VILLAGE OF FROBISHER
BYLAW NO. 1 of 2001

A BYLAW OF THE VILLAGE OF FROBISHER, IN THE PROVINCE OF SASKATCHEWAN, TO AUTHORIZE AND CONFIRM THE ACQUISITION AND EXPROPRIATION OF CERTAIN LANDS FOR THE PURPOSE OF FACILITATING THE DISCHARGE, DRAIN, DEPOSIT OR RELEASE OF EFFLUENT INTO AN INTERMITTENT WATER COURSE ON THE LAND.

THE COUNCIL OF THE VILLAGE OF FROBISHER DULY ASSEMBLED ENACTS AS FOLLOWS:

WHEREAS the Council has deemed it desirable and expedient to use the Land hereinafter described in Paragraph 2 hereof to discharge, drain, deposit or release effluent from its storage cell located on Block N, Frobisher, Saskatchewan, Plan 72R00893 (the "Block N") as is authorized by a Permit For Municipal Sewage Effluent issued pursuant to *The Environmental Management and Protection Act* by the Minister of the Environment and Resource Management on January 18, 2001.

AND WHEREAS, in order to use the Land it is necessary and expedient to acquire the Land referred to herein, which the Council has been unable to obtain by agreement with the owner thereof;

NOW, THEREFORE, be it enacted as follows:

1. The Council of the Village of Frobisher hereby resolves that it requires the Land described in Paragraph 2 hereof for the purpose of discharging, draining, depositing or releasing effluent from its storage cell all located on Block N into an intermittent water course located on the land described in Paragraph 2 hereof;

2. The land required by the Village of Frobisher for the purposes aforesaid are as follows:

A portion of that portion of Block B, Frobisher, Plan C 4363 lying North Easterly of a line drawn parallel with and perpendicularly distant 150 feet North Easterly from the South Western Boundary of the Block being 6.39 acres as is more particularly shown on attached Plot Plan showing Proposed Expropriation cross hatched. Mines and minerals excepted. (a portion of Certificate of Title No. 98SE23407);

A portion of that portion of the North East and South East Quarters of Section 13, Township 3, Range 4, West of the Second Meridian, Saskatchewan, shown as Block J on Plan 66R14497 being 4.74 acres as is more particularly shown on the attached Plot Plan showing Proposed Expropriation cross hatched. Subject to the mineral exceptions, reservations and conditions contained in an instrument registered as No. AD 4648 (a portion of Certificate No. 66R19000);

(the "Land")

According to the records of the Land Titles Office for the Regina South East Land Registration District, the owner of the said lands is Albert Kenneth King and Albert King who is one and the same person.

3. The Council of the Village of Frobisher having been unable to acquire the Land by agreement with the owner thereof hereby expropriates the Land in the name of and on behalf of the Village of Frobisher in order that the Land may be used to discharge, drain, deposit or release effluent from its storage cell located on Block N.

4. It shall be lawful for Council of the Village of Frobisher to expropriate the Land; and to proceed in accordance with the provisions of *The Municipal Expropriation Act*, Chapter M-27 of Revised Statutes of Saskatchewan.

5. The Mayor and the Clerk be and they are hereby required, authorized and empowered to sign, execute and deliver all papers,

instruments, documents or rights reasonably necessary for carrying out the said expropriation proceedings, otherwise, acquiring the Land, or any rights with respect thereto, including the payment of such monies and compensation for the said Land, or any rights with respect thereto.

6. The Mayor and the Clerk be and they are hereby required, authorized and empowered to give all notices and instructions by or on behalf of the Village of Frobisher, necessary or desirable, to carry into effect the intent and purpose of this Bylaw.

7. Bylaw 12 of 2000 be and is hereby repealed.

8. This Bylaw shall come into force and have effect from the date of the final passing thereof.

READ A FIRST TIME this 9th day of February, A.D. 2001.

READ A SECOND TIME this 9th day of February, A.D. 2001.

READ A THIRD TIME and finally passed this 9th day of February, A.D. 2001.

Certified a true copy of Bylaw 1/2001
passed by the Council of the Village of Frobisher,

Saskatchewan

Municipal Affairs and Housing

Municipal & Community Services Division

Community & Heritage Services Branch
4th Floor, 1855 Victoria Avenue
Regina, Saskatchewan
S4P 3V7
Fax: (306) 787-8748
Phone: (306) 787-7704

Notice of Decision

CERTIFICATE OF APPROVAL

Under *The Planning and Development Act, 1983*

Our File: V-259-01-R
Your File: S-0155-01(L)
November 1, 2001

Mr. Thomas W. Sansom, S.L.S.
Midwest Surveys
P.O. Box 935
ESTEVAN SK S4A 2A7

Dear Mr. Sansom:

Re: Village of Frobisher, R.M. of Coalfields No. 4
NW, NE, SE ¼ Section 13-3-4-W2M
Subdivision for Expropriation of Lagoon Access

Under Sections 140(2) and 141 of *The Planning and Development Act, 1983* (the Act), the proposed subdivision located in the R.M. of Coalfields No. 4 described on the attached plan is hereby **APPROVED**.

Municipal Reserve

Under Section 190(d) of the Act, this proposal is exempt from providing municipal reserve land since the land is intended for utility or public use.

Legal

This Certificate is subject to the following legal limitations and qualifications:

a) It does not establish the method of registration prescribed under *The Land Titles Act,* but it must be submitted to the appropriate Land Titles Office to register the proposed subdivision.

Acid-free Paper

b) It is valid for 24 months from the date of issue. If requested before the expiry date, it may be reissued for a fee of $25.00. After the expiry date, such a request must be considered a new application subject to the full examination fees.

c) It does not eliminate the need to comply with the requirements of any other government department or authority, or with the municipality's building, zoning or other bylaws.

General Comments

1. If any digging or excavating is to be done SaskTel and SaskEnergy must be contacted for a free cable and pipeline location service. If any construction plans conflict with these facilities, the owner will be required to contact the corporation to discuss details regarding the possibility of moving the facilities and related costs.

2. TransGas has a gas transmission pipeline located in the area to be subdivided. Any encroachment activity within 30 metres of the pipeline requires written approval from them prior to construction. Roads built over the pipeline must have written approval prior to construction.

3. SaskWater requires that adequate drainage structures be placed through the access road so that the road does not impede the natural water flow in the area.

Fees

There are no outstanding fees due to the expropriation purposes.

Ralph Leibel, P.P.S., M.C.I.P.
Director of Community Planning

cbw
Enclosure

cc: Village of Frobisher, R.M. of Coalfields No. 4,
SaskTel (FRBS 4035), SaskPower (18329), SaskEnergy (01-5063),
Environment and Resource Management (Estevan), SaskWater (Weyburn),
CNR (Anita Fleming, 3000521)