



Ministry of Works & Human Settlement
Department of Urban Development & Engineering Services
Thimphu

PROCEDURES FOR MUNICIPAL LAND AND PROPERTY ADMINISTRATION, 2007

May 2007

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PROCEDURES FOR MUNICIPAL LAND AND PROPERTY ADMINISTRATION, 2007

INTRODUCTION

Land is the most important component or the starting point for all development. Any limitation to the availability of suitable land hampers the human settlements development and the socio-economic development at large. The rapid pace of urbanization has resulted in the increase of population in the urban areas and the demand for urban housing and services has increased manifold. All such activities are closely related to land which is non renewable. Also with the rapid growth in population, unplanned development has occurred in many areas due to numerous and frequent subdivision/fragmentation of land/property as investment on land/property is considered to be the safest that can also reap maximum profit from the increased land value. Even the financial institutions are comfortable when the land is being mortgaged for availing loan. However, there lacks a proper mechanism in place to expedite and monitor on the increasing number of registration and transaction cases within the urban areas. Therefore in order to streamline and facilitate the process, a uniform and clear set of procedures are important to be established that will help avoid mismanagement and will ensure strict compliance with the rules and regulations.

DEFINITIONS

- 1) **“Condominium”** means a building consisting of two or more owner-apartments.
- 2) **“Dzongkhag Thromde”** means a **District/Dzongkhag town** or a **municipality** declared under the Thromde Act by the Royal Government.
- 3) **“Department”** means the Department of Urban Development and Engineering Services.
- 4) **“Gyelyong Thromde”** means a national city or a municipality declared under the Thromde Act by the Royal government.
- 5) **“Joint Owner”** means a person who, with one or more other persons, is jointly registered as the owner of a plot or unit.
- 6) **“Owner”** means a separate legal entity having ownership regardless of whether this entity represents a group of persons holding joint or other kind of mutual ownership.
- 7) **“Property”** means a registered land, plot, building or unit thereof.
- 8) **“Thromde”** means a large urban area or a **municipality** with a minimum population of 5,000 people in which more than 50% of the population is dependent on non - primary activities and having the potential to sustain its services through its revenue such as taxes and fees.
- 9) **“Thrompon”** means the elected head of the Thromde Tshogdu.
- 10) **“Thromde Dagchong”** means the administrative arm of the Thromde.
- 11) **“Throm”** means a small urban area with a minimum population of **100– 4,999** of which 50% of the population is dependent on non- primary and agricultural business activities.
- 12) **“Yenlag Throm”** means a satellite/medium town declared by the Royal Government under the Thromde Act.

TYPES OF OWNERSHIP

The following are the types of ownership for land/property which may be transacted in the Municipalities;

- Freehold - an ownership over a land/property that is registered with an individual or an organization and is freely transacted within the provision of subdivision rules.
- Joint Ownership – an ownership over land/property that is jointly registered with two or more persons or organizations.
- Owner- apartment – a separately owned dwelling unit in a building.

*Any Land/property that is under **Municipal holding** (land/property not registered by any organization or individuals including Sokshing, Tsamdo, recreational parks, infrastructure like roads, water and sewerage network and treatment plants, town halls, town libraries etc.) and **Government holding** are **non transferable**. They can be given on **lease** except for Sokshing and Tsamdo and the leasehold cannot be transferred to another lessee without prior approval of the Ministry of Works and Human Settlement. The leaseholder shall first offer the property to the lessor and shall be allowed for transfer only if the lessor does not require the property and gives a written order authorizing the transfer.*

TYPES OF TRANSACTIONS

Land/property may be transacted through any one of the following transactions:

Sale/purchase - Property sold by the land owner to another person or group of people or organization.

Inheritance- Property inherited from the parents by children or by any other legal heirs.

Gift - property gifted to an individual or a family member normally as a token of appreciation.

Donation – Private property offered for religious purposes (Dratsang, Rabdey and Goendey and Private Lhakhangs).

Kasho – Property given by His Majesty to a family on kidu or Soilra.

Exchange – Property exchanged between two property owners mostly to suit their personal conveniences.

Government allotment - Property allotted by the government under the town planning scheme.

