

## Policy and Procedure: Canceling Feature Plans

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<b>Owner</b> Ministry of Justice - Controller of Surveys	<b>Manual</b> Surveys	<b>Last Revision</b>
<b>Policy Name</b> Canceling Feature Plans	<b>Effective Date</b> May 30, 2005	<b>Revised Date</b> November 16, 2005

### Policy Statement:

**Note: This policy only applies to feature Right-of-Way plans and Descriptive Plan Type II (DP II) Feature Utility Easement plans. It cannot be used to change the limits of parcels on surface, mineral or any other type of feature plans. A Change Order shall be used to cancel all or portions of approved feature right of way plans and DP II Feature Utility Easement plans. Note: All applicable fees apply.**

### Canceling Entire Feature Plans

There may be instances where it becomes necessary to cancel an entire feature plan. The feature plan may be based on a subdivision that will be canceled due to a new subdivision replacing it or it may be that the right of way was never used, and a new feature plan has replaced it.

Applications for plan correction under Section 41 of The Land Surveys Act, 2000 requesting the cancellation of entire approved feature Right-of-Way plans and DP II Feature Utility Easement plans may be made to the Controller of Surveys under the following conditions:

- The application shall include a statement indicating that:
  - a utility does not exist within the right-of-way or easement being cancelled.
  - no interests exist for the right-of-way or easement being cancelled.
- The application shall include the consent of the utility company if the utility company still exists.
- If the Surveyor of the plan being cancelled is still a licensed Saskatchewan Land Surveyor, the application shall include a statement that the Surveyor has been notified and is in agreement with the cancellation unless he is the applicant.
- When a Change Order cancels a plan, a new plan submission would be required to re-activate the cancelled portion.

Upon approval of the application, the Change Order will be processed, and the feature will be removed from GIS.

### **Canceling Portions of Feature Plans**

Applications for plan correction under Section 41 of The Land Surveys Act, 2000 requesting the cancellation of portions of approved feature Right-of-Way plans and DP II Feature Utility Easement plans may be made to the Controller of Surveys under the following conditions:

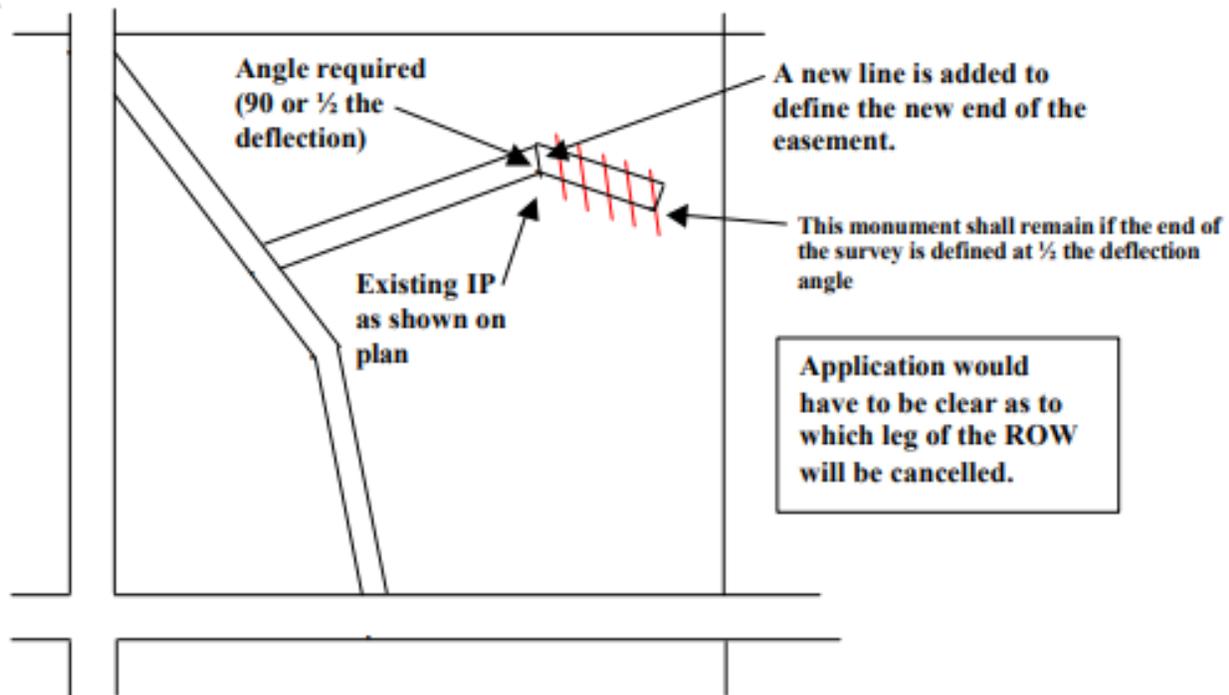
- ISC will review all applications for plan corrections on a case-by-case basis and determine whether or not to proceed with the amendment. In some cases, if there are too many changes, it may be necessary for the client to request that the entire plan be cancelled and a new plan submitted showing the correct information.
- This policy cannot be used for relocating line work or the addition of line work, other than what is required to close off the end of the right of way or easement at the point of cancellation.
- When a Change Order cancels a portion of a plan a new plan submission would be required to re-activate the cancelled portion.
- The application shall include a statement indicating that:
  - a utility does not exist within the portion of right-of-way or easement being cancelled.
  - no interests exist for the cancelled portion of the right-of-way or easement.
- If the Surveyor of the plan being cancelled is still a licensed Saskatchewan Land Surveyor, the application shall include a statement that the Surveyor has been notified and is in agreement with the cancellation unless he is the applicant.
- Information relating to the portion of the right-of-way or easement affected by the plan correction such as areas, area designations and/or parcel identifiers shall be amended accordingly and included in the application.
- A sketch of the affected area of the plan showing the portion to be cancelled may be submitted with the application for plan correction.

