

BYLAW NO. 01-2013

A BYLAW TO PROVIDE FOR THE CLOSURE AND TRANSFER OF A MUNICIPAL ROAD ALLOWANCE.

The Council of the R.M. of Lumsden No. 189 in the Province of Saskatchewan enacts as follows:

1. Subject to the consent of the Minister of Highways and Infrastructure, the Municipality, agrees to close and transfer the municipal road or street described as: All that portion of the Original Road Allowance lying within the bold dashed line on attached Plan of Proposed Subdivision prepared by Larry W McLeod SLS, dated December 12th, 2012, marked as Exhibit "A" which is attached to and forms part of this bylaw.

on the terms and conditions set out in the agreements marked as Exhibit "B" and Exhibit "C" which are attached to and forms part of this bylaw.



James R. Stephens

 Reeve

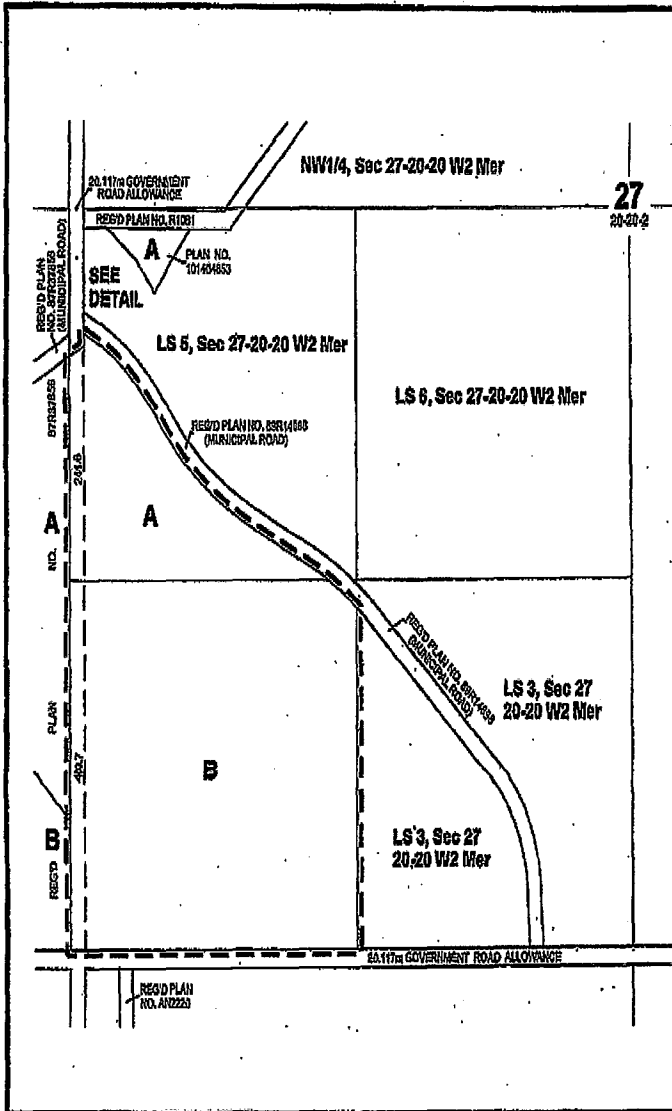
Raunie Cooper

 Chief Administrative Officer

Readings

<i>Read a first time this</i>	<u>14th</u>	<i>Day of</i>	<u>February</u> , 2013.
<i>Read a second time this</i>	<u>28th</u>	<i>Day of</i>	<u>February</u> , 2013.
<i>Read a third time this</i>	<u>28th</u>	<i>Day of</i>	<u>February</u> , 2013.

EXHIBIT "A"

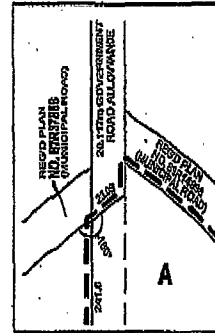


PLAN OF PROPOSED SUBDIVISION
 OF PART OF
ROAD ALLOWANCE 33-20-20 W2 Mer
 AND
SURFACE CONSOLIDATION
 OF ALL OF
LS4 SEC 27, TWP 20, RGE 20, W2 Mer Ext. 1 AND
LS5 SEC 27, TWP 20, RGE 20, W2 Mer Ext. 2 AND
 IN THE
R.M. OF LUMSDEN No. 189
SASKATCHEWAN
2012
SCALE = 1:5000

- NOTES:
- MEASUREMENTS ARE IN METRES AND DECIMALS THEREOF.
 - SOME MEASUREMENTS ARE APPROXIMATE AND MAY DIFFER FROM THE FINAL PLAN OF SURVEY BY AS MUCH AS 0.10.
 - PORTION TO BE APPROVED IS OUTLINED WITH A BOLD DASHED LINE AND CONTAINS 11.70 ha (28.81 ac).

December 12th 2012
 DATE


 LARRY W. MELEOD
 SASKATCHEWAN LAND SURVEYOR



DETAIL
 NOT TO SCALE


 R0302-12175
 12/12/2012 9:19 AM

EXHIBIT "B"

**AGREEMENT TO CLOSE AND SELL (TRANSFER) ALL OR PART OF
A MUNICIPAL ROAD /STREET**

This agreement made this 14 day of October, 2013.

Between:

The R.M. of Lumsden No. 189
("the Municipality)

And

Michelle Gafencu and Nicolaos Gotsoulias,
of 151 Sunset Drive, Regina, SK S4S 3S1
("the Purchaser")

Whereas the municipal road or street located at LSD 4 & Ptn LSD 5 W 27-30-30-W2 ("the Road or Street") is no longer required for use by the traveling public, and

Whereas access to other lands is not eliminated by this agreement; and

Whereas the Purchaser is desirous of acquiring the road or street and the municipality is prepared to close and transfer the same to the Purchaser, pursuant to section 13 *The Municipalities Act*, and

Whereas the Minister of Highways and Transportation has agreed to allow the municipality to close and transfer the road or street to the Purchaser, subject to the terms and conditions hereinafter set forth.

Now therefore the parties agree as follows:

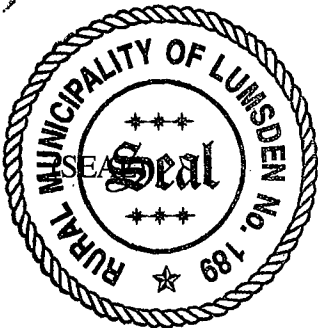
1. The Municipality agrees to transfer the road allowance adjacent to WLS 4-27-20-20-W2 to the Purchaser.
2. The Purchaser agrees to exchange land located at SW 27-20-20-W2 as a result of the construction of the current municipal road.
3. The exchange shall be subject to the laws of Saskatchewan and any applicable municipal bylaws or regulations.

- 4. The Purchaser agrees to accept the road or street in its present condition. The Purchaser agrees to save harmless and keep indemnified the Municipality and the Crown in right of Saskatchewan or either of them from and against any future expenses, damages, claims, demands or judgments concerning this road or street.

- 5. The Municipality agrees to:
 - a) incur all costs to convey title to the land and may require a review for intended land use by Community Planning;
 - b) consolidate the land with the adjacent existing title at the Municipality's expense;
 - c) be responsible for all Information Services Corporation (ISC) fees related to the transfer of the land; and

- 6. The Purchaser shall, without charge, grant utility line easements as may be required by the Saskatchewan Power Corporation, Sask Energy and Saskatchewan Telecommunications for any existing lines.

Dated at Regina, in the Province of Saskatchewan, this 14th day of October, 2013.



[Signature]
 Witness

RM of Lumsden No 189

[Signature]
 Reeve ~~Mayer~~

[Signature]
 Administrator

[Signature]
[Signature]
 Purchaser

CANADA
PROVINCE OF SASKATCHEWAN
TO WIT:

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AFFIDAVIT OF EXECUTION

I, Jill Scriven, of the Rm of Lumsden, in the Province of Saskatchewan, MAKE OATH AND SAY AS FOLLOWS:

1. THAT I was personally present and did see ^{Michelle Grafenev} ~~Nicolas Groszowias~~ named in the within agreement who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.
2. THAT the same was executed at the City of Regina, in the Province of Saskatchewan, on the 14th day of October, 2013 and that I am the subscribing witness thereto.
3. THAT I know the said ^{Michelle Grafenev +} ~~Nicolas Groszowias~~ and ^{they are} ~~he~~ in my belief of the full age of 18 years or more.

SWORN BEFORE ME at the Town)
of Lumsden, in the Province)
of Saskatchewan, this 21st day)
of Oct., 2013.)

Darcie Cooper)
A COMMISSIONER FOR OATHS in and)
for the Province of Saskatchewan.)
My commission expires: May 31, 2014)
or Being a Solicitor.)



EXHIBIT "C"

AGREEMENT TO CLOSE AND SELL (TRANSFER) ALL OR PART OF
A MUNICIPAL ROAD /STREET

This agreement made this 22nd day of July, 2013.

Between:

The _____ R. M. _____ of Lumsden No. 189 _____
("the Municipality)

And

Doris Townsend
of 6223 Lloyd Crescent SW, Calgary, Alberta T3E 5V8
("the Purchaser")

Whereas the municipal road or street located at LSD 4 & Ptn LSD 5 W 27-30-30-W2 ("the Road or Street") is no longer required for use by the traveling public, and

Whereas access to other lands is not eliminated by this agreement; and

Whereas the Purchaser is desirous of acquiring the road or street and the municipality is prepared to close and transfer the same to the Purchaser, pursuant to section 13 *The Municipalities Act*, and

Whereas the Minister of Highways and Transportation has agreed to allow the municipality to close and transfer the road or street to the Purchaser, subject to the terms and conditions hereinafter set forth.

Now therefore the parties agree as follows:

1. The Municipality agrees to transfer the road allowance adjacent to WLS 4-27-20-20-W2 to the Purchaser.
2. The Purchaser agrees to exchange land located at SW 27-20-20-W2 as a result of the construction of the current municipal road.
3. The exchange shall be subject to the laws of Saskatchewan and any applicable municipal bylaws or regulations.
4. The Purchaser agrees to accept the road or street in its present condition. The Purchaser agrees to save harmless and keep indemnified the Municipality and the Crown in right of

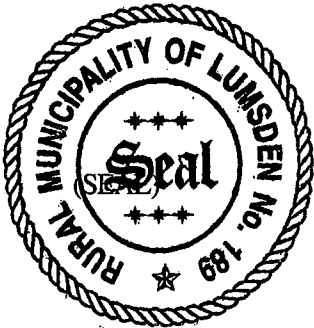
Saskatchewan or either of them from and against any future expenses, damages, claims, demands or judgments concerning this road or street.

5. The Municipality agrees to:

- a) incur all costs to convey title to the land and may require a review for intended land use by Community Planning;
- b) consolidate the land with the adjacent existing title at the Municipality's expense;
- c) be responsible for all Information Services Corporation (ISC) fees related to the transfer of the land; and

6. The Purchaser shall, without charge, grant utility line easements as may be required by the Saskatchewan Power Corporation, Sask Energy and Saskatchewan Telecommunications for any existing lines.

Dated at Lumsden, in the Province of Saskatchewan, this 22nd day of July, 2013



P.M. of Lumsden No. 189.
James R. Bishop
 Reeve
Naomie Cooper
 Administrator

Jan Agnew
 Witness

Doris Townsend
 Purchaser

CANADA
PROVINCE OF SASKATCHEWAN
TO WIT:

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AFFIDAVIT OF EXECUTION

I, Joan Qappowicz of the Town of Lumsden, in the Province of Saskatchewan, MAKE OATH AND SAY AS FOLLOWS:

1. THAT I was personally present and did see Doris Townsend named in the within agreement who is personally known to me to be the person 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 22nd day of July, 2013 and that I am the subscribing witness thereto.

3. THAT I know the said Doris Townsend and ^{she} ~~he~~ is in my belief of the full age of 18 years or more.

SWORN BEFORE ME at the Town)
of Lumsden, in the Province)
of Saskatchewan, this 22nd day)
of July, 2013.)

Dance Cooper)

A COMMISSIONER FOR OATHS in and)
for the Province of Saskatchewan.)

My commission expires: May 31, 2014
or Being a Solicitor.

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)
)
Joan Qappowicz



Ministry of
Highways and
Infrastructure

Land Branch

Saskatchewan

900-1855 Victoria Avenue
REGINA SK S4P 3T2

(306) 787-4045
(306) 787-4100
peter.gennutt@gov.sk.ca

June 22, 2012

Our File: 59-60/20-20-2
Your File:

R.M. of Lumsden No. 189
P.O. Box 160 – 300 James Street N.
Lumsden, Saskatchewan
S0G 3C0

Dear Administrator:

Re: Proposed Closure and Transfer of Public Highway
Original Road Allowance Lying West of LSD 4 in the SW-27-20-20-2

We have received your letter of May 29, 2012, in connection with the above.

The Minister, in accordance with Section 13(3) of *The Municipalities Act* hereby grants consent:

- a) subject to all requirements of Section 13 of *The Municipalities Act*; and
- b) provided the proposed closure and transfer is in accordance with municipal zoning bylaws and the requirements of *The Planning and Development Act*; and
- c) to close and transfer the following:

All that portion of Original Road Allowance lying West of and adjacent to LSD 4 in the SW-27-20-20-2.

This consent will allow for the passing of a road closure bylaw that is to be forwarded to Information Services Corporation (ISC) Plan Processing in accordance with Section 44(4)(5) of *The Land Surveys Act, 2000* to accompany the appropriate plan required for consolidation after all requirements have been met in accordance with Section 13 of *The Municipalities Act*.

Once the consolidation plan is approved by ISC please **forward a copy** of the Transform Approval Certificate (TAC) along with a copy of the Municipal bylaw and signed Agreements for Sale and the Ministry will provide the Notice of Minister, which allows for the transfer of title.

If further information is required, please contact Peter Gennutt of this office at (306) 787-4045 or Fax (306) 787-4100.

Sincerely,

Neil Daku, A/Manager, Land Management
Delegated Signing Official of the
Minister of Highways and Infrastructure

Rob Penny, P. Eng.
Deputy Minister Highways & Infrastructure

Cc: SaskTel, Lands and Easements, SaskTel South
SaskPower, Land Dept.
SaskEnergy, Land Services



Ministry of
Highways and
Infrastructure

Corporate Support Branch

Saskatchewan

900-1855 Victoria Avenue
REGINA SK S4P 3T2

(306) 787-4828

(306) 787-4100

deanna.mise@gov.sk.ca

December 20, 2012

Our File: 59-60/20-20-2

R.M. of Lumsden No. 189
P.O. Box 160 – 300 James Street N.
Lumsden, Saskatchewan
S0G 3C0

Dear Administrator:

**Re: Proposed Closure and Transfer of Public Highway
Original Road Allowance Lying West of LSD 5 in the SW-27-20-20-2**

We have received your letter of May 29, 2012, in connection with the above.

The Minister, in accordance with Section 13(3) of *The Municipalities Act* hereby grants consent:

- a) subject to all requirements of Section 13 of *The Municipalities Act*; and
- b) provided the proposed closure and transfer is in accordance with municipal zoning bylaws and the requirements of *The Planning and Development Act*; and
- c) to close and transfer the following:

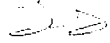
All that portion of Original Road Allowance lying West of and adjacent to LSD 5 in the SW-27-20-20-2 and shown on a plan of proposed subdivision prepared by Larry McLeod dated December 12, 2012.

This consent will allow for the passing of a road closure bylaw that is to be forwarded to Information Services Corporation (ISC) Plan Processing in accordance with Section 44(4)(5) of *The Land Surveys Act, 2000* to accompany the appropriate plan required for consolidation after all requirements have been met in accordance with Section 13 of *The Municipalities Act*.

Once the consolidation plan is approved by ISC please **forward a copy** of the Transform Approval Certificate (TAC) along with a copy of the Municipal bylaw and signed Agreements for Sale and the Ministry will provide the Notice of Minister, which allows for the transfer of title.

If further information is required, please contact Deanna Mise of this office at (306) 787-4828 or
Fax (306) 787-4100.

Sincerely,


Travis Sandeski, Manager, Land Management
Delegated Signing Official of the
Minister of Highways and Infrastructure

Rob Penny, P. Eng.
Deputy Minister Highways & Infrastructure

cc: SaskTel, Lands and Easements, SaskTel South
SaskPower, Land Dept.
SaskEnergy, Land Services