Acquisition with cash compensation - Compulsory purchase of the private/public registered property by the government for development purposes.

Acquisition with land substitute - Allotment of a substitute land in lieu of the original property acquired for development purposes.

Land Pooling – A portion of private/public registered land contributed by the land owners for the provision of infrastructure and other social amenities for the neighbourhood.

Guided Land Development – A portion of registered land contributed by the landowners especially in a built up area for the provision of basic infrastructure like roads, water supply and sewerage network.

EASEMENT

Every transaction shall give due regard to the easement right which have existed or is existing on the land or the property.

PROCEDURES FOR TRANSFERRING AND REGISTERING LAND/PROPERTY IN THE MUNICIPAL AREAS

All types of land/property transaction other than acquisition, land pooling and guided land development shall be processed as below. The application shall be processed within 60 days from the receipt of complete documents:

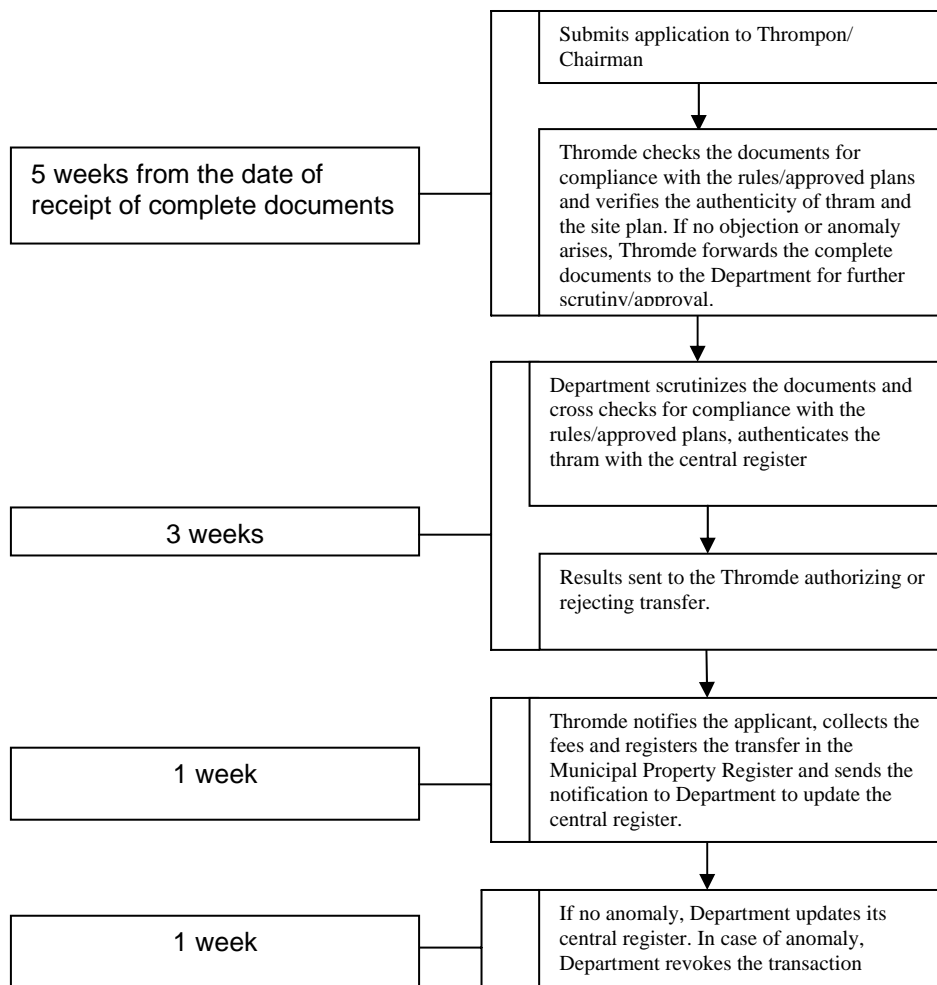
1. Every application for transacting land and property within a Gyelyong Thromde shall be submitted to the Thrompon who shall then forward the application to the Thromde Dagchong.
2. Applications for transacting land and property within a Dzongkhag Thomde and Yenlag Throms shall be submitted to the Chairman of the Thromde who shall then forward the application to the Dzongkhag administration.
3. The Thromde Dagchong / Dzongkhag administration shall within 5 weeks:
 - a) determine the completeness of the documents;
 - b) scrutinize for compliance with the prevailing rules and approved plans;
 - c) check whether taxes have been paid;
 - d) verify site plan and authenticate the tharm;
 - e) wait whether there is any objections from other family members
 - f) request or demand the transferor and the transferee to produce the documents if any additional document(s) is required,
4. The Thrompon or the Chairman shall, after the documents have been determined and scrutinized, either forward the complete documents to the Department for further scrutiny and approval or reject the transaction. If in case of the following but not limited to, the documents shall not be forwarded to the Department until and unless the dispute is resolved:
 - a) If the transferor was notified in writing by the concerned Thromde about the deviations to his property prior to applying for transaction, the transaction shall not be processed unless the rectification is done in compliance with the Development Control Regulations.
 - b) Where a written complaint has been lodged by the neighbours or the neighbourhood for unsanitary conditions on the transferor's land or property, blockage of public amenities or resulting in a blockage of public amenities which is likely to cause a nuisance / physical danger to the area, the transferor shall be called to resolve the issue and accordingly rectify the nuisance or where a transferee agrees to rectify the problem, the transaction shall be processed after first obtaining a letter of undertaking from the transferee to rectify the nuisance. Non-compliance with the undertaking shall be dealt according to the prevailing rules.
5. The Department shall, **after** receiving the complete documents, scrutinize and check for compliance with the rules and approved plans, authenticate the thram with the central register and forward the documents to the concerned Thromde either authorizing or rejecting transfer.

