

BYLAW NO. 2/94

A BYLAW OF THE TOWN OF LUMSDEN TO PROVIDE FOR  
ENTERING INTO AN ENCROACHMENT AGREEMENT

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The Council of the Town of Lumsden in the Province  
of Saskatchewan enacts as follows:

1. The Town of Lumsden is hereby authorized to enter into an agreement with Guy Ernest Johns and Lorinda Maria Johns for the purpose of providing an agreement for an encroachment onto a road allowance in the North West Quarter of Section 28, Township 19, Range 21, West of the Second Meridian, the terms of which are attached hereto and form part of this bylaw.
2. The Mayor and Town Administrator for the Town of Lumsden are hereby authorized and empowered to sign the said agreement on behalf of the said Town and affix thereto the corporate seal of the Town.

D. Klappertine  
Mayor

SA Klappertine  
Town Administrator

CERTIFIED A TRUE COPY  
of Bylaw No. 2/94 passed  
by resolution of Council  
on the 28th day of February,  
1994

SA Klappertine  
Town Administrator

THIS AGREEMENT made in duplicate this 15 day of  
FEBRUARY, 1994

BETWEEN:

GUY ERNEST JOHNS and LORINDA MARIA JOHNS  
both of Lumsden, Saskatchewan  
(hereinafter called the "Owner")

AND

HER MAJESTY THE QUEEN in the right of the Province  
of Saskatchewan, as represented by the Minister of  
Highways and Transportation  
(hereinafter called the "Minister")

AND

THE TOWN OF LUMSDEN  
(hereinafter called the "Town")

WHEREAS the Owner is the registered owner in fee  
simple of the following land:-

Parcel A, in the South West Quarter of Section 28,  
Township 19, Range 21, West of the Second  
Meridian, Saskatchewan Plan 89R54131

AND WHEREAS on the said lands there exists a  
building that encroaches upon an adjacent roadway  
owned by the Minister but within the municipal  
boundaries of the Town as shown on the attached  
Surveyor's Certificate.

AND WHEREAS the Owner is desirous of obtaining the  
consent of the Minister and the Town to continue  
the said encroachment;

NOW THEREFORE, in consideration of the presents  
and the covenants hereinafter contained, the  
Parties hereto mutually covenant and agree as  
follows: -

1. The Minister and the Town agree that the Owner  
and assigns may continue the encroachment  
described above only in accordance with this  
Agreement.
2. The Owner agrees that it will cause no further  
encroachment to be made in respect of the said  
building.
3. The Owner agrees and covenants that should  
the said building or any portion thereof be so  
structurally altered (ordinary repairs excepted)  
so that its chief component parts such as  
foundation or footings or outside walls be altered  
or renewed that the alterations will be done in  
such a way that the building will not thereafter  
encroach on the said roadway.

4. The Owner agrees to save harmless and keep indemnified the Minister and the Town from and against any and all expenses, damages, claims, demands, actions or judgments which may arise or be brought by reason of the said encroachment or any part thereof.

5. This agreement shall be binding upon the heirs, executors, administrators, successors in title and assigns of the parties.

IN WITNESS WHEREOF the Parties hereto have set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED  
in the presence of

MJ McGill  
Witness as to signature of  
Guy Ernest Johns &  
Lorinda Marie Johns

Guy Ernest Johns  
Guy Ernest Johns  
Lorinda Maria Johns  
Lorinda Maria Johns

CONSENTED BY AND APPROVED on behalf of the TOWN OF LUMSDEN by its proper signing officers under Corporate Seal this 28 day of FEBRUARY 1994.

D. Hoggan  
Mayor

A. Hoggan  
Town Administrator

MINISTER OF HIGHWAYS AND  
TRANSPORTATION

PER: A. J. Lowey  
A.J. LOWEY  
MANAGER, PROPERTY SERVICES

AFFIDAVIT OF EXECUTION

I, M. JEAN MCGILL of the Town of Lumsden,  
in the Province of Saskatchewan,  
MAKE OATH AND SAY:

1. THAT I was personally present and did see Guy Ernest Johns and Lorinda Maria Johns named in the within instrument, who are personally known to me to be the persons named therein, duly sign and execute the same for the purposes named therein;
2. THAT the same was executed at the Town of Lumsden in the Province of Saskatchewan, on the 15<sup>th</sup> day of FEBRUARY, A.D. 1994, and that I am the subscribing witness thereto;
3. THAT I know the said Guy Ernest Johns and Lorinda Maria Johns and they are in my belief nineteen years of age or more.