Applications for plan corrections under this policy may be allowed on two types of feature plans (Right-of-Way and DP II Utility Easement). Since the Right-of-Way is monumented and the DP II is not, the requirements specific to each type are listed below:

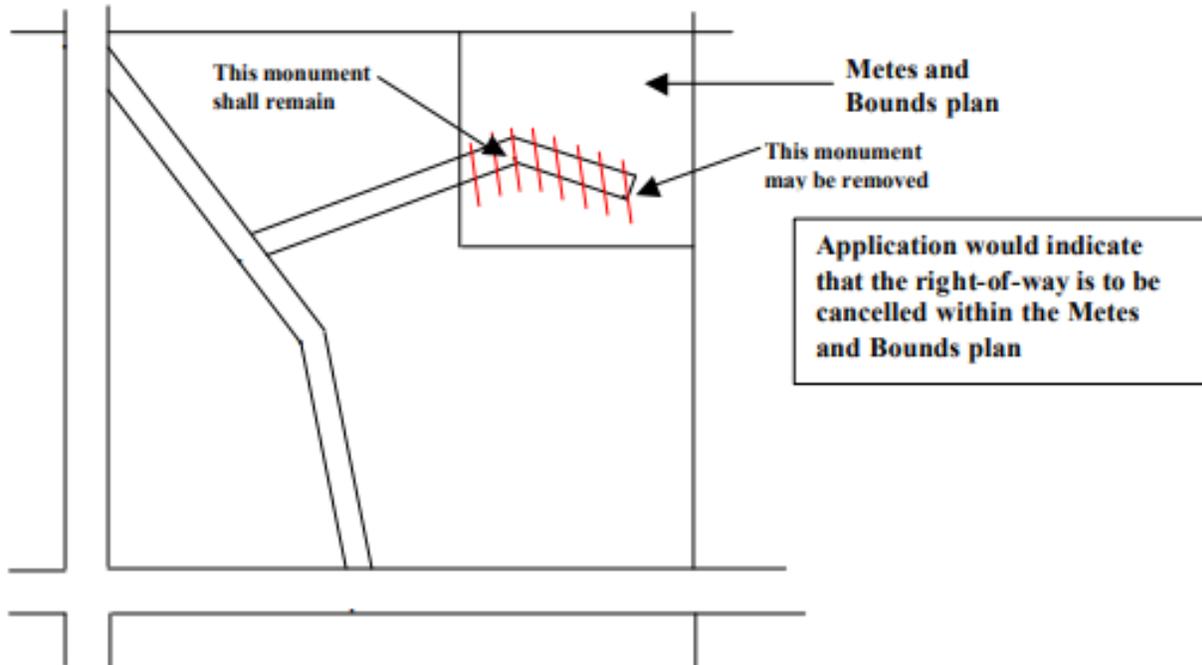
#### **Right-of-Way plans**

- To maintain the monumentation requirements of a right-of-way survey, the end of each course of the right-of-way survey shall be monumented and shown on the plan of survey. Therefore, the cancellation of a portion of a feature right-of-way plan shall occur at a monumented position unless it occurs at the limit of an unsurveyed titled boundary such as a Metes and Bounds parcel or an unsurveyed quarter section line. Unsurveyed titled boundaries do not require the intersecting point to be monumented. Therefore, the cancellation of a right-of-way at an unsurveyed titled boundary is possible without breaking the monumentation requirements for a right-of-way survey.