Note: The authentication of thram with the central register shall be done as and when the information system is developed by the DUDES.

6. After a transfer has been authorized or rejected by the Department, the Thromde shall notify the applicant and collect the fees where applicable and record the transfer in the Municipal Property Register. A fresh site plan shall be issued under the seal of the municipality endorsed by the Thrompon / Chairman for every new transfer.
7. The Thromde shall notify the Department for updating **every transfer** in the central register and in case of any anomaly with the central register shall revoke the transaction/registration.

Note: A valid building plan approved in the name of the transferor is also allowed to be transferred, but only on written permission from the transferor. However, if the building is already constructed or under construction then it is considered implemented and no separate approval is required.

Flow line of application and maximum time expected to complete the regular transaction process:



Note: The above prescribed time does not include the travel time for the documents

TRANSFER OF LAND/PROPERTY AFTER SUBDIVISION

1. No fraction of sub-divided plot shall be less than 4000 sq.ft for residential **buildings** and 2400 sq.ft for commercial **buildings**. Sub-division plans for areas which have been marked for planned development by the government, shall comply with the Development Control Regulations for that area.

2. The subdivision and transfer of plot on which the condominium is erected shall not be permitted although a proportionate ownership of the land shall be shown in the ownership certificate of an owner-apartment.
3. If an existing structure is illegal or some dispute exists on the title of the land/property, transfer shall not be permitted till the dispute is resolved.
4. The procedure for transferring subdivided plots shall be the same as any other transaction as discussed above.

ACQUISITION OF LAND/PROPERTY

1. The Land Act Section shall be applicable for acquiring land within the declared Municipal boundary and the compensation shall be worked out according to the Land Compensation Rule, 1996.
2. Any Agency intending to acquire property for developmental purposes within the urban boundary shall study the Structure Plan/Local Area Plan of that area and put up the requisition to the concerned Thromde. They shall also arrange the budget for payment of compensation prior to Acquisition.
3. On completion of the acquisition process, Thromde shall cancel the ownership of the original owner(s) and record the new plot (s) given through land substitute if any, in the Municipal Property Register. The Thromde shall also notify the Department for updating the central register.

