

# ATTACHMENT C



WILLIAMSON & ASSOCIATES  
PROFESSIONAL SURVEYORS

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April 17, 2019

Our File No.: 05047

Your File:

**City of Nanaimo,**  
**Community Safety & Development**  
455 Wallace Street  
Nanaimo B.C. V9R 5J6

Attention: Mr. Bill Corsan, Manager, Real Estate

By Hand & Electronic Copy

Dear Sir:

**Re: 3500 Rock City Road – Road Closure**  
**Application for acquisition of public lands as shown on Plan VIP86995 - adjacent to**  
**Remainder of Lot 2, District Lot 18, Wellington District, Plan VIP86869.**

Further to the writer's telephone conversation with Nancy Skeels of your office of April 8th, this letter will elaborate on our letter to you of Nov. 7 2018 on the history behind how this erroneously gazetted road came to be formally dedicated, even though it was not a true "Section 4" (now Section 42 of the Transportation Act) road.

For background information enclosed is the plan of the 1963 gazette, a copy of Subdivision Plan VIP86869 completed Feb. 27<sup>th</sup> 2009, a copy of road dedication Plan VIP86995 completed July 22<sup>nd</sup> 2009 and current photos taken from the south easterly end of the road dedication shown on Plan VIP86995. The photos show a natural rock bluff where the road gazette plan shows a travelled "Section 4" road, which obviously was never constructed or travelled in that location. We suspect the Section 4 road was located by Ministry of Highways surveyors using the "deflection angle" method, which angles were most likely measured correctly in the field, but booked in the wrong direction (right instead of left) or plotted in the office wrong, resulting in the road gazette protruding incorrectly into our Client's site instead of Landalt Road which is where we expect the Section 4 Rock City Road terminated in 1963.

As stated in our letter of Nov. 7, this gazette had to be dedicated as road at the insistence of the Deputy Registrar of the Land Title Office in order for us to be able to register Subdivision Plan VIP86869. The subdivision works were built and our client needed titles and he could not be held up by a Land Title Office Policy that dictated gazetted roads on titles must be formally dedicated to eliminate "the cloud" they cast on titles, whether the gazette was correct or not.



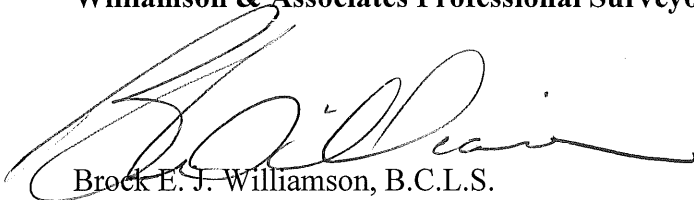
A PARTNERSHIP OF WILLIAMSON LAND SURVEYING INC. AND HENNING LAND SURVEYING INC.

The writer argued unsuccessfully with the Deputy Registrar that the location of this gazette was clear insofar as the mathematical (not real) location of it on the gazette plan showed it, so it was not a “cloud” on title in that sense, that it was obviously in the wrong location, and that formally dedicating it as road could be deferred until the matter was reviewed and hopefully rectified by the Ministry of Highways, not our client. Because our argument failed, at “the 11<sup>th</sup> hour” we had to prepare Plan VIP86995, have it executed by the owner and charge holders, approved by the Approving Officer and registered concurrent with Plan VIP86869.

In Sept. of 2009 the writer followed up with the Ministry of Highways in an unsuccessful attempt to get the Ministry to rectify their error by acting as our client’s agent in a road closure application to the City closing the road and transferring it to our client.

We trust you will find the preceding and enclosed a clear explanation of the background behind the road dedication by Plan VIP86995 and the reason for our Clients application to close the road. We appreciate your understanding of the difficulties our Client has had in dealing with this matter.

Yours truly,  
**Williamson & Associates Professional Surveyors**



Brock E. J. Williamson, B.C.L.S.

Enclosures

*ec: Hazelwood Holdings Ltd., Mr. Chris Nudd and Mr. Tom Richey  
City of Nanaimo, Mr. Jeremy Holm and Mr. Kris Sillem  
Delinea Design Consultants; Mr. Will Melville  
Seward Developments Inc., Mr. Toby Seward*

PLAN OF  
**RIGHT OF WAY**

TO BE ACQUIRED IN  
DISTRICT LOT 18  
WELLINGTON DISTRICT

MARCH 15 1963

SCALE: 1" = 50'

D.L. 18

Gazetted Sept. 3/63  
File 3693/1495226

1.126 ACS.

N 80° 08' 30" E  
193.2

ROCK CITY ROAD

D.L. 18

N 95° 36' W  
59.04  
R = 133.47  
Δ = 49° 13'  
C = 44° 00'  
Arc = 115  
TAN = 61.13

Δ = 101° 03' 30"  
R = 83.76  
C = 73° 30'  
Arc = 137.5

Approved Regional Highway Engineer  
Date: 21st March 1963

380 → A

389	284	C.O.D.
383	277	
398	287	
399	276	V
400	275	

