

GRANT OF EASEMENT

THIS INDENTURE made the 13th day of August, A.D. 1971.

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT.

BETWEEN: THEODORE E. PROKOPETZ, of the Town of Pelham, in the Regional Municipality of Niagara, and  
GRACE E. PROKOPETZ, his wife of the same place, as joint tenants,

hereinafter called the "PARTIES" OF THE FIRST PART

- and - THE CORPORATION OF THE TOWN OF PELHAM, in the Regional Municipality of Niagara,

hereinafter called the "PARTY" OF THE SECOND PART

- and - MARY ZDEBIAK, of the City of Welland, in the Regional Municipality of Niagara,

hereinafter called the "PARTY" OF THE THIRD PART

WHEREAS THEODORE E. PROKOPETZ and GRACE E. PROKOPETZ are the owners of the lands described in Schedule "A" hereto annexed, subject to registered Mortgage No. 75365B held by the Third Party,

NOW THIS INDENTURE WITNESSETH that in consideration of the sum of -----  
---ONE DOLLAR (\$1.00)---of lawful money of Canada, now paid by the Second Party to the First Parties, the receipt whereof is hereby acknowledged, the First Parties hereby grant to the Second Party, its successors and assigns, the right ~~at any time~~ to enter upon the lands hereinafter described, in Schedule "A" hereto attached, for the purpose of laying down and constructing sewers, sewer pipes and drains in, under and upon the said lands, and keeping and maintaining them at all times in good condition and repair, and for every such purpose the grantee shall have access to the said lands ~~at all times~~ by its servants, employees and workmen, *SUBJECT TO "NOTICE" OUTLINED IN THE ADDENDUM ATTACHED.*

THE Second Party covenants and agrees with the other Parties hereto and with each of them that it shall be responsible for any damage caused by its agents or employees to the property of the First Parties and shall as far as possible replace at its own cost any soil or turf removed in connection with any of the work above referred to. *SEE CONDITIONS OUTLINED IN ADDENDUM ATTACHED.*  
NO covenant on the part of the Mortgagee shall be implied by reason of this Indenture or by reason of anything herein contained.

THIS INDENTURE and everything herein contained shall extend to and include the Parties hereto and their and each of their respective heirs, executors, administrators, successors and assigns

IN WITNESS WHEREOF the Parties hereto have executed these presents.

SIGNED, SEALED AND DELIVERED

in the Presence of

) THE CORPORATION OF THE TOWN OF PELHAM

) *[Signature]*  
) *MAY 12*

) *[Signature]*  
) *CLERK*

) THEODORE E. PROKOPETZ and GRACE E. PROKOPETZ

MARY ZDEBIAK

*Mary Zdebiak*

*as to the*  
*Signatures Theodore E. Prokopetz May 15/72*  
*Grace Prokopetz May 15/72*  
*Theodore E. Prokopetz*  
*Grace E. Prokopetz*  
*and Mary Zdebiak*  
*M. Cheney*

## EASEMENT FROM TED PROKOPETZ

PART OF LOT 13, PLAN 36, TOWNSHIP OF THOROLD  
NOW IN THE TOWN OF PELHAM

THE RIGHT TO enter upon, construct and maintain a sanitary sewer  
in, under, over, along and upon:

ALL AND SINGULAR that certain parcel or tract of land and premises,  
situate, lying and being in the Town of Pelham in the Regional  
Municipality of Niagara, formerly in the County of Welland and  
being composed of Part of Lot 13, according to Registered Plan 36  
for the former Township of Thorold, and premising that the Easterly  
limit of said Lot has a bearing of N 0° 38' W and relating all  
bearings herein thereto the said parcel may be more particularly  
described as follows:

COMMENCING at the South-easterly angle of said Lot 13;

THENCE S 89° 22' W along the Southerly limit of said Lot  
150 feet to the South-westerly angle thereof;

THENCE N 0° 38' W along the Westerly limit of said Lot 80  
feet to the North-westerly angle thereof;

THENCE N 89° 22' E along the Northerly limit of said Lot  
5.0 feet;

THENCE S 0° 38' E, 75.0 feet;

THENCE N 89° 22' E, 125.63 feet;

THENCE S 83° 23' E, 24.56 feet more or less to the Easterly  
limit of said Lot;


THENCE S 0° 38' E along said Easterly limit 1.90 feet more  
or less to the point of commencement.

CLARKE AND LANE,  
Ontario Land Surveyors,

WELLAND, Ontario,

July 6th, 1971.

File: 71-89.

  
D. A. LANE, O.L.S.

ADDENDUM TO AGREEMENT BETWEEN

TED PROKOPETZ

AND

THE CORPORATION OF THE TOWN OF PELHAM

THIS ADDENDUM IS TO CLARIFY the covenants contained in the third paragraph WHEREBY

THE CORPORATION OF THE TOWN OF PELHAM - The party of the second part covenants to fill in all excavations in so far as practical, restore the surface to the same condition as prior to the commencement of construction or any subsequent work thereto and without restricting the generality of the foregoing to replace any soil, turf, shrubs or bushes or buildings removed or damaged in connection with any work upon the lands. Notice to be given by party of the second part before entering upon the lands for the purpose of the easement.

THE CORPORATION OF THE TOWN OF PELHAM

*Robert E. Prokopetz* *Mayor*

*Grace Prokopetz* *May 17/52* *Clerk*

*M. Cheney*

CANADA  
PROVINCE OF ONTARIO  
REGIONAL MUNICIPALITY  
NIAGARA

of } J. G. Cheney  
of the Town of Pelham  
in the Regional Municipality of Niagara  
To Wit: }

make oath and say:

1. THAT I was personally present and did see the within Instrument and a duplicate duly signed, sealed and executed by

**THEODORE E. PROKOPETZ AND GRACE E. PROKOPETZ**

Two the part ~~ies~~ thereto.

2. THAT the said Instrument and duplicate were executed by the said part ~~ies~~  
at the Town of Pelham  
in the Regional Municipality of Niagara

3. THAT I know the said part ~~ies~~

4. THAT I am a subscribing witness to the said Instrument and duplicate.

SWORN before me at the Town  
of Pelham  
in the Regional Municipality of Niagara  
this 15<sup>th</sup>  
day of MAY 19 72

J. G. Cheney

*[Signature]*

A Commissioner for taking Affidavits, &c.

CANADA  
PROVINCE OF ONTARIO  
REGIONAL MUNICIPALITY  
NIAGARA

of } J. G. Cheney  
of the Town of Pelham  
in the Regional Municipality of Niagara  
To Wit: }

make oath and say:

1. THAT I was personally present and did see the within Instrument and a duplicate duly signed, sealed and executed by

**MARY ZDEBIAK**

One the part ~~ies~~ thereto.

2. THAT the said Instrument and duplicate were executed by the said part ~~ies~~  
at the Town of Pelham  
in the Regional Municipality of Niagara

3. THAT I know the said part ~~ies~~

4. THAT I am a subscribing witness to the said Instrument and duplicate.

SWORN before me at the Town  
of Pelham  
in the Regional Municipality of Niagara  
this 15<sup>th</sup>  
day of MAY 19 72

J. G. Cheney

*[Signature]*

A Commissioner for taking Affidavits, &c.