LAND POOLING AND GUIDED LAND DEVELOPMENT

1. In case of using land pooling (LP) and (or) guided land development (GLD) as planning techniques in the preparation of the Local Area Plans, Thromde shall cancel the old plots and record the new ones in the Municipal Property Register after the final demarcation is completed.
2. Fresh site plan and ownership certificate shall be issued to all land owners who have contributed a certain percentage of their registered land for the provision of infrastructure and social amenities based on an approved Local Area Plan. The land so contributed for such development purpose shall be recorded as the Municipal property in the Municipal Property register.
3. After the issuance of the new ownership certificates, Thromde shall notify the DUES for updating the central register.

REGULARIZATION OF LAND

Excess land cannot be regularized **whilst transferring ownership of the Land**. It may be **regularized** prior to the transaction or after the transaction **has been affected**, depending on the merits of the proposal and as per the established procedures.

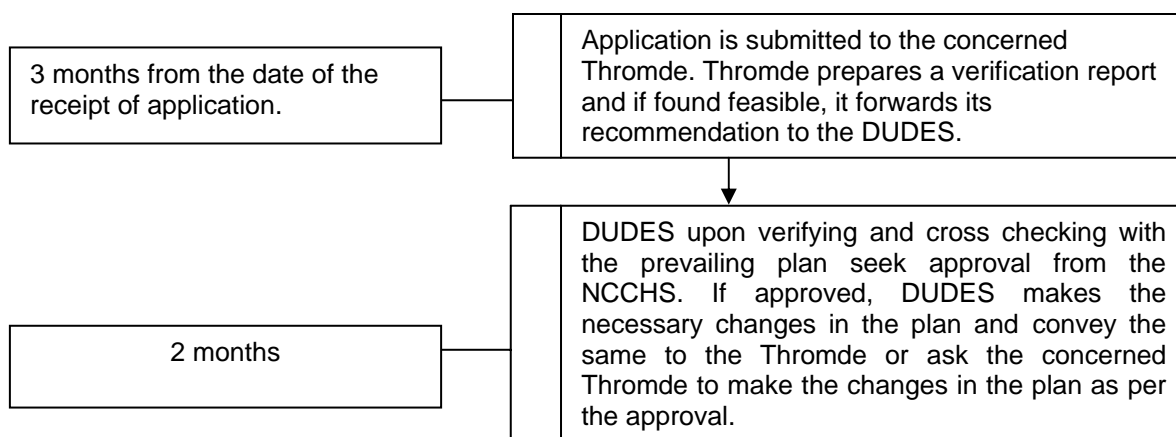
CHANGE OF LAND USE

In the urban areas, there are following categories of land:

- Residential
- Commercial

- Industrial
 - Institutional
 - Recreational open spaces
 - Any other land use as specified in the Structure / Local Area Plan.
1. A person seeking to change the land use must submit an application to the concerned Thromde. The Thromde shall, upon receipt of the application examine the application and prepare a verification report which shall contain details on land ownership, opinion of adjoining plot/land owners regarding the change of use, studies on slope, environmental threats, water availability, soil type and climatic condition. The Thromde shall also examine the feasibility of the proposed conversion which shall be recorded in a feasibility report.
 2. Change in the land-use/precinct shall be considered, if the verification and feasibility report prepared by the concerned Thromde show a major benefit to the surrounding area and the people residing in that area by the proposed change.
 3. Based on the verification and feasibility report, the Thromde shall forward **the application** and its recommendation along with complete documents to the Department
 4. The Department on receipt of the application and the recommendations, examine the verification and feasibility report .The Department may, if is of the opinion that the proposed change in the land use is feasible and acceptable, submit the application along with all the required documents for approval from the National Consultative Committee on Human Settlement (NCCHS) for approval.
 5. The National Consultative Committee on Human Settlement shall further scrutinize the application and the recommendations on the basis of the reports submitted and the prevailing laws and rules. The Committee may, if it is of the opinion that the reports and the recommendations are misleading, institute an independent sub-committee to examine the application and to conduct a fresh feasibility and verification study. The Sub-committee shall submit a report based on the study within one month.
 6. The NCCHS may, if it is satisfied with the reports and the recommendations, approve the conversion of the land use or reject the conversion. The Department shall, thereafter, make the necessary amendment and send the plan to Thromde or notify the concerned Thromde to make the necessary amendment on the plan.

