

GRANT OF EASEMENT

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

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT.

BETWEEN: NOEL M. MURPHY, of the Town of Pelham,
in the Regional Municipality of
Niagara, and
MARY P. MURPHY, 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 - THE DOMINION LIFE ASSURANCE COMPANY,

hereinafter called the "PARTY" OF THE THIRD PART

WHEREAS NOEL M. MURPHY and MARY P. MURPHY are the owners of the lands described in Schedule "A" hereto annexed, subject to registered Mortgage No. 45741B 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" attached hereto, 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

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.

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) THE CORPORATION OF THE TOWN OF PELHAM

in the PRESENCE OF)

Gordon Cheney

) [Signature]
) MAYOR.
) [Signature]
) CLERK - TREASURER

NOEL M. MURPHY and MARY P. MURPHY

[Signature]
Mary P. Murphy

THE DOMINION LIFE ASSURANCE COMPANY

[Signature]
Associate Treasurer
[Signature]
Assistant Treasurer

APPROVED
MA

DESCRIPTION OF EASEMENT RE: MURPHY
PART OF LOT 17 REGISTERED PLAN 36, FORMERLY IN THE
TOWNSHIP OF THOROLD, IN THE COUNTY OF WELLAND, NOW IN THE
TOWN OF PELHAM IN THE REGIONAL MUNICIPALITY OF NIAGARA

ALL AND SINGULAR that certain parcel or tract of land and premises,
situate, lying and being in the Town of Pelham formerly in the
Township of Thorold in the County of Welland now in the Regional
Municipality of Niagara, and being composed of Part of Lot 17 as
shown on a plan registered in the Registry Office for the Registry
Division of Niagara South formerly the Registry Division of the
said County of Welland as No. 36 for the said Township of Thorold
shown outlined in red on the whiteprint of the plan dated October 2,
1972 signed by Thomas G. Cahill, O.L.S., and attached hereto, and
which said parcel or tract of land may be more particularly described
as follows:

PREMISING that the west limit of the said Lot 17 has an
assumed astronomical bearing of N 0° 38' W according to said Plan 36
and relating all bearings herein thereto;

COMMENCING at the south-west corner of the said Lot 17;

THENCE N 0° 38' W in the said west limit of said lot, 57.37 feet;

THENCE N 4° 22' E, 22.72 feet to a point in the north limit
of said lot distant N 89° 22' E, 1.98 feet from the north-west corner
thereof;

THENCE N 89° 22' E in the said north limit of said lot, 10.04
feet;

THENCE S 4° 22' W, 80.31 feet to a point in the south limit
of said lot distant therein N 89° 22' E, 5.02 feet from the said
south-west corner thereof;

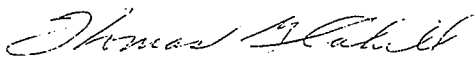
THENCE S 89° 22' W in the said south limit, 5.02 feet to the
Point of Commencement.

CLARKE AND LANE,
Ontario Land Surveyors,

WELLAND, Ontario,

October 3rd, 1972.