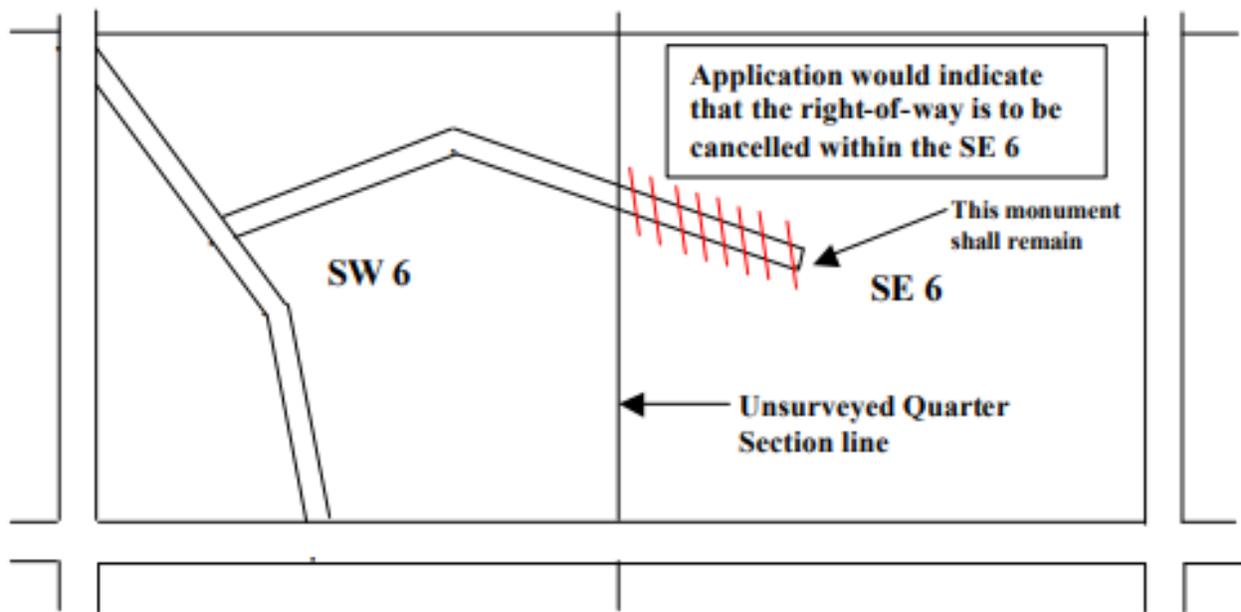
- It will be left to the Surveyors discretion if they wish to remove monuments for the portions of the plan being cancelled. If the monuments are removed, the application for plan correction shall clearly indicate that the monuments have been removed in order that the plan can be amended accordingly. There shall be sufficient monumentation remaining to define the active portion of the right-of-way.
- Unless the point of cancellation is at an unsurveyed titled boundary, the application for plan correction shall include an angle at the point of cancellation to clearly indicate how the active portion of the plan is to be closed off. It shall be clear whether the end of the right-of-way is at 90 degrees from the monumented limit, on half the deflection angle or on a production from another surveyed line.

