

OFFICE OF THE CITY SOLICITOR

GEORGE C. M. BANKS,
City Solicitor

MAUREEN B. HUNT,
Law Clerk



CITY OF WELLAND
ONTARIO
MUNICIPAL BUILDING
411 EAST MAIN ST.
L3B 3X4

PHONE (905) 735-1700
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January 13, 1998

Town of Pelham
P.O. Box 400
Pelham Municipal Building
20 Pelham Town Square
Fonthill, Ontario
L0S 1E0

Attention: Mrs. Cheryl Miclette, AMCT
Deputy Clerk

Dear Mrs. Miclette:

RE: BOUNDARY ROAD AGREEMENT - MURDOCH STREET

Please find enclosed four copies of Agreement executed by The Corporation of the City of Welland. Kindly have all copies signed by the Mayor and Clerk of The Corporation of the Town of Pelham and return two signed copies at your early convenience.

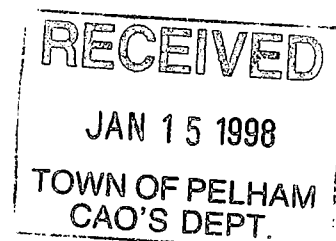
I also enclose copy of By-law Number 11086 for your file.

Yours very truly,

Colette Bolduc
Legal Secretary

:cb

cc: Craig Stirtzinger, City Clerk
Gus Marcello, City Engineer



THIS AGREEMENT made in duplicate this 16 Day of SEPTEMBER
1997 A.D.

BETWEEN:

THE CORPORATION OF THE TOWN OF
PELHAM

Hereinafter referred to as the "Town"

- and -

THE CORPORATION OF THE CITY OF
WELLAND

Hereinafter referred to as the "City"

WHEREAS Murdoch Street is the entire road allowance between Lots 1 and 2 in Concession 13 in the former Township of Pelham;

AND WHEREAS Murdoch Street is located entirely within the boundaries of the Town;

AND WHEREAS the road allowance is open between Chantler Road and Webber Road and thereby dedicated as a public highway;

AND WHEREAS the City's westerly boundary abuts the said Murdoch Street thereby making it a boundary road;

AND WHEREAS the Municipal Act, R. S. O. 1990, Chapter M.45, Section 271 authorizes adjoining municipalities to enter into agreements for the maintenance and repair of boundary roads;

AND WHEREAS the Town has passed By-law # 1969 (1997) authorizing the execution of an agreement of maintenance and repair for the said Murdoch Street;

AND WHEREAS the City has passed By-law No. 11086 authorizing the execution of an agreement of maintenance and repair for the said Murdoch Street;

NOW THEREFORE WITNESSETH that in consideration of the mutual covenants herein contained, the Town and City hereby agree to the following:

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 11086

A BY-LAW TO AUTHORIZE ENTERING INTO AN
AGREEMENT WITH THE TOWN OF PELHAM REGARDING
THE MAINTENANCE OF MURDOCK STREET

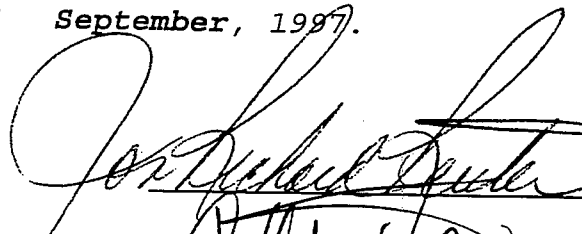
WHEREAS on April 1st, 1980, Welland City Council passed
Bylaw 7042, being a bylaw to authorize the entering into an
Agreement with the Town of Pelham regarding the maintenance of
Murdock Street;


AND WHEREAS Council now deems it necessary and
advisable to renew the said Agreement with the Town of Pelham.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION
OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the Agreement attached hereto and made part of
this by-law with the Town of Pelham regarding the maintenance of
Murdock Street commencing September 16th, 1997 and completed on
the 17th day of September 2007, be and the same is hereby
authorized and approved and the Mayor and Clerk shall sign in
their respective capacities and the Clerk shall cause the
corporate seal of the municipality to be affixed thereto.
2. That By-law 7042 be and the same is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY
COUNCIL THIS 16th DAY OF September, 1997.


MAYOR


CLERK

ADDENDUM

Addendum to "BOUNDARY ROAD AGREEMENT - MURDOCH STREET" made in duplicate this 16 Day of September 1997 A.D. between the Corporation of the Town of Pelham, hereinafter referred to as the "Town" and the Corporation City of Welland, hereinafter referred to as the "City"; its execution authorized by City of Welland By-law No. 11086 and Town of Pelham By-law No. 1969 (1998)


The Town shall be further responsible for the roadside drainage and ditch maintenance; driveway culvert installation and maintenance; forestry; traffic and street name sign installation and maintenance.


This addendum shall come into full force and effect at the date of execution hereof and shall remain in full force and effect for a period of ten (10) years from the date of execution of the agreement.

IN WITNESS WHEREOF THE CORPORATION OF THE TOWN OF PELHAM AND THE CORPORATION OF THE CITY OF WELLAND have hereunto affixed their Corporate Seals duly attested by their proper officers in that behalf.

SIGNED, SEALED & DELIVERED
-In the Presence Of-

) THE CORPORATION OF THE
TOWN OF PELHAM

) 
MAYOR

) 
CLERK

) THE CORPORATION OF THE
CITY OF WELLAND

) _____
MAYOR

) _____
CLERK

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The Town shall be further responsible for the roadside drainage and ditch maintenance; driveway culvert installation and maintenance; forestry; traffic and street name sign installation and maintenance.

This addendum shall come into full force and effect at the date of execution hereof and shall remain in full force and effect for a period of ten (10) years from the date of execution of the agreement.

IN WITNESS WHEREOF THE CORPORATION OF THE TOWN OF PELHAM AND THE CORPORATION OF THE CITY OF WELLAND have hereunto affixed their Corporate Seals duly attested by their proper officers in that behalf.

SIGNED, SEALED & DELIVERED
-In the Presence Of-

) THE CORPORATION OF THE
) TOWN OF PELHAM

) B. Brown
) MAYOR

) Mary Hackett
) CLERK

) THE CORPORATION OF THE
) CITY OF WELLAND

) [Signature]
) MAYOR

) [Signature]
) CLERK