Flow line of application and maximum time expected to process for the change of land-use:



Note: The above prescribed time does not include the travel time for the document.

DOCUMENT CHECK LIST FOR ALL TYPES OF TRANSACTION OTHER THAN ACQUISITION, LAND POOLING AND GUIDED LAND DEVELOPMENT WITHIN THE MUNICIPAL JURISDICTION

1. Transfer deed form (Annexure I) duly filled and executed legally (signed on judicial stamp) between the transferor and the transferee in the presence of minimum one witness each.
2. The Transfer format (Annexure III) duly filled and signed by the Municipal Engineer and the Thrompon/Chairman.
3. An attested copy of the allotment order or the proof of payment of taxes (prior to the issue of letter No. HMS/(05)87/1498 dated 31/3/1987 from HM's Secretariat) from the date of allotment, in case of land allotted under the town planning scheme / Lagthram (ownership certificate) in case of land that was transferred from the rural area. *(This document will be required till such time that DUDES establishes the Central Register for all Urban Lands).*
4. An attested copy of the kasho if the land is allotted on kidu or soilra.
5. Power of attorney form (Annexure II) duly filled and signed by the legal owner of the property and the witness if the transaction is to be executed by a representative.
6. An attested copy of Citizenship ID card of the transferor(s), transferee(s) and the witnesses.
7. Clearance from the financial institute in case of mortgaged land/property.
8. Official site plan of the plot, building plan and unit plan where transfer of land, building or building units is involved. Where an applicant fails to provide the required site plan for processing the transfer and subsequent registration, the concerned Thromde may prepare a site plan and get it approved by the Thrompon/Chairman and charge the applicant, in addition to the general fees and charges to be levied.
9. An Attested copy of the will of the parents or any other legal inheritance documents for inherited property or an attested copy of the Inheritance certificate issued by the Thrimkhang if the transferor is deceased.
10. A court verdict if the property is seized by any financial institutions and sold/auctioned.
11. A court order or death certificate if the transferor is deceased.
12. Status of the plot whether vacant or built up, type of structure with detailed measurement in case of built up plots prepared and certified by a Civil Engineer or Architect and verified and endorsed by the Chairman or Thrompon.
13. A scaled subdivision plan of the land parcel showing road access, location of existing structure, parking space etc. in case of transfer of plots after subdivision and building plan with unit (s) indicated along with unit plans in case of transfer of units within the building.



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ANNEXURE I

THROMDE

REGISTRATION AND TRANSFER FORM

PART – I

1. I/ Wewould like to subdivide my/our plot mentioned below intonumber of plots with the corresponding area (s) as below : **Please specify area in sq ft/decimals/acres against the plot numbers** (enclose the scaled subdivision plan of the land parcel showing road access, location of existing structure, parking space, plot numbers and corresponding areas)

PlotNo.1.....PlotNo.2.....PlotNo.3.....
 PlotNo.4..... PlotNo.5..... PlotNo.6.....
 PlotNo.7..... PlotNo.8..... PlotNo.9.....
 PlotNo.10..... PlotNo.11..... PlotNo.12.....

OR

I/ Wewould like to Transfer(whole plot) plot mentioned below along withstoried structure to Mr/Ms.....under single/joint ownership.

OR

I/ Wewould like to sub-divide and transfer my/our plot mentioned below along withstoried structure to Mr/Ms.....under single/joint ownership(enclose the scaled subdivision plan of the land parcel showing road access, location of existing structure, parking space, plot numbers and corresponding areas etc. in case of transfer of plots)

OR

I/ Wewould like to transfer the unit(s) of my/our building mentioned below to Mr/Ms.....under single/joint ownership (enclose the scaled subdivision plan of the land parcel showing road access, location of existing structure, parking space etc. and building plan with unit (s) indicated along with unit plans)

(Enclose a copy of the family census status/marriage certificate if the transfer of property is within immediate family members as defined in the Revised Taxation Policy Document 1992).

2. Transferor's Citizenship I/D No.....Transferee's Citizenship I/D No..... (Enclose copies of I/D card)

3. If Plot/Property is to be kept under Joint Ownership, please mention the name of the parties; (Enclose copy(s) of I/D card)

- 1.....Citizenship I/D No.
- 2..... Citizenship I/D No.
- 3..... Citizenship I/D No.