SWORN BEFORE ME at the Town of )  
Lumsden, in the Province of )  
Saskatchewan, this 15<sup>th</sup> )  
day of FEBRUARY A.D. 1994. )

M. J. McGill

[Signature]  
A Commissioner for Oaths in and for  
the Province of Saskatchewan.  
My appointment expires Apr 30/95

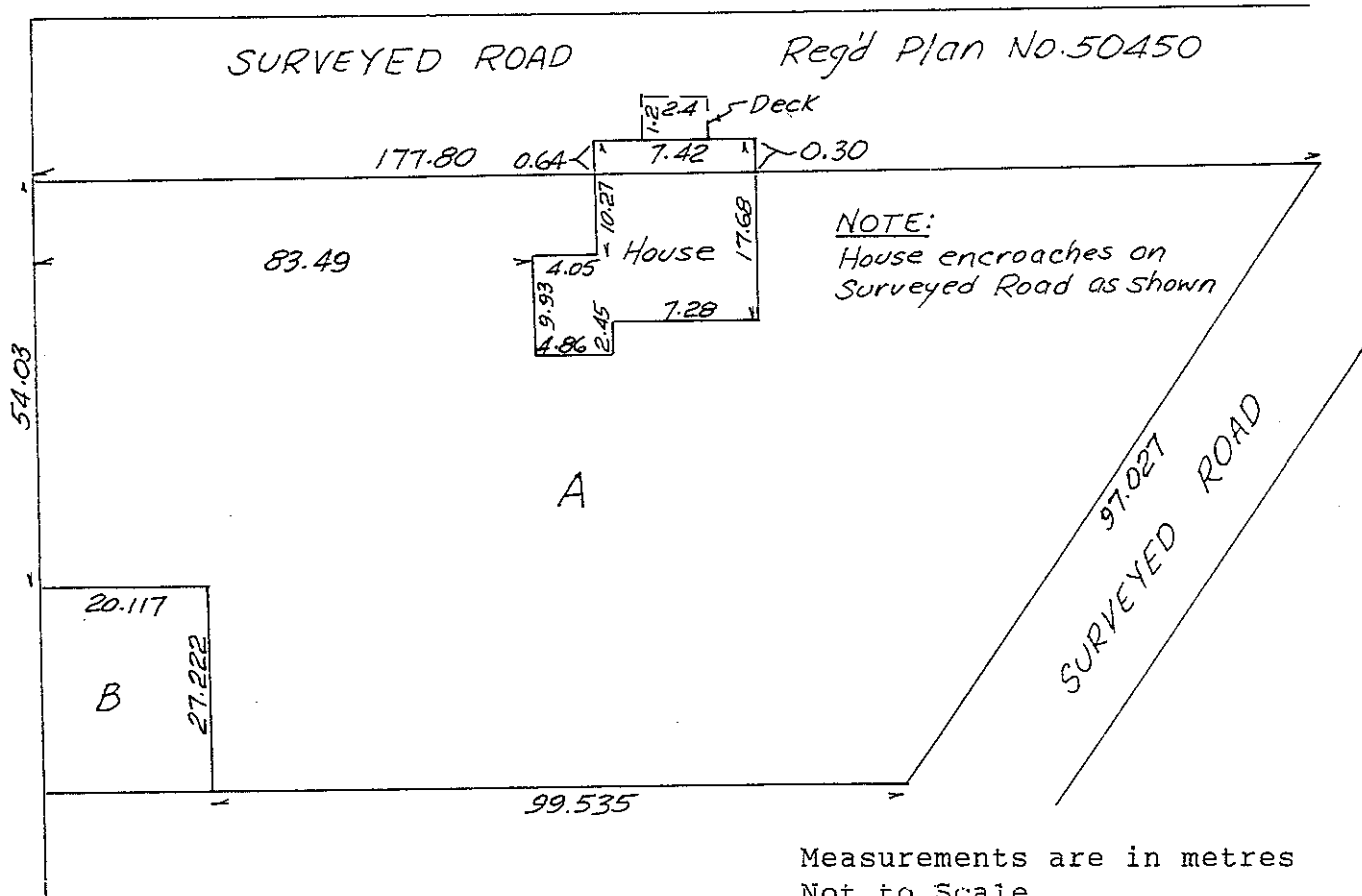
# Surveyor's Certificate

Certificate made for: The Town of Lumsden

Description of Property: Parcel A,  
Reg'd Plan No. 89R54131,  
S.W.  $\frac{1}{4}$  Sec. 28-19-21-2,  
Saskatchewan

I, William Wayne Stockton, of the City of Regina, in the Province of Saskatchewan,  
Land Surveyor, have made a survey of the above described property on the 25th  
day of NOV. A.D. 1993, and certify:

1. THAT the building now constructed thereon is wholly within the boundaries of the above described property as indicated on the sketch below, unless otherwise noted.
2. THAT there are no encroachments of adjacent buildings on the above described property except as noted below.
3. Measurements are taken on foundation at ground level, unless otherwise noted.
4. This Certificate is for mortgage purposes only and should not be used for the location of property boundaries.



Measurements are in metres  
Not to Scale

Dated at the City of Regina,  
in the Province of Saskatchewan,  
This 11th day of Feb. A.D. 19 94

**NOTE:**

This plan was prepared for attachment to an Encroachment Agreement and should not be used for any other purpose.

**Stockton Surveys Ltd.**  
"REGISTERED LAND SURVEYORS"