

APPENDIX E

DEDICATED LANDS - SALE OR EXCHANGE

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DEDICATED LANDS - SALE OR EXCHANGE

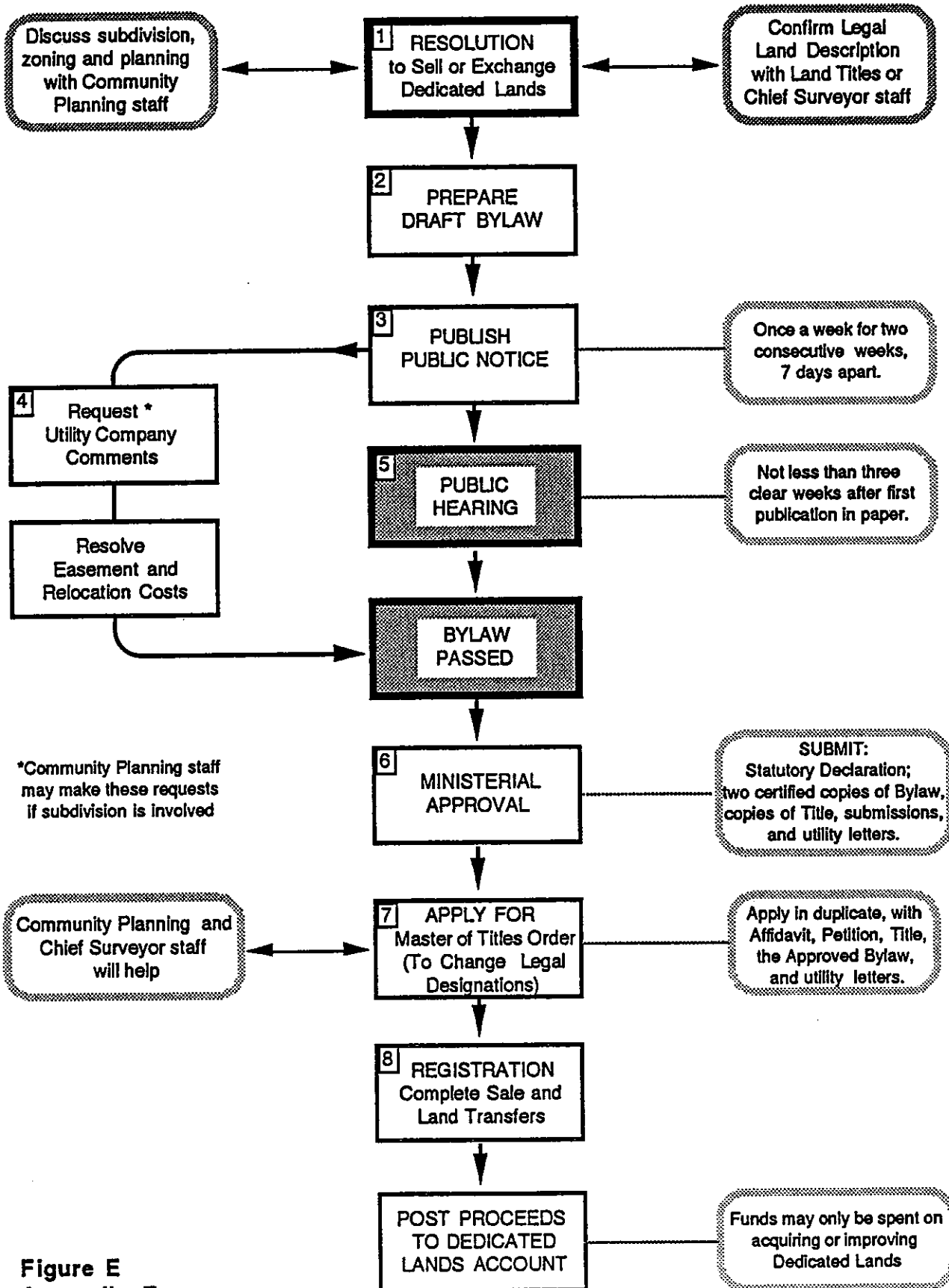


Figure E
Appendix E

INTRODUCTION

Municipalities may use the information in this appendix when proposing the sale or exchange of dedicated lands. The information applies to buffer strips, environmental reserves, parks, public reserves, municipal reserves, walkways and utility parcels.