4. Type of transaction: **(Please tick only one whichever is applicable and enclose the relevant documents);**

Inherited

(Enclose - 1. an attested copy of the will of the parents or any other legal inheritance documents 2. an attested copy of the Inheritance certificate issued by the Thrimkhang if the person is deceased 3. family tree from the Ministry of Home and Cultural Affairs).

Government allotted **Vide Order No.....**

(Enclose a copy of the allotment order or proof of the payment of the taxes from the date of allotment, if the land was allotted under the town planning scheme / Lagthram (ownership certificate) that is duly attested by the concerned Municipal Corporation)

Purchased **Cost** *(Enclose an original internal agreement /genja)*

Gifted *(enclose the original deed)*

Kasho **Kidu or Soilra** *(Enclose an attested copy of the Kasho)*

Please Note: *Transfer of Kidu property will not be permitted for 10 years from the date of registration).*

Donated *(Enclose an original agreement /deed)*

Exchanged *(fill in PART III of this form)*

5. Has the property been mortgaged with any Financial Institutions: Yes / No

If yes, Name of the Financial Institute..... *(Enclose a copy of the clearance from the Financial Institute).*

PART-II: PLOT / BUILDING DETAILS

1. Registered Plot No. Thram No.....

2. Total Registered area in..... Sq. ft /..... Decimals /..... Acres.

3. Area to be transferred..... Sq. ft /..... Decimals /..... Acres.

4. Any construction on the said plot Yes No

If yes, a) Permanent b) Semi-permanent c) Traditional Bhutanese House d) Hutment

5. No. of storey.....Year of construction.....

6. Location of the plot/building with official site plan.....

7. No. of Unit(s) to be transferredTransacted unit floor location/ flat No. :.....

8. Building permit No. /approval letter No.

9. Category of Land

10. Valuation of the Structure Nu. (Enclose a copy of valuation certified by a Civil Engineer or Architect along with a copy of approved drawings).

PART III : EXCHANGE OF LAND/PROPERTY

PLOT- A

PLOT- B

Thram/Plot Holder.....

Thram/Plot holder.....

Thram No.

Thram No.....

Plot No.....

Plot No.

Exchanged Area with/without structure

Exchanged Area with /without structure.....

Town / Dzongkhag

Town / Dzongkhag

Location.....

Location.....

Category of land.....

Category of land.....

Valuation of the land/structure Nu..... (Enclose a copy of valuation certified by a Civil Engineer or Architect along with a copy of approved drawings).

N.B : OTHER ADDITIONAL DOCUMENTS TO BE ATTACHED

1. Power of attorney form (Annexure II) duly filled and signed by the legal owner of the property and the witness if the transaction is to be executed by a representative.
2. The duly filled up transfer format signed by the Municipal Engineer and the Thrompon/Chairman.
3. Official site plan of the plot, building plan and unit plan where transfer of building or building units is involved.
4. A court verdict if the property is seized by any financial institutions and sold/auctioned.
5. A court order or death certificate if the transferor is deceased.

DECLARATION

I/We (transferor) hereby declare that that I/We have consulted my/our family member(s) who have the right over the land/property and he/she/they have no objection to this transaction.

The information provided above is correct and We (transferor and transferee) honestly declare that the costs of the land/properties as mentioned in the deed are true and loyal to our statements. Any defaults in the event we shall be held responsible as defaulters as deem fit abided by the Thromde's decision under the law of the country.

Any litigation of the transacted properties referring to the court the Thromde shall honour the submitted agreement (deed) as a final and binding.

TRANSFEROR'S NAME (full in block letters) Recent passport size photo
.....

Present age:Years

Signature : Nu.10/- (legal stamp)

Date:.....

Contact Address :

.....
.....
.....

Tel. No.....(O).....(R)

WITNESS NAME (full in block letters)

.....

Signature: Nu 10/- (legal stamp)

Date:.....

Contact Address:

.....
.....
.....
.....

Tel. No.....(O).....(R)

TRANSFEEE'S NAME (full in block letters) Recent passport size photo
.....

Present age:Years

Signature : Nu.10/- (legal stamp)

Date:.....

Contact Address :

.....
.....
.....

Tel. No.....(O).....(R)

WITNESS NAME (full in block letters)

.....

Signature: Nu. 10/- (legal stamp)

Date:.....

Contact Address:

.....
.....
.....
.....

Tel. No.....(O).....(R)

For Official Use

Received date:.....

Application /Registered No.

Verified by

Name:

Designation:

Signature/Date:



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For Official Clearance

PART IV – to be completed by Development Control/Land Management Section

a) According to thram/plot record, the above property has been registered in the name of Ms / Mr.....under his/her/their thram No.Plot No., Located at

b) Registered Plot No. Thram No.....

c) Total Registered area in..... Sq. ft /..... Decimals /..... Acres.

d) Area to be transferred..... Sq. ft /..... Decimals /..... Acres.

e) No. of Unit(s) to be transferredUnit floor location/ flat No. :.....

f) Any objection on the Building permit Yes No

If yes, reasons of the objection

.....

.....

g) The land /plot is categorized as.....

h) As per the record, the property was allotted / registered under

- | | | | |
|--------------|--------------------------|--|--------------------------|
| a) Inherited | <input type="checkbox"/> | b) Purchased | <input type="checkbox"/> |
| c) Allotment | <input type="checkbox"/> | d) Kasho (Soilra or Kidu) specify pl. | <input type="checkbox"/> |
| e) Gifted | <input type="checkbox"/> | f) Exchanged | <input type="checkbox"/> |

i) Any disputes Yes No

If yes, status of the disputes.....

j) Any objection letter – Yes / No.....letter no.....

PART VI – to be completed by Urban Planning Section:

- 1) The said property falls under **Commercial / Residential / Mixed / Industrial / Institutional Zone** (tick the most appropriate)
2) Where sub-division is involved, does the sub-division plan fulfill all the planning requirements? Yes No (please tick)

Observations (Keeping in line with the urban planning norms):.....
.....
.....
.....
.....
.....

Verified by

Name:.....

Designation:.....

Sign & date:..... **Recommended /Not-Recommended (please tick)**



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ANNEXURE II

THROMDE

POWER OF ATTORNEY

I, _____ [YOUR FULL LEGAL NAME, Citizenship I.D Card No.], residing at _____ [YOUR FULL ADDRESS], hereby appoint _____ Full name, Citizenship I. D Card No. with full address of _____, _____, _____, as my Attorney-in-Fact ("Agent").

My Agent shall have full power and authority to act on my behalf to manage and conduct all of my affairs regarding the transaction of my land/property bearing Thram No.and Plot No.....located atin.....town.

My Agent's powers shall include:

1. Perform any act necessary to transfer my above mentioned land/property.
2. Enter into binding contracts on my behalf.
3. Prepare, sign, and file documents with the concerned Thromde, including, authorization to:

Prepare applications, provide information, and perform any other act reasonably requested by the Thromde in connection with my land/property.

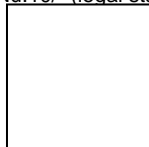
My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney.

I authorize my Agent to indemnify and hold harmless any third party who accepts and acts under this document.

This Power of Attorney shall become effective immediately and shall not be affected by my disability or lack of mental competence, except as may be provided otherwise. This Power of Attorney may be revoked by me at any time by providing written notice to my Agent.

Dated _____, 20____ at _____.

YOUR SIGNATURE: Nu.10/- (legal stamp)



YOUR PRINTED FULL LEGAL NAME:

WITNESS' SIGNATURE: Nu.10/- (legal stamp)



WITNESS' PRINTED FULL LEGAL NAME, ADDRESS and CITIZENSHIP I.D CARD NO :



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THROMDE

ANNEXURE III

TRANSFER FORMAT

SI.No	Name of the owners		Particulars of allotment order/ownership certificate and date	Plot No./building	Location and present use of property	Area of the plot	Sale Value	Remarks
	Transferor	Transferee						

MUNICIPAL ENGINEER

MUNICIPAL CHAIRMAN