



BL# 1848 (1996)

Amended NOV. 1992

Form 1 — Land Registration Reform Act

A

FOR OFFICE USE ONLY		(1) Registry <input checked="" type="checkbox"/> Land Titles <input type="checkbox"/>		(2) Page 1 of 76 pages	
		(3) Property Identifier(s)		Block	Property
		(4) Consideration		ONE HUNDRED EIGHTY THOUSAND FIVE HUNDRED & SIXTY-SEVEN Dollars \$ 180,567.00	
		(5) Description		This is a: Property Division <input type="checkbox"/> Property Consolidation <input type="checkbox"/> Part of Lots 161, 166, 167 & 168, Geographic Township of Thorold, and Part Block B and Part Lot 2, Plan 25 for the Village of Fonthill, nka Plan 717, all in the Town of Pelham, Regional Municipality of Niagara, more particularly described on the attached Schedule "A" Reserving easement over Parts 2, 4, 5 and 6 on Reference Plan 59R-9487	
New Property Identifiers		Additional: See Schedule <input type="checkbox"/>		Executions	
Additional: See Schedule <input type="checkbox"/>		(6) This Document Contains		(a) Redescription New Easement Plan/Sketch <input checked="" type="checkbox"/>	(b) Schedule for: Description <input checked="" type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>
(7) Interest/Estate Transferred Fee Simple		reserving easement		(8) Transferor(s) The transferor hereby transfers the land to the transferee and certifies that the transferor is at least eighteen years old and that	
Name(s)		Signature(s)		Date of Signature Y M D	
THE REGIONAL MUNICIPALITY OF NIAGARA		(Brian L. Merrett, Regional Chair)		1996 10 30	
APPROVED AS TO FORM		(Thomas R. Hollick, Regional Clerk)		1996 10 30	
REGIONAL SOLICITOR					
(9) Spouse(s) of Transferor(s) I hereby consent to this transaction		Name(s)		Signature(s)	
				Date of Signature Y M D	
(10) Transferor(s) Address for Service		2201 St. David's Road, Box 1042, Thorold, Ontario L2V 4T7			
(11) Transferee(s)		THE CORPORATION OF TOWN OF PELHAM		Signature	
		(Ralph Beamer, Mayor)		Date of Signature Y M D	
		(Murray Hackett, Chief Administrative Officer, Clerk)		1996 10 28	
(12) Transferee(s) Address for Service		P. O. Box 400, 20 Pelham Town Square, Fonthill Ontario L0S 1E0			
(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 50 of the Planning Act.		Signature		Date of Signature Y M D	
Signature		Signature		Date of Signature Y M D	
Solicitor for Transferor(s) I have explained the effect of section 50 of the Planning Act to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.		Name and Address of Solicitor		Signature	
(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 50 (22) (c) (ii) of the Planning Act and that to the best of my knowledge and belief this transfer does not contravene section 50 of the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.		Name and Address of Solicitor		Signature	
(15) Assessment Roll Number of Property		Cty.	Mun.	Map	Sub.
not assigned					
(16) Municipal Address of Property		not assigned		(17) Document Prepared by:	
				Legal Services Regional Municipality of Niagara, Box 1042, Thorold, Ontario. L2V 4T7 (PR-02-1299)J:\WP51\DOCA\PELHAM.TRF	
FOR OFFICE USE ONLY		Fees and Tax			
		Registration Fee			
		Land Transfer Tax			
		Total			

Additional Property Identifier(s) and/or Other Information

SCHEDULE "A"DESCRIPTION:

Part of Lots 161, 166, 167 and 168, Geographic Township of Thorold  
Part of Block B and Part of Lot 2,  
Registered Plan 25 for the Village of Fonthill,  
Now known as Plan 717  
All in the Town of Pelham  
Regional Municipality of Niagara  
and more particularly described as follows:

FIRSTLY:

Part of Township Lots 166 and 167, Part of Block B and Part of Lot 2, Plan 717, designated as Parts 1 to 7, both inclusive, on Plan 59R-9487;

RESERVING unto the transferor a right and easement as set out in Schedule "B" over the lands in Schedule "C".

SECONDLY:

Part of Township Lot 168 designated as Part 1 on Plan 59R-9567.

THIRDLY:

Part of Township Lot 161, and more particularly described as follows:

PREMISING that the northerly limit of the road allowance between Lots 161 and 165 (Hurricane Road) as shown on Reference Plan 59R-6792 is on an Astronomic Course of N 88° 22' 30" E and that all beings given herein are referred thereto.