The procedures or steps are shown in Figure E. Pages E-2 and E-3 explain the steps and the forms to use from the other pages.

PREREQUISITES

You need prior Ministerial consent to use these procedures for an environmental reserve, or for Crown owned dedicated land held by Ministerial Order. Contact **Saskatchewan Community Services** or **Rural Development** planning staff about obtaining the consent.

A legal land description is needed to complete the forms in this appendix. The forms are drafted for a whole parcel as it is described on an existing survey plan and title. The forms need revisions for other situations.

Plans and titles can be examined at your district **Land Titles office (LTO)** for a fee. Copies of plans are available, at cost, from the **Chief Surveyor's Office (CSO)**. Their address is 2024 Albert Street, Regina, Sask. S4P 2T7.

For cases involving part of a parcel or more than one parcel, the land description must be acceptable to your LTO and the CSO. The CSO supplies legal land descriptions for a fee (send a sketch with your request). They decide if a Saskatchewan Land Surveyor is needed.

A land surveyor may be needed if a proposal affects only part of a parcel or other land. Surveyors can be hired to do a new subdivision plan, a subdivision application, and Steps 4 and 7. If the affected land is included on a new subdivision plan, the surveyor may need to revise the forms required under Step 7.

EXCEPTIONS

Walkways - When cancelling a municipally owned walkway (i.e. designated Walkway W#), Steps 3 and 5 are not used. Instead, urban and northern municipalities must use Steps 4 b) and 4 c) from Appendix F. Rural municipalities do not have to give the public notice or hold a hearing. All municipalities must use Appendix F to cancel a Crown owned walkway.

Utility Parcels - These are shown on survey plans and titles as "Utility Parcel U#". They can be transferred to another municipality by registering a completed Transfer by Corporation form in your district LTO. To sell a utility parcel or change its boundaries, only Steps 4, 7 and 8 are required.

Reserves Created By Directive or Bylaw - Land can be dedicated as environmental reserve or public reserve by a ministerial directive, or municipal reserve by a bylaw. Appendix A explains how the directive or bylaw can be registered on the land. These reserves can be cancelled using Steps 1 to 8 with the following stipulations.

Part II of Appendix A explains how the reserve designation may be only on a title. To cancel the designation, a Master of Titles Order is still needed to amend the title. The affidavit and petition on Pages E-7 and E-8 can be reworded to request the title amendment.

If the land was dedicated by a bylaw, a rescinding bylaw will be needed to remove the dedication bylaw from the bylaw register. If only part of the land is affected, an amending bylaw will do. These bylaws must be passed after the sale or exchange bylaw on page E-4 has ministerial approval.

ASSISTANCE

Saskatchewan Community Services or **Rural Development** planning staff will help with these procedures. Their addresses and phone numbers are in the *MUNICIPAL DIRECTORY* and on subdivision application forms.

PROCEDURES: A check list starts on Page E-9.

1. RESOLUTION

Council passes a two part resolution: proposing the sale or exchange; and authorizing preparation of the required documentation. A general property description may be used in the resolution. The legal description must be used later. No binding agreements for the land should be made until all the steps are done.

2. BYLAW

Draft a proposed bylaw like the sample on Page E-4. Any sale proceeds must be posted to a **Dedicated Lands Account** in the municipal ledger. Under *The Dedicated Lands Regulations*, councils can authorize expenditures from a Dedicated Lands Account only for buying, developing or maintaining other reserves in or outside the community.

3. PUBLIC NOTICE

Draft a notice using the format on Page E-5. A notice must outline reasons for the sale or exchange and advertise a public hearing to discuss the proposal. The notice must be published twice in a local newspaper. There must be seven days between appearances and fourteen days between the last appearance and the hearing (save copies of the newspaper for Step 6). If the time constraints are met, the hearing may be held during a council meeting.

With prior approval, another notice method may be used (i.e. notices mailed with utility bills). To obtain this approval, send Community Planning a letter explaining the preferred method and the reasons for it. Include copies of the proposed bylaw and notice.

4. UTILITY COMPANY COMMENTS

Request a consent letter from SaskTel, SaskPower, SaskEnergy and any other utility or cable-TV company that may have lines on, in or over the land. Include the reasons for the request and the legal land description. Easement agreements or relocation costs may have to be negotiated with them for existing lines. The land's title may show if any utility easements exist.

