

THIS INDENTURE made this 9th day of February A.D. 1972

B E T W E E N:

EDWARD SPRENGER of the Town of Pelham,  
in the Regional Municipality of Niagara,  
and LUMMIGJE SPRENGER, his wife, of the  
same place, as joint tenants, hereinafter  
called

"THE OWNERS" OF THE FIRST PART

-and-

THE CORPORATION OF THE TOWN OF PELHAM,  
in the Regional Municipality of Niagara,  
hereinafter called

"PELHAM" OF THE SECOND PART

-and-

ROBERT M. MELVILLE of the Town of Pelham,  
in the Regional Municipality of Niagara,  
hereinafter called

"THE MORTGAGEE" OF THE THIRD PART

WHEREAS Edward Sprenger and Lummigje Sprenger are the  
owners in fee simple as joint tenants of the lands described in  
Schedule "A" affixed hereto (hereinafter referred to as the "lands");

AND WHEREAS Robert M. Melville is the holder of the first  
mortgage on the lands.

NOW THIS INDENTURE WITNESSETH that in consideration of the sum  
of ONE DOLLAR (\$1.00) of lawful money of Canada, now paid by  
Pelham to the Owners, the receipt whereof is hereby acknowledged,  
the Owners hereby grant unto Pelham, its successors and assigns,  
an Easement to enter, construct, maintain, inspect, alter and  
repair sewers, sewer pipes and drains, including all appurtenances  
thereto, in and under the lands described in Schedule "A" and  
for such purpose Pelham shall have right of access to the lands  
at all times by its servants, agents, contractors and workmen.

Pelham covenants to fill in all excavations and 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  
at the cost of Pelham any soil, turf, shrubs or bushes removed  
in connection with any work upon the lands.

Pelham covenants and agrees that it shall hold the  
Owners, their heirs, executors, administrators and assigns, safe  
from all damage caused by rupture, breakage or other circumstance

causing the fluids or contents of the sewers, sewer pipes or drains to escape onto the property of the Owners (being the whole of Lot No. 20 according to Plan No. 44 for the Township of Thorold, now in the Town of Pelham).

And the Mortgagee, in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada now paid, by the Owners to him, hereby consents to the granting of the aforesaid Easement and acknowledges and agrees that the Easement shall have priority over the mortgage given to him the Mortgagee.

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 of the First and Third Part have hereunto set their hands and seal and WITNESS the Corporate Seal of the Party of the Second, at the hands of its proper officers.

SIGNED SEALED AND DELIVERED

in the presence of:

.....  
as to execution by Edward  
Sprenger & Lummigje Sprenger

.....  
as to execution by Robert  
M. Melville

*Edward D. Sprenger*  
Edward Sprenger

*Lummigje Sprenger*  
Lummigje Sprenger

*Robert M. Melville*  
Robert M. Melville

THE CORPORATION OF THE TOWN OF PELHAM

per.....*[Signature]*.....

per.....*[Signature]*.....

SCHEDULE "A"  
EASEMENT FROM E. H. SPRENGER

PART OF LOT 20, PLAN 44, 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 the Southerly 5 feet of Lot 20 according to  
Registered Plan 44 for the former Township of Thorold.

CLARKE AND LANE,  
Ontario Land Surveyors,

WELLAND, Ontario,  
January 14th, 1972.

File: 71-89.

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

CANADA  
PROVINCE OF ONTARIO

**Regional**  
**Municipality of**  
**Niagara**

To Wit:

I, DONALD K JOHNSTON  
of the **City** of **Welland**  
in the **Regional Municipality of Niagara**  
Solicitor 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 **EDWARD SPRENGER and LUMMIGJE SPRENGER**

**two of** the part **ies** thereto.

2. THAT the said Instrument and duplicate were executed by the said part **ies**  
at the **City** of **Welland**  
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 **City**

of **Welland**

in the **Regional Municipality**

this 28<sup>th</sup> Feb.

day of February **MARCH** 19 **72**.

James Shapland  
A Commissioner for taking Affidavits, &c.

CANADA  
PROVINCE OF ONTARIO

**Regional**  
**Municipality**  
**Niagara**

To Wit:

I, JEAN SINCLAIR  
of the **City** of **Welland**  
in the **Regional Municipality of Niagara**  
STENOGRAPHER 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 **ROBERT M. MELVILLE**

**one of** the part **ies** thereto.

2. THAT the said Instrument and duplicate were executed by the said part **y**  
at the **City** of **Welland**  
in the **Regional Municipality** of **Niagara**

3. THAT I know the said part **y**

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

SWORN before me at the **City**

of **Welland**

in the **Regional Municipality**  
of **Niagara**

this 28<sup>th</sup> Feb.

day of February **MARCH** 19 **72**

James Shapland  
A Commissioner for taking Affidavits, &c.

*Journal of Management Studies*, 19(1), 67-80.