot, to the northeast corner thereof; thence continuing easterly along the northerly boundary of Lot 5, Lot 4590, Plan 2317, to the northeast corner thereof; thence southerly to the northeast corner thereof; thence southerly to the northwest corner of Lot 4, Lot 4590, Plan 2317; thence in a southeasterly direction along the northeasterly boundaries of Lots 4, 3, 2 and 1, Plan 2317 to the northeast corner of Lot 1, of said Plan; thence southeasterly, southerly along the northeasterly, and easterly boundaries of Lots D and C, Plan 1769, Lot 1, Plan 9640, Lot A, Plan 1769, and Reference Plan 56093-I, to the southeast corner of said Reference Plan; thence westerly along the southerly boundary of aforesaid Reference Plan 56093-I to the point of intersection with the northeast corner of Lot 8, Block 5, Plan 1659; thence continuing southerly along the easterly boundaries of Blocks 5, 4, 3, 2, and 1 of Plan 1659 to the southerly corner of Lot 1, Block 1, Plan 1659, being a point of intersection with the natural highwater mark of a north bank of the Rosen Lake channel and the westerly limit of the Rosen Lake east road; thence southerly along the westerly limit of said road, to a point of intersection with the natural highwater mark of the south bank of the aforesaid channel, and the northeast corner of Lot 13, Lot 4590, Plan 1616; thence southerly along the easterly boundaries of Lot 13, Plan 1616 and Block A, Plan 10721, to the most easterly corner of Block A, Plan 10775; thence southerly, westerly along the easterly, southerly boundaries of said Block A, Plan 10775, to the most westerly corner thereof; thence northwesterly to the southerly corner of Lot 12, Plan 7707; thence continuing northwesterly along the southwesterly boundaries of Lots 12, 13, 14, 15, 16, 17 and 18, Plan 7707, to the northwest corner of Lot 18; thence northwesterly to the southwest corner of Block H, Lot 4590, Plan 1668; thence continuing northwesterly along the southwest boundaries of said Block H, and Lot 7, Plan 1616 and Block G, Plan 1668, to a point due east of the northeast corner of Lot 9, Plan 9898; thence westerly along the northerly boundary of Lot 9, to a point due south of the southwest corner of Lot B, Plan 15417; thence in a northerly direction, to the southwest corner of said Lot B; thence northerly, easterly along the westerly, northerly boundaries of Lots B and A, Plan 15417; thence northerly, westerly, southerly along the easterly, northerly, westerly boundaries of Lot 1, Plan 8258, to the southwest corner thereof; thence in a southerly direction to the northeast corner of Lot 2, Plan 8258; thence westerly along the northerly boundary to the northwest corner thereof; thence north along

---

the westerly boundaries of Lots 1, 2, and 3 to the northwest corner of Lot 4, Plan 9898, thence continuing northerly along the westerly boundary of Lot 1, Lot 4590, Plan 14846, to the northwest corner thereof; thence continuing north along the westerly limit of the most westerly R/W access road on Plans 4461 and Plan 4959 to the northwest corner of Block A, Lot 4590, Plan 7711, being the point of commencement.

---

Read a first time the 7th day of September, 1984.

Read a second time the 7th day of September, 1984.

Read a third time the 7th day of September, 1984.

Approved by the Inspector of Municipalities the 22nd day of January, 1985.

Reconsidered, finally passed and adopted the 1st day of February, 1985.



---

CHAIRMAN



---

SECRETARY