

THIS AGREEMENT made in quadruplicate this 21st day of June 1985.

B E T W E E N:

THE CORPORATION OF THE CITY OF WELLAND

hereinafter called "the City"

OF THE FIRST PART

AND

THE CORPORATION OF THE TOWN OF PELHAM

hereinafter called "the Town"

OF THE SECOND PART

AND

THE REGIONAL MUNICIPALITY OF NIAGARA

hereinafter called "the Region"

OF THE THIRD PART

WHEREAS the Council of The Corporation of the City of Welland and the Council of The Corporation of the Town of Pelham agree that it would be mutually advantageous to adjust their municipal boundary to include approximately 6.5 acres of the Summerlea Subdivision within the City of Welland;

AND WHEREAS the City and the Town have come to an agreement with which the Region concurs, respecting the resolution of the inter-municipal boundary issue;

AND WHEREAS it is expedient to have this Agreement in written form so that the Parties may request of the Minister of Municipal Affairs that he recommend to the Lieutenant Governor in Council that an Order giving effect to this Agreement be made pursuant to the Municipal Boundary Negotiations Act, 1981, S. O. 1981, chapter 70.

NOW THEREFORE WITNESSETH that in consideration of the premises and the mutual terms and conditions hereinafter contained, the Parties hereto agree as follows:

1. Area to be annexed by the City of Welland

On the 1st day of January 1986, or such later date as is provided for in the Order of the Lieutenant Governor in Council (hereinafter called "the annexation day"), the portion of the Town described in schedule "A" to this Agreement (hereinafter referred to as "the area to be annexed by the City") shall be annexed to the City and shall become part of Ward 6 of the City.

2. Assets and Liabilities

(1) All real property of the Town located in the area to be annexed by the City shall vest in and become the property of the City on annexation day.

(2) All assets and liabilities, excluding all real property, of the Town attributable to the area to be annexed by the City shall remain the assets and liabilities of the Town.

(3) For the purpose of this paragraph, real property shall be deemed to include any highway, street fixture, waterline, easement and restrictive covenant running with the land.

(4) Prior to annexation day, the Town and the Region agree to permit the City to install a sanitary sewer line along that portion of Montgomery Road described in said Schedule "A" to this agreement as being within the lands to be annexed.

3. Real Property Taxes

(1) All real property taxes levied under any general or special Act and uncollected in the area to be annexed which are due and unpaid on the day prior to the annexation day shall, on annexation day, become a debt owed to the City and may be collected by the City.

(2) The Clerk of the Town of Pelham shall forthwith prepare and furnish to the Clerk of the City of Welland a special collector's roll showing all real property taxes or special rates assessed against the lands in the annexed area up to the annexation day and the persons assessed therefor.

(3) The City shall pay to the Town on annexation day or within three (3) months thereafter an amount equal to the amount due and unpaid in subparagraph (1).

4. Business Taxes

All business taxes levied and uncollected in the annexed area which are due and unpaid on the 1st day of January 1986 shall continue after that date to be taxes due and payable to The Corporation of the Town of Pelham and may be collected by The Corporation of the Town of Pelham.

5. By-laws in Area to be Annexed by the City of Welland

(1) The By-laws of the City in force in force on annexation day shall as of that date extend to the area to be annexed by the City and any Town By-law then in force in the area to be annexed by the City shall as of that date cease to apply to the area.

(2) Notwithstanding subparagraph (1), Zoning By-law No. 279 (1974) as amended, of the Town of Pelham, which shall be in force in the area to be annexed by the City on the day prior to annexation day, shall continue to apply after that date and shall be deemed to have been passed by the Council of the City until such time as it is amended, altered or repealed by the City.

6. Assessments

The Regional Assessment Commissioner shall be requested to prepare the assessment roll for the purposes of taxation on and after the annexation day and subsequent years for the area to be annexed by the City on the same basis that the assessment roll for the City is prepared in order to provide the area to be annexed by the City with an assessment that is equitable to the assessment of real property in the City.

7. Limitation

(1) The Province of Ontario supports and encourages the resolution of the intermunicipal boundary and boundary related issues by the Party Municipalities, pursuant to the Municipal Boundary Negotiations Act, 1981.

(2) The Parties recognize that this Agreement does not in any way bind the Province of Ontario and that,

- (a) this Agreement does not imply or anticipate an alteration in the policies or programs of the Province of Ontario, its agencies, boards or commissions; and
- (b) the implementation by Order-in-Council of this Agreement does not imply any right to preferred treatment under any programme of the Province of Ontario, its agencies, boards or commissions.

8. This Agreement shall be binding on the successors and assigns to the Parties hereto.

IN WITNESS WHEREOF this Agreement has been executed by the Parties hereto under their respective corporate seal.

THE CORPORATION OF THE CITY OF WELLAND

per _____ MAYOR

per _____ CLERK

THE CORPORATION OF THE TOWN OF PELHAM

per E.G. Bergenstein MAYOR

per Mary Hackett CLERK

THE REGIONAL MUNICIPALITY OF NIAGARA

per _____ CHAIRMAN

per _____ CLERK

SCHEDULE "A"

AREA TO BE ANNEXED TO THE CITY OF WELLAND

That portion of the Town of Pelham in The Regional Municipality of Niagara described as follows:

BEGINNING at the intersection of the northerly boundary of the City of Welland and the easterly limit of Lot 186 of the former Township of Thorold;

THENCE North $0^{\circ} 36'$ East along that easterly limit 103.16 metres to the northeasterly angle of a Plan registered in the Land Registry Office for the Registry Division of Niagara South (No. 59) as Number 30 and now known as Number 664;

THENCE North $88^{\circ} 59'$ West along the northerly limit of the said Plan 87.86 metres to a point;

THENCE North $88^{\circ} 59'$ West 111.32 metres to a point;

THENCE South $0^{\circ} 35'$ East 94.21 metres to the northerly limit of Lot 13 of the said Plan;

THENCE South $89^{\circ} 24'$ West along the said northerly limit and the said limit prolonged 224.95 metres to the westerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE southerly along the said westerly limit 12.19 metres to the northerly boundary of the City of Welland;

THENCE easterly along the said northerly boundary to the place of beginning.

