

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 2298 (2001)

Being a by-law to authorize the Mayor and Clerk to enter into a Condominium Agreement with a Condominium Corporation to be created upon registration of all required condominium documentation by Mountainview Homes (Niagara) Ltd.

WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to enter into a Condominium Agreement with a Condominium Corporation to be created upon registration of all required condominium documentation by Mountainview Homes (Niagara) Ltd. in regards to Brookhaven Condominium;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT the Condominium Agreement attached hereto and made part of this by-law between the Corporation of the Town of Pelham and the Condominium Corporation to be created upon registration of all required condominium documentation by Mountainview Homes (Niagara) Ltd. be and the same is hereby approved.
- (2) THAT the Mayor and Clerk be and each of them is hereby authorized and instructed on behalf of the Corporation of the Town of Pelham to execute the said Condominium Agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto upon registration of all required condominium documentation by Mountainview Homes (Niagara) Ltd..

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
18TH DