

BYLAW NO. 11/2019

RURAL MUNICIPALITY OF LOREBURN #254

A BYLAW TO PROVIDE FOR THE CLOSING AND SALE OF A MUNICIPAL ROAD OR STREET.

The Council of the Rural Municipality of Loreburn #254, 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 of the original Road Allowance lying East of the NE 06-28-04 W3M

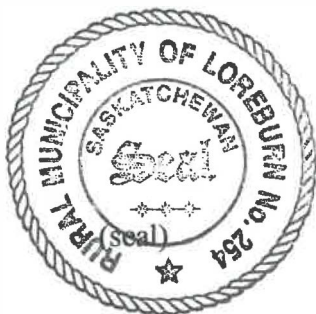
&

All that portion of the road allowance that lies between the SE 06-28-04 W3M and SW 05-28-04 W3M, more specifically described as surface parcel #203502079, ORA 97-28-04 W3M Ext 97 which lies north of the northern boundary of the road as shown on Reg's Plan No. 73S15979

All named Streets, Avenues and Roads being in the R.M. of Loreburn No. 254, Province of Saskatchewan, Dominion of Canada.

on the terms and conditions set out in the agreement marked as Exhibit "A" which is attached to and forms part of this bylaw.

2. Bylaw #02-2019 is hereby repealed.

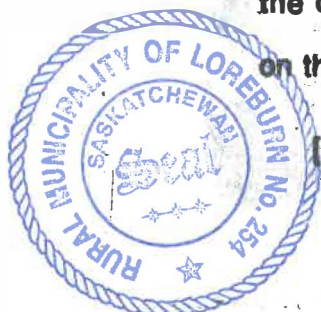



Reeve


Administrator

Read a third time and adopted
this 5th day of Nov, 2019.

Certified to be a true copy of Bylaw No. 11/2019 adopted by
the council of the Rural Municipality of Loreburn No. 254
on the 5th day of Nov, 2019.



(SEAL)


Administrator

EXHIBIT "A"

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

This agreement made this 26 day of September, 2019.

Between:

The Rural Municipality of Loreburn #254
("the Municipality")

And

Clear Spring Hutterian Brethren
("the Purchaser")

Whereas the municipal road or street located at:

The road allowance that lies between the NE 06-28-04 W3M and NW 05-28-04 W3, more specifically described as surface parcel #213530317 ORA 103-28 04 3 Ext 103

&

All that portion of the road allowance that lies between the SE 06-28-04 W3M and SW 05-28-04 W3M, more specifically described as surface parcel #203502079, ORA 97-28-04 W3M Ext 97 which lies north of the northern boundary of the road as shown on Reg's Plat No. 73S15979

All named Streets, Avenues and Roads being in the R.M. of Loreburn No. 254, Province of Saskatchewan, Dominion of Canada.

As shown on the attached Exhibit "B" ("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 Infrastructure 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 sell and the Purchaser agrees to buy the road.
2. The Purchaser shall pay the Municipality the sum of \$14,364.00 for the road.
3. The sale shall be subject to the laws of Saskatchewan and any applicable municipal bylaws and 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 Purchaser covenants and agrees with the Municipality 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 Purchaser's expense;
- c) be responsible for all Information Services Corporation (ISC) fees related to the transfer of the land;

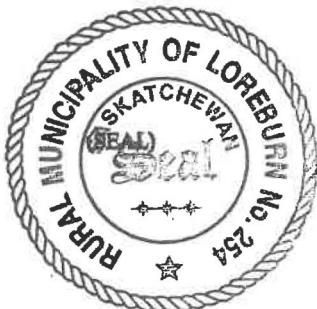
6. (a) Any closing and transfer pursuant to this agreement is subject to the condition that, if the Crown or a Crown utility corporation in right of Saskatchewan or the Municipality requests the return of the road or street for use by the public as a municipal road or street or for the purposes of a public utility or municipal utility, the road or street, or any interest in the road or street that is necessary to enable the Crown in right of Saskatchewan or a Crown utility or the Municipality to fulfill the purpose on which its request is based, must be returned to the Crown in right of Saskatchewan, without compensation.

(b) Clause 6(a) pertains only if the land has not become part of a subdivision pursuant to *The Planning & Development Act, 2007*.

(c) All costs associated with registering an interest pursuant to Section 5 shall be borne by the Municipality.

7. 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 Loreburn, in the Province of Saskatchewan, this 16th day of Sept., 2019



Rural Municipality of Loreburn No. 254

[Signature]
Reeve

[Signature]
Administrator

[Signature]
Witness

[Signature]
Purchaser

CANADA)
PROVINCE OF SASKATCHEWAN)
TO WIT:)

AFFIDAVIT OF EXECUTION

I Janell Hundebly of the Village of Elbow, in the Province of Saskatchewan,
MAKE OATH AND SAY AS FOLLOWS:

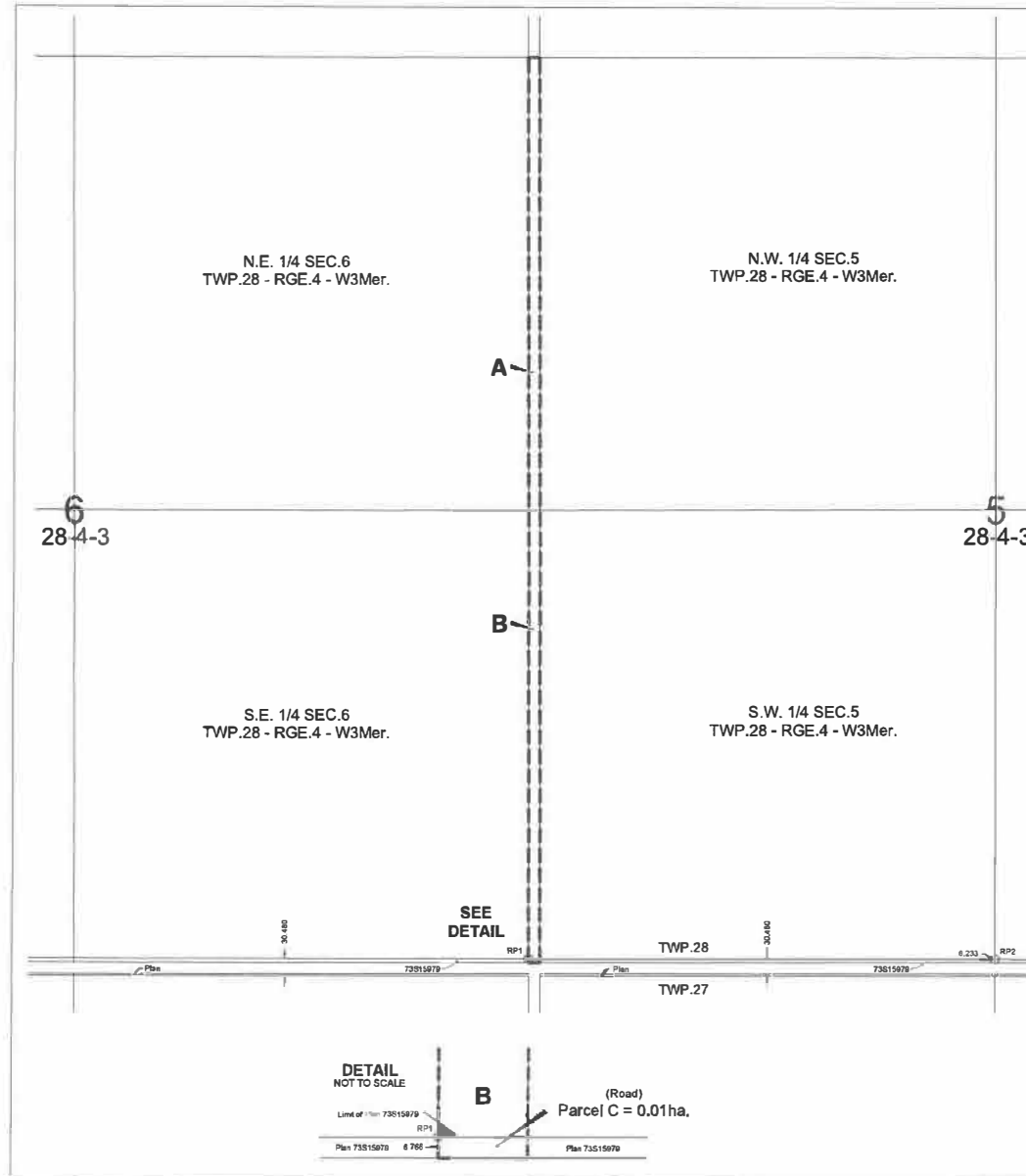
1. THAT I was personally present and did see Mike Wutz named in the within agreement who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.
2. THAT the same was executed at the Village of Loreburn, in the Province of Saskatchewan, on the 26th day of Sept, 2019 and that I am the subscribing witness thereto.
3. THAT I know the said Clear Spring and he is in my belief of the full age of 18 years or more. Hutterian Brethren / Mike Wutz

SWORN BEFORE ME at the Village)
of Loreburn, in the Province)
of Saskatchewan, this 26th day)
of Sept, 2019)

Janell Hundebly)
A COMMISSIONER FOR OATHS in and)
for the Province of Saskatchewan.)
My commission expires:)
or Being a Solicitor. Mar 31/24)
jt

Janell Hundebly

EXHIBIT B



DESCRIPTIVE PLAN - TYPE II
 SHOWING SURFACE RM ROADWAY
 OF PART OF
 ORIGINAL ROAD ALLOWANCE
 BETWEEN THE
 SE. 1/4 SECTION 6
 & SW. 1/4 SECTION 5 AND
 PARCEL CLASS CODE CHANGE
 OF PART OF
 ORIGINAL ROAD ALLOWANCE
 BETWEEN THE SE. 1/4 SECTION 6
 & SW. 1/4 SECTION 5
 OF ALL OF
 ORIGINAL ROAD ALLOWANCE
 BETWEEN THE NE. 1/4 SECTION 6
 & NW. 1/4 SECTION 5
 TWP.28 - RGE.4 - W3Mer.
 RM OF LOREBURN, NO 254
 SASKATCHEWAN

BY: M.M. VANSTONE, S.L.S.
 DATE: NOVEMBER 21st, 2018
 SCALE 1:5000

LEGEND

Standard road allowances on this plan are 20.117m in width.
 Measurements are in metres and decimals thereof.
 The Unique Identifier of S030 has been stamped on all established standard iron posts.
 Area to be approved is outlined by a heavy dashed line.
 All parcels within the line of approval have an extension 0 unless otherwise shown.
 The Datum used: NAD83 (CSRS)
 The Projection used: UTM Zone 13N extended
 RP coordinates are current as of April 17, 2018 AD
 Reference points are shown thus: ○ RP1, ○ RP2
 Georeferenced points derived from SaskGrid.