Some current Crown utility company addresses are:

SaskPower - Land Department, 2025 Victoria Avenue, Regina, Sask. S4P 0S1

SaskEnergy - Provincial Gas Ltd. (South), 445 Hoffer Drive, Box 3839, Regina, Sask. S4P 3R8

SaskTel - Lands and Easements (South), 2121 Saskatchewan Drive, Regina, Sask. S4P 3Y2;

or SaskEnergy - Provincial Gas Ltd. (North), 408 - 36th. Street East, Saskatoon, Sask. S7K 6K8

SaskTel - Lands and Easements (North), 140 1st. Avenue North, Saskatoon, Sask. S7K 1W8.

(If the land is part of a subdivision application, the Land Surveyor or Community Planning may obtain the comments.)

5. PUBLIC HEARING

During the hearing, the clerk should keep notes on the discussion and copies of any written submissions. If the hearing is held during a council meeting, council must resolve to suspend the meeting and open the hearing.

After the hearing, Council can decide whether to pass the bylaw. If unanimous consent is given to do so, the bylaw can be given three readings at the same council meeting. Otherwise, council must give first and second readings at one meeting and the third reading at the next.

6. MINISTERIAL APPROVAL

Prepare a statutory declaration like the sample on Page E-6, and append the following:

- a) two certified copies of the bylaw (see Page E-4);
- b) original copies or photocopies of the newspaper or other notices;
- c) a photocopy of the Duplicate Certificate of Title for the land;
- d) certified copies of any written submissions or meeting notes; and
- e) photocopies of the utility company consent letters (unless obtained by CPSB).

Have the documents endorsed by a Commissioner of Oaths (see Page E-7). Then send the material to your Community Planning Services office. If approved, Community Planning returns one copy of the bylaw showing the endorsement.

7. MTO APPLICATION

Only a municipality or the Crown may own land designated as a buffer, park or reserve. A **Master of Titles Order (MTO)** can change the designation so that the land can be sold to a private person or corporation. MTO applications must be prepared in duplicate, as follows:

- a) two copies of an affidavit like that on Page E-7 with original signatures on both;
- b) two copies of a petition like that on Page E-8 with original signatures on both;
- c) the original utility company consent letters and a photocopy of each;
- d) two certified copies of the approved bylaw (see Page E-4); and
- e) the affected land's Duplicate Certificate of Title, or a photocopy of the title if the original Duplicate is in the district Land Titles office.

Draft applications may be sent to the Chief Surveyor's office for comments before formally executing the documents. Their address is 2024 Albert Street, Regina, Sask. S4P 2T7.

Have the documents endorsed by a Commissioner of Oaths (see Page E-7). Then, send both copies of the application to the Chief Surveyor's office, or the surveyor preparing a new subdivision plan. The surveyor must send the completed application with the new plan to the Chief Surveyor. Once the Chief Surveyor's office accepts the documents, they:

- a) draft the MTO to amend the existing plan of survey; and
- b) submit the material to the district Land Titles office for registration.

8. REGISTRATION

The Land Titles office will send the municipality a copy of the registered MTO and a new Duplicate Certificate of Title. Then, the land can be transferred to a buyer by registering a completed **Transfer By Corporation** form in Land Titles. This process may be revised if there is a new subdivision plan. Consult the surveyor for details.

These procedures are based on *The Planning and Development Act, 1983*, *The Land Titles Act* and related regulations and policies. The legislation must be used for legal interpretations.

SAMPLE BYLAW

**NAME OF MUNICIPALITY-
BYLAW NO. _____**

A bylaw to provide for the (sale / exchange) of dedicated lands.

The Council of the **NAME OF MUNICIPALITY** in the Province of Saskatchewan enacts: **-SELECT APPROPRIATE CLAUSES-**

- (1) To sell the following dedicated land at fair market value:

LEGAL LAND DESCRIPTION

with the sale proceeds to be posted to the Dedicated Lands Account for future expenditure on other dedicated lands.

-OR-

- (1) To exchange the following municipal reserve land:

a) **LEGAL LAND DESCRIPTION**

for the dedication as municipal reserve of the following land which has an equal or greater value:

b) **LEGAL LAND DESCRIPTION**

- (2) That the Clerk do such other things necessary to effect the intent of this Bylaw.
- (3) That this Bylaw take effect upon the date it is approved by the Minister.