COMMENCING at a point in the southerly limit of Lot 161 aforementioned where the same is intersected by the northwesterly limit of the former lands of the Niagara, St. Catharines and Toronto Railway, the said point of intersection being distant 293.31 feet measured N88° 22' 30" E thereon from the southwest corner of the said lot;

THENCE northeasterly continuing along the last mentioned limit, being on a curve to the left, having a radius of 929.37 feet, an arc distance of 391.73 feet (the chord equivalent being 388.83 feet on a course of N 46° 02' 00" E) to a point marking the end of the said curve;

THENCE N 33° 59' 45" E continuing along the last mentioned limit, 476.95 feet to a point marking the beginning of a curve to the right having a radius of 790.49 feet;

THENCE NORTHEASTERLY continuing along the last mentioned limit and along the said curve to the right, an arc distance of 58.88 feet (the chord equivalent being 58.87 feet on a course of N 36° 06' 45" E) to its intersection with the southerly limit of the lands of Ontario Hydro, formerly the Toronto and Niagara Power Company;

THENCE N 68° 51' 37" E along the last mentioned limit, 151.35 feet to its intersection with the southeasterly limit of the former lands of the Niagara, St. Catharines and Toronto Railway;



Additional Property Identifier(s) and/or Other Information

THENCE SOUTHWESTERLY on a curve to the left, having a radius of 724.49 feet, an arc distance of 186.78 feet (the chord equivalent being 186.26 feet on a course of S 41° 20' 38" W) to a point marking the end of the said curve;

THENCE S 33° 57' 30" E continuing along the last mentioned limit, 476.66 feet to a point, marking the beginning of a curve to the right having a radius of 995.37 feet;

THENCE SOUTHWESTERLY continuing along the last mentioned limit, an arc distance of 315.50 feet (the chord equivalent being 314.18 feet on a course of S 46° 02' 00" W) to its intersection with the northerly limit of the road allowance between Lots 161 and 165 (Hurricane Road);

THENCE S 88° 22' 30" W along the last mentioned limit, being also along the southerly limit of Lot 161, 120.16 feet to the place of commencement;

BEING the lands previously described in Instrument Number 710931 (Fifteenthly);

Additional Property Identifier(s) and/or Other Information

## SCHEDULE "B"

1. The Transferor reserves the free, uninterrupted and unobstructed right and easement in perpetuity for the Transferor and its servants, employees, agents, contractors and workers to enter, survey, lay, construct, operate, use, inspect, remove, renew, replace, alter, enlarge, reconstruct, repair, expand and maintain its 250 mm sanitary forcemain and all works, appurtenances, attachments, apparatus, appliances, markers, fixtures and equipment thereto on, in and under the herein lands with necessary machinery, materials, vehicles and equipment.
2. The easement reserved herein is declared to be on, in, under and in respect of the lands described in Schedule "C" hereof, and to be appurtenant to and for the benefit of the lands of the Transferor described as the Hurricane Road Sewage Pumping Station in the Town of Pelham, Regional Municipality of Niagara.
3. The Transferee covenants to keep the lands clear of all brush, buildings, structures, trees and other obstructions as may be necessary for the use of the easement by the Transferor, save that the Transferee shall have the right to use and enjoy the surface of the lands which shall include the use of the lands for bicycle paths, public walkways, parking and other parks purposes in respect of which the lands may be paved or surfaced as required therefor, and save that the Transferee may construct retaining walls subject to the provisions contained in paragraph 4.
4. The Transferor covenants to fill in all excavations and as far as practicable to restore the surface to the same condition as prior to the commencement of construction save and except that the Transferor shall not be responsible or liable, in any manner whatsoever, to repair, restore or reconstruct any retaining walls or any portion thereof which are located on the easement if such retaining walls are damaged or destroyed as a result of the Transferor exercising its rights pursuant to this easement.
5. The Transferor further covenants to save harmless and keep indemnified the Transferee from all claims, costs and damages which may be incurred by reason of any entry made upon or work performed on the said lands by the Transferor, subject to the terms of this agreement.
6. This easement and everything herein contained shall extend to and enure to the parties hereto and their respective successors and assigns.



# Schedule

Form 5 — Land Registration Reform Act

S

Page 5

Additional Property Identifier(s) and/or Other Information

## SCHEDULE "C" - EASEMENT LANDS

Part of Lots 166 and 167  
Geographic Township of Thorold  
Part of Block B,  
Registered Plan 25 for the Village of Fonthill,  
now known as Plan 717,  
All in the Town of Pelham,  
Regional Municipality of Niagara  
Designated as Parts 2, 4, 5 and 6 on Plan 59R-9487.

CERTIFICATE OF COMPLIANCE

FORM FOR USE WITH SECTION 193 OF THE MUNICIPAL ACT

Certificate of Compliance with Section 193 of the Municipal Act in the sale or disposition of the real property described as:

Part of Lots 161, 166, 167, and 168, Geographic Township of Thorold, Part of Block B and  
Part of Lot 2, Plan 717, all in the Town of Pelham.  
(Description may be attached)

I hereby certify that:

1. The Municipality passed By-law 7927-95  
(if applicable)  
on March 2, 1995.  
(date)

It is a procedural by-law for the purposes of the sale or other disposition of real property and was in force on the date of the sale or disposition of the property described above.

Delete if  
not applicable.

