

## **AGREEMENT**

THIS AGREEMENT MADE AS OF THE 14<sup>th</sup> day of January, 1998.

B E T W E E N:

ROMAN CATHOLIC EPISCOPAL CORPORATION  
FOR THE DIOCESE OF ST. CATHARINES, IN CANADA

Hereinafter called the ("Diocese")

and

THE CORPORATION OF THE TOWN OF PELHAM

Hereinafter called the ("Town")

**WHEREAS** the Diocese and the Town have entered into an Agreement of Purchase and Sale whereby the Diocese has agreed to purchase from the Town a parcel of land described as Part of Lot 168, former Township of Thorold, now in the Town of Pelham, and designated as Parts 2 and 3 on Plan 59R-10080;

**AND WHEREAS** paragraph 18 of the said Agreement provides that the Diocese shall be granted two driveway accesses over Part 1 on Plan 59R-10080 (which is owned by the Town) to give access to Station Street;

**AND WHEREAS** the Diocese has enjoyed access to Station Street for approximately 25 years by way of an existing driveway shown in red on said Plan 59R-10080, a copy of which is attached hereto;

**AND WHEREAS** the parties agree to wait until a second access site has been mutually agreed to by the parties prior to the entering into of a formal easement agreement and the commissioning of the associated surveying needed to prepare a Reference Plan to legally describe both such accesses, at the expense of the Diocese;

**AND WHEREAS** the parties have agreed to enter into this Agreement in the interim to document the existing access situation and how the parties agree to deal with this issue in the future;

**NOW WITNESS THAT THE PARTIES HERETO AGREE AS FOLLOWS:**

1. The Diocese shall be granted by the Town, as one of the two driveway accesses, an easement over the lands coloured in yellow on the attached copy of Reference Plan 59R-10080 for the purpose of ingress and egress to Station Street, and representing the existing situation.

2. The Diocese shall be entitled to maintain at its expense a paved driveway over the said easement area.
3. The parties shall enter into a formal easement agreement, to replace this Agreement and for the purpose of two mutually agreeable accesses to Station Street over Part 1 on Reference Plan 59R-10080 in order for the Diocese to have ingress and egress to its property from said Station Street, at some time in the future, which agreement shall be registered on title to the subject property which all shall be at the expense of the Diocese.
4. This Agreement shall enure for the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

SIGNED, SEALED AND DELIVERED )  
In the presence of: )

ROMAN CATHOLIC EPISCOPAL  
CORPORATION FOR THE DIOCESE  
OF ST. CATHARINES, IN CANADA  
Per:

X

I have the authority to bind  
the Corporation

SIGNED, SEALED AND DELIVERED )  
In the presence of: )

THE CORPORATION OF THE TOWN  
OF PELHAM  
Per:

X

X

We have the authority to bind  
the Corporation