S E A L

Mayor / Reeve

Administrator / Clerk

Land descriptions in the bylaw should be copied from the affected land's title. If only part of a parcel is affected, the description must be acceptable to your Land Titles office or the Chief Surveyor's office, and it may need subdivision approval.

Only municipal reserve may be exchanged for other land. New municipal reserves may be dedicated two ways.

One way is to hire a Saskatchewan Land Surveyor to register a new survey plan showing the reserve. Then clause 1 b) might refer to: "Municipal Reserve MR# shown on the attached copy of a plan of proposed subdivision signed by NAME, S.L.S., on DATE".

The other way is to pass another bylaw using the procedure in Appendix A. This method may be used only when land to be dedicated has an existing title.

MAKING CERTIFIED COPIES

Leave blank space in the bylaw for the following endorsements. Another is shown on Page E-7.

6. MINISTERIAL APPROVAL

Under Step 6, you need two copies of the bylaw to obtain Ministerial approval. Photocopies of the original signed bylaw may be used. Certify each copy using the following wording with an original signature and the municipal seal.

Certified a true copy of Bylaw No. _____
passed by Council on DATE .

Signature
ADMINISTRATOR / CLERK **S E A L**

7. MTO APPLICATION

Under Step 7, you need two copies of the bylaw that shows the Ministerial approval. Use photocopies of the approved version from Step 6. Certify each using the following wording with an original signature and the municipal seal.

Certified a true copy of Bylaw No. _____
approved by the Deputy Minister on DATE.

Signature **S E A L**
ADMINISTRATOR / CLERK

The public notice wording may follow the format shown to the right. The notice must state that a sale or an exchange is proposed; not both.

SAMPLE

PUBLIC NOTICE OF THE PROPOSED (SALE/EXCHANGE) OF DEDICATED LANDS

Pursuant to The Planning and Development Act, 1983, Public Notice is hereby given, that the Council of the **NAME OF MUNICIPALITY** intends to consider adopting a bylaw to (sell/exchange) the following public land.

INSERT LEGAL LAND DESCRIPTION

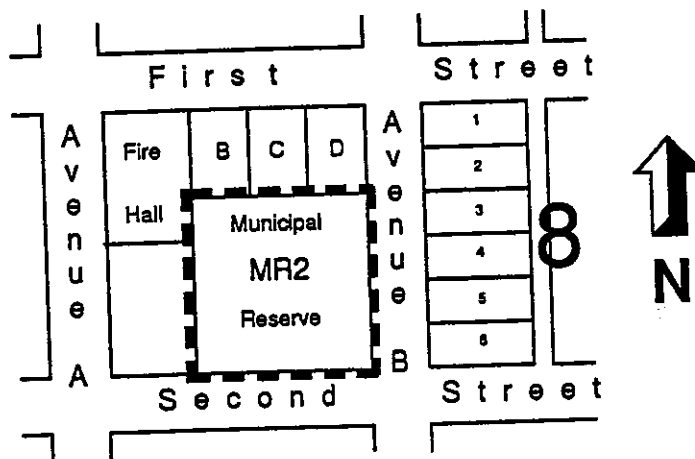
(e.g. All of Municipal Reserve MR2, Anyplace, Saskatchewan, Plan 12-Z-12345.)

The affected land is generally known as:

STATE ADDRESS, PARK NAME, STREET REFERENCES, OR ANY OTHER FEATURES THAT IDENTIFY THE AREA.

The following map shows the land... (e.g. outlined by a bold dashed line).

The map must clearly identify the surrounding area and the affected land. Show area street names and local landmarks. Show the land crosshatched, shaded or outlined by a bold dashed line.



If an exchange is proposed, the reason should state the address or general location and the legal description of the land being dedicated. Another map showing the area is recommended.

The reason(s) for the (sale/exchange) are... **STATE.**

The proposed bylaw may be inspected by any interested person or group at the **MUNICIPAL OFFICE** on any judicial day between **HOURS**. Copies of the bylaw are available at a cost of **PHOTOCOPY COST**-each.

Council will hold a public meeting **LOCATION, DAY and TIME** (e.g. in Council Chambers on May 18, 1999, at 8:00 PM) to hear any person or group who wants to comment on the proposal. A letter or petition giving the reasons for appearing may be delivered or sent to the undersigned by (e.g. 4:30 PM on the Friday preceding a Monday hearing).

Issued at the **NAME OF MUNICIPALITY**
this **DAY, MONTH and YEAR.**

Signed: NAME
Administrator/Clerk

Two copies of the Affidavit shown to the right are required. Each copy must have original signatures.

SAMPLE

AFFIDAVIT AS TO FACTS OF CASE

PROVINCE OF SASKATCHEWAN TO WIT

In the matters of The Land Titles Act, and an amendment to a plan of survey in (IF RM: the & Sec. Twp. Rge. W of Mer.) in the **NAME OF MUNICIPALITY**, registered in the Land Titles Office for the **NAME** Land Registration District as No. **REGISTERED NUMBER**.

I, **FULL NAMES - NO INITIALS**, of the **NAME OF MUNICIPALITY**, in the Province of Saskatchewan, **OCCUPATION** (e.g. Municipal Administrator) make oath and say:

- 1) That I am the **JOB TITLE** (e.g. Administrator) for the **NAME OF MUNICIPALITY**, and as such have personal knowledge of the matters herein.
- 2) That annexed hereto and marked Exhibit " " to this my Affidavit is the Petition of the **NAME OF MUNICIPALITY** dated the **DAY** of **MONTH**, 19 .
- 3) That the facts, matters and things set forth in the annexed Petition are true in substance and in fact, to the best of my knowledge, information and belief.
- 4) That annexed hereto and marked Exhibit " " to this my Affidavit is a certified true copy of Bylaw No. passed by the Council of the **NAME OF MUNICIPALITY** on the **DAY** of **MONTH**, 19 , which was approved by the (Deputy) Minister of (Urban Affairs or Rural Development) on the **DAY** of **MONTH**, 19 .

Sworn before me in and at the **NAME OF MUNICIPALITY**, in the Province of Saskatchewan, this day of , A.D. 19 .

Signature

Signature

A Commissioner for Oaths in and for the Province of Saskatchewan. My Commission expires , 19 .

Note the Commissioner of Oaths requirement below.



COMMISSIONER OF OATHS ENDORSEMENT

A Commissioner of Oaths must endorse every Exhibit attached to an Affidavit or a Declaration. Wording like that to the right may be used. It can be stamped or typed on the attachments. Two different versions will eventually be shown on the bylaw for the separate applications under Steps 6 and 7.

This is Exhibit " " referred to in the Affidavit of **FULL NAME OF PERSON SWORN BEFORE ME** this day of , A. D. 19 .

Signature

A Commissioner for Oaths in and for the Province of Saskatchewan. My Commission expires , 19 .

SAMPLE

PETITION FOR AMENDMENT OF PLAN

BEFORE THE
MASTER OF TITLES
FOR THE
PROVINCE OF
SASKATCHEWAN

In the matters of The Land Titles Act and
an amendment to a plan of survey in the
(IF RM: % Sec. Twp. Rge. Mer. in the)
the NAME OF MUNICIPALITY registered in
the Land Titles Office for the NAME Land
Registration District as No. NUMBER.

The Petition of the NAME OF MUNICIPALITY in the Province of Saskatchewan,
SHOWETH:

- 1) THAT the NAME OF MUNICIPALITY is the owner, (in fee simple or as otherwise stated on the Duplicate Certificate of Title) of:
INSERT LEGAL LAND DESCRIPTION
- 2) THAT to **STATE REASON(S)**, redesignation of the land is required.
- 3) THAT the following utility companies have consented to the foregoing as evidenced by the enclosed original or certified copy* of their respective consent letters: Saskatchewan Telecommunications, the Saskatchewan Power Corporation, the Saskatchewan Energy Corporation, and (and any others required).
- 4) THAT the Minister of (Community Services or Rural Development) has consented to the above pursuant to The Planning and Development Act, 1983, as evidenced by the enclosed certified copy of Bylaw No. # showing the approval.

THEREFORE your Petitioner requests that the Master of Titles issue an Order directing:

- A) THAT the said plan of survey registered as Number **REGISTERED NUMBER** be amended by designating the aforesaid land as **INSERT NEW Lot/Block or Parcel DESIGNATION**.
- B) THAT a new Certificate of Title, and Duplicate thereof, be issued in the name of: **NAME OF MUNICIPALITY, FULL ADDRESS and POSTAL CODE**
- C) THAT such further things be done which the Master of Titles may deem necessary and expedient in the circumstances.

Dated at the NAME OF MUNICIPALITY,
this ___ day of _____, A.D. 19__.