2. The property was declared surplus by Resolution passed on April 6, 1995.  
(date)

Delete if  
not  
applicable

3. The property sale or disposition is exempt from the requirement to obtain an appraisal of its fair market value under the following exemption:

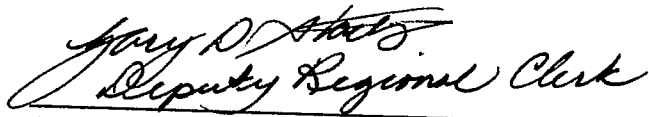
Subsection 2(1) of Ontario Regulation 815/94 made under the  
Municipal Act.

Delete if  
not  
applicable

4. Public notice of intent to sell or dispose of the property was given by the following method(s)

Publication of the Public Works and Utilities Committee agenda of  
August 6, 1996.  
(describe method(s))

on the following date(s) \_\_\_\_\_

  
(Signature of clerk or administrative head)

1996/10/29  
(Date)

Refer to all instructions on reverse side.

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land)

Part of Township Lots 161, 166, 167 & 168 and Part Lot B & Part Lot 2, Plan 717  
in the Town of Pelham, in the Regional Municipality of Niagara

BY (print names of all transferors in full) Regional Municipality of Niagara

TO (see instruction 1 and print names of all transferees in full) The Corporation of the Town of Pelham

I, (see instruction 2 and print name(s) in full) R. Bruce Smith

MAKE OATH AND SAY THAT:

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s)): (see instruction 2)

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;  
☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;  
☐ (c) A transferee named in the above-described conveyance;

☒ (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s))

The Corporation of the Town of Pelham

described in paragraph(s) (c) above; (strike out references to inapplicable paragraphs)

☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s))

☐ (f) A transferee described in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on

behalf of (insert name of spouse) who is my spouse described

in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to.

2. (To be completed where the value of the consideration for the conveyance exceeds \$400,000).

I have read and considered the definition of "single family residence" set out in clause 1(1)(ja) of the Act. The land conveyed in the above-described conveyance

- ☐ contains at least one and not more than two single family residences.  
☐ does not contain a single family residence.  
☐ contains more than two single family residences. (see instruction 3)

Note: Clause 2(1)(d) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of \$400,000 where the conveyance contains at least one and not more than two single family residences.

3. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1(1)(f) and (g) of the Act and each of the following persons to whom or in trust for whom the land is being conveyed in the above-described conveyance is a "non-resident corporation" or a "non-resident person" as set out in the Act. (see instructions 4 and 5)

none

4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

- (a) Monies paid or to be paid in cash \$ 180,567.00  
(b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price) \$ Nil  
(ii) Given back to vendor \$ Nil  
(c) Property transferred in exchange (detail below) \$ Nil  
(d) Securities transferred to the value of (detail below) \$ Nil  
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject \$ Nil  
(f) Other valuable consideration subject to land transfer tax (detail below) \$ Nil

(g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (Total of (a) to (f)) \$ 180,567.00 \$ 180,567.00

(h) VALUE OF ALL CHATTELS - items of tangible personal property (Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1980, c.454, as amended)

(i) Other consideration for transaction not included in (g) or (h) above \$ Nil  
(j) TOTAL CONSIDERATION \$ 180,567.00

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 6)

n/a

6. If the consideration is nominal, is the land subject to any encumbrance? n/a

7. Other remarks and explanations, if necessary.

n/a

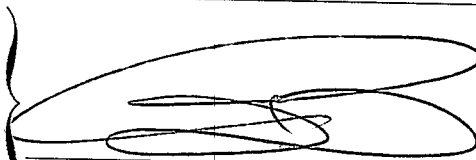
Sworn before me at the City of Welland

in the Regional Municipality of Niagara

this 14th day of November 19 96



A Commissioner for taking Affidavits, etc.



R. Bruce Smith

signature(s)

Property Information Record

A. Describe nature of instrument: Transfer/Deed of Land

B. (i) Address of property being conveyed (if available)

(ii) Assessment Roll No. (if available) 27 32

C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed (see instruction 7) P.O. Box 400, Fonthill, Ontario L0S 1E0

D. (i) Registration number for last conveyance of property being conveyed (if available)

(ii) Legal description of property conveyed: Same as in D.(i) above.

Yes ☐ No ☐ Not known ☐

E. Name(s) and address(es) of each transferee's solicitor

R. Bruce Smith, BROOKS, BIELBY & SMITH

247 East Main Street, P.O. Box 67, Welland, Ontario, L3B 5N9

File PELHAM1

For Land Registry Office Use Only

Registration No.

Registration Date

Land Registry Office No.

School Tax Support (Voluntary Election) See reverse for explanation

(a) Are all individual transferees Roman Catholic? Yes ☐ No ☐

(b) If Yes, do all individual transferees wish to be Roman Catholic Separate School Supporters? Yes ☐ No ☐

(c) Do all individual transferees have French Language Education Rights? Yes ☐ No ☐

(d) If Yes, do all individual transferees wish to support the French Language School Board (where established)? Yes ☐ No ☐

NOTE: As to (c) and (d) the land being transferred will be assigned to the French Public School Board or Sector unless otherwise directed in (a) and (b)