**Example A:**

Example B:



Example C:

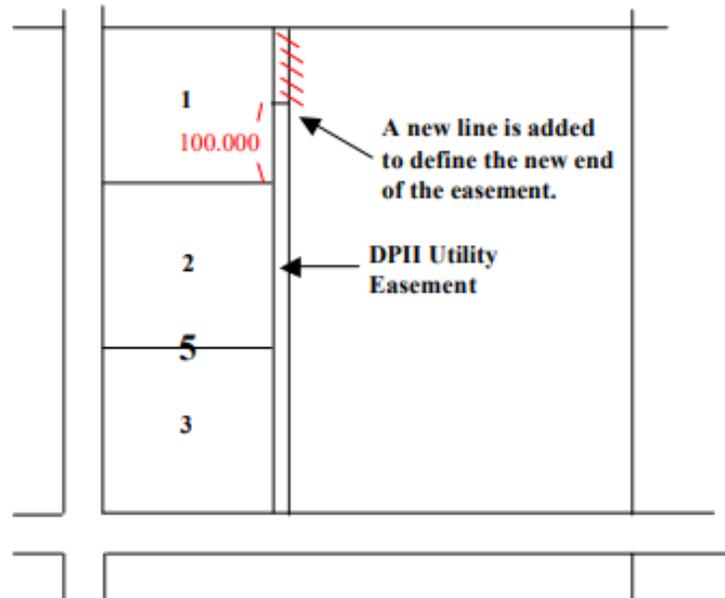


**Descriptive Plan Type II Utility Easement**

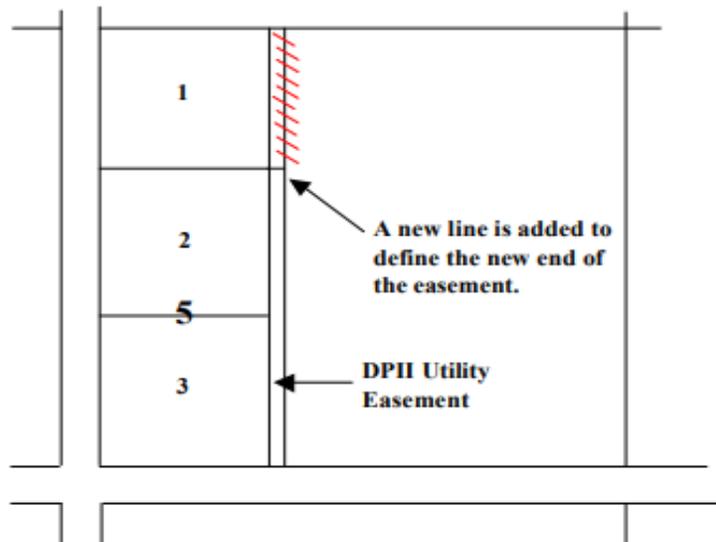
- The point of cancellation may begin or terminate at any title boundary or at any distance from a title boundary. The application for plan correction shall clearly indicate where the plan is to be cancelled. If the cancellation point is at a specified distance from a titled limit, the distance shall be part of the application, so it can be included in the change order.

**Example D:**

The application for plan correction shall indicate that the easement be cancelled north of a point at 100 metres north of the south limit of Lot 1, Blk. 5 and that the distance of 100 metres be added to the plan between the south limit of Lot 1 and the point of cancellation.

**Example E:**

The application for plan correction shall indicate that the easement be cancelled north of the north limit of Lot 2, Block 5.



**Purpose:**

This policy provides a practical approach for canceling or amending approved feature right-of-way plans and Descriptive Plan Type II Utility Easements where it was determined that all or portions of the right-of-way or easement were not required. Prior to this policy, a new plan of survey would have been required to show the correct location of the feature and the incorrect plan would have remained active. However, this created problems in GIS by showing rights-of-way within which there were actually no utilities.

In the past, canceling all or portions of feature plans would have been accomplished by a Master of Titles Order, which has been replaced by the change order process. By allowing all or portions of a feature right-of-way plan or Descriptive Plan Type II Utility Easement to be cancelled by a change order, we now have a mechanism in place by which both the plan and GIS can be amended to correctly show what actually exists in the ground.

**Canceling a portion of the ROW/Utility Easement by Change Order is an option being made available to the client. It does not eliminate the ability to submit a new/revised plan if so desired.**

**Approved By: Controller of Surveys**

**Date: November 16, 2005**