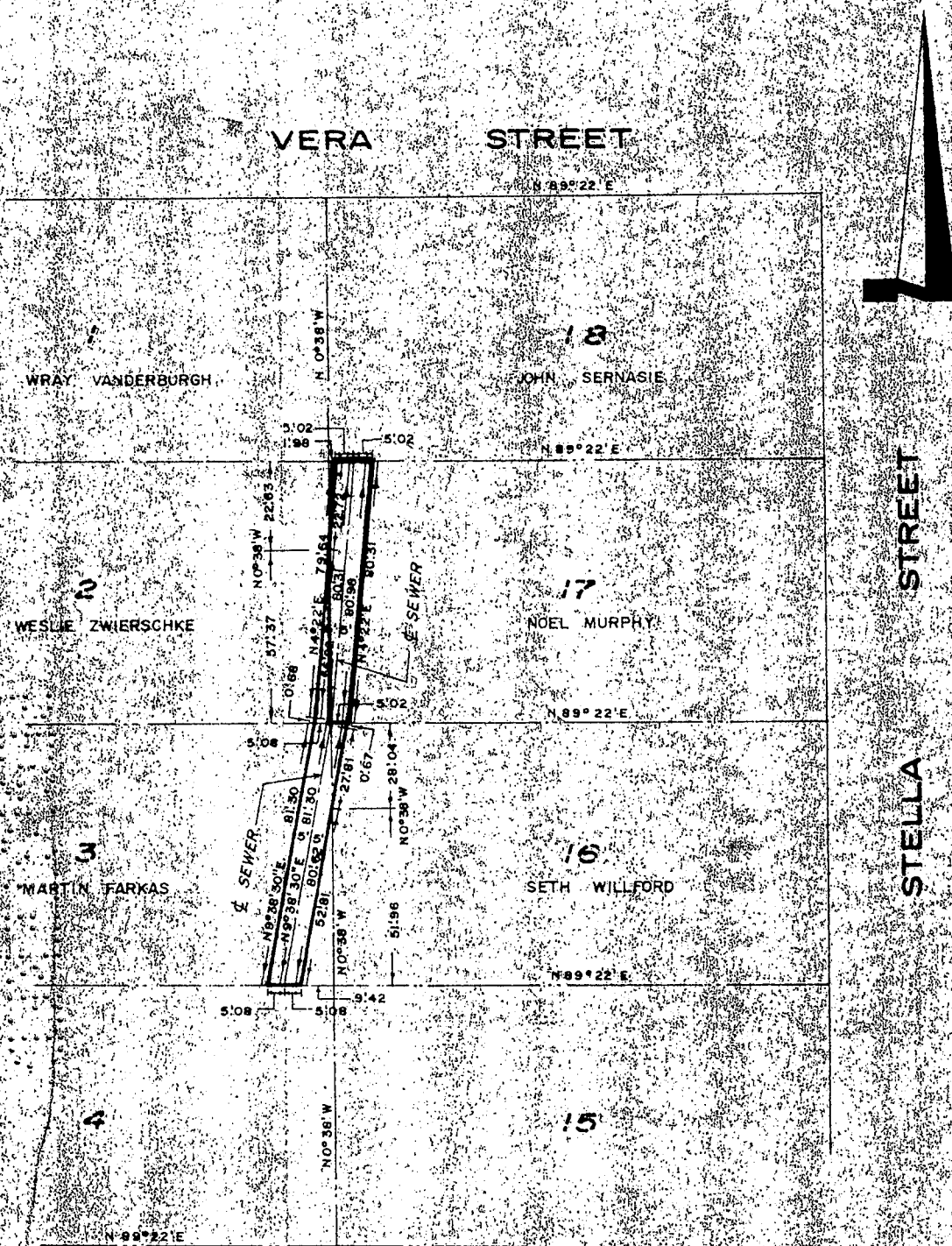
File: 71-89.



THOMAS G. CAHILL, O.L.S.

PLAN SHOWING SEWER EASEMENTS
OVER PART OF LOTS 2, 3, 16 and 17
REGISTERED PLAN 36
FORMERLY IN THE TOWNSHIP OF THOROLD
COUNTY OF WELLAND
NOW IN THE TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1"=40'



Thomas G. Cahill

THOMAS G. CAHILL
CLARKE AND LANE

ONTARIO LAND SURVEYORS

WELLAND ONTARIO

DATE OCT. 2, 1972

FILE 7L-88

CANADA
PROVINCE OF ONTARIO
REGIONAL MUNICIPALITY
NIAGARA

of } I, Gordon Cherney
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

NOEL M. MURPHY and MARY P. MURPHY

Two of the parties thereto.

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

3. THAT I know the said parties

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 11th
day of FEBRUARY 1972

Gordon Cherney

A Commissioner for taking Affidavits, &c.

CANADA
PROVINCE OF ONTARIO

of } I,
of the of
in the of
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

the part thereto.

2. THAT the said Instrument and duplicate were executed by the said part
at the of
in the of

3. THAT I know the said part

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

SWORN before me at the
of
in the
this
day of 19

A Commissioner for taking Affidavits, &c.