S E A L

Signature
Mayor / Reeve

Signature
Administrator / Clerk

Two copies of the
Petition are required.
Each copy must have
original signatures and
seals.

A draft copy of a Petition
may be sent to the Chief
Surveyor's office for
comments before it is
formerly executed. They
will help you correct any
errors or omissions.

Delete clause 4) if selling
or cancelling an utility
parcel. Ministerial
approval is not required
to sell an utility parcel.

* The original letters must accompany one copy of the
Petition. Photocopies of the letters may accompany
the second copy of the Petition. Certify each
photocopy using the wording like that to the right
with an original signature and the municipal seal.

Certified a true copy this
DAY of MONTH, YEAR.

S E A L

Signature
Administrator / Clerk

PROCEDURE CHECK LIST

1. RESOLUTION. No. _____. Passed on _____. For sale ____ or exchange _____.

1.1 General land description or address:

1.2 Legal land description: Existing title description ____ or new description needed _____.

If new description needed, letter and sketch sent to Chief Surveyor on _____.

Legal description:

1.3 If an exchange, other land to be dedicated by new survey plan ____ or bylaw ____ (Appendix A).

If plan, surveyor hired ____, plan of proposed subdivision prepared on _____.

Subdivision application submitted to Community Planning Services on: _____.

(See utility section on next page.)

If bylaw, draft prepared _____. Land description from title:

2. BYLAW (Page E-4) (not needed for an utility parcel). Drafted on: _____.

First & Second Readings given on _____. Bylaw No. _____.

3. PUBLIC NOTICE (Page F-5) (not needed for an utility parcel).

Method: Newspaper ____ or other _____.

3.1 If newspaper, select publication and hearing dates.

First appearance to be on _____ (must be three weeks before hearing).

Second appearance to be on _____ (must be two weeks before hearing).

Hearing date to be on _____.

Notice drafted ____ and submitted for publication on _____.

(Remember to save copies of the newspaper notices.)

3.2 If other method, select a hearing date that allows more than three weeks between the day people are likely to receive the notice and the hearing. Also allow time for Community Planning's reply below.

Notice drafted ____ and sent to Community Planning Services for approval on _____.

(Send copies of draft bylaw, proposed notice and reasons for chosen method).

Approval received ____, notices mailed or delivered on _____.

4. UTILITY COMPANY COMMENTS. Request letter prepared ____ (state reasons, land description).

Requests sent to:	Easement:		Relocation costs:		Consent Received
	Required	Granted	Required	Arranged	
SaskTel	_____	_____	_____	_____	_____
SaskPOWER	_____	_____	_____	_____	_____
SaskENERGY	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Note: Community Planning Services may obtain utility comments when reviewing a subdivision application.

5. PUBLIC HEARING (not needed for an utility parcel). Held on _____.

Submissions received ____ . Verbal presentations ____ .

Council decision on bylaw(s): tabled until _____ ; passed on _____ .

6. MINISTERIAL APPROVAL (not needed for an utility parcel).

- 6.1 Prepare: a statutory declaration* (Page E-6). _____
 two certified copies of the bylaw (Page E-4) _____
 copies of the newspaper or other notices* _____
 a photocopy of the Duplicate Certificate of Title _____
 certified copies of any written submissions or meeting notes* _____
 photocopies of the utility company consents _____
 (*not needed for a walkway)

6.2 Commissioner of Oaths endorsement (Page E-7) received on: _____.

6.3 Sent to Community Planning Services on: _____ . Approved Bylaw received _____ .

7. MTO APPLICATION

- 7.1 Prepared: two copies of affidavit (Page E-7) with original signatures on both _____
 two copies of petition (Page E-8) with original signatures on both _____
 two photocopies of the Duplicate Certificate of Title _____
 original Duplicate sent to or in Land Titles office _____
 the original utility company consent letters and a photocopy of each _____
 two certified copies of the approved bylaw (Page E-4) _____
 (A bylaw is not required for an utility parcel.)

7.2 Drafts to Chief Surveyor for comments: not sent ____ ; sent on: _____.

7.3 Documents endorsed by a Commissioner of Oaths (Page E-7) on: _____.

7.4 Both copies of application sent to: Surveyor ____ ; or the Chief Surveyor's Office on: _____.
 (Include municipal reserve designation bylaw if concurrent registration is wanted.)

8. REGISTRATION. Registered MTO and new title received: _____.
 OR copy of registered plan received _____.