

BYLAW 2013-129

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

The Council of the Rural Municipality of Brock No. 64, in the Province of Saskatchewan, enacts as follows;

- 1. Subject to the consent of the Minister of Highways and Transportation, the Municipality, agrees to close and transfer the municipal road described as:

All of portion NE & SE 5-9-4-W2 shown as roadway shown as registered Plan N2453

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



[Redacted Signature]

REEVE

[Redacted Signature]

ACTING ADMINISTRATOR

Read a third time and adopted this 10th day of December, 2013.

Certified a true copy of Bylaw No. 2013-129 Adopted by resolution of the Council on the 10th day of December, 2013



[Redacted Signature]


ACTING ADMINISTRATOR

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

This agreement made this 10th day of December, 2013.

Between: The Rural Municipality of Brock No. 64
("the Municipality")

And


Mr. Wilfred Donald Stewart and Nora Macdonald Stewart of Arcola,
Saskatchewan
(the "Purchaser")

Whereas the municipal road located on the North East quarter of section 5-8-4-W2 and the South East quarter of section 5-8-4-W2 is no longer required for use by the travelling public, and

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

Whereas the Purchaser is desirous of acquiring the road and the municipality is prepared to close and transfer the road 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 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 \$1.00 for the road.
3. The sale shall be subject to the laws of Saskatchewan and any applicable municipal bylaws or regulations.
4. The Purchaser agrees to accept the road 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.
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 ; and
 - d) erect and maintain throughout the term of this agreement, at each end of the road, such signs as the Municipality may direct, to ensure that the general public is adequately warned that the road is closed



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 for use by the public as a municipal road or for the purposes of a public utility or municipal utility, the road, or any interest in the road 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*.

(c) All costs associated with registering an interest pursuant to Section 6 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 Kisbey, in the Province of Saskatchewan, this 10th day of December, 2013.

Rural Municipality of Brock No. 64



REEVE

ACTING ADMINISTRATOR

WITNESS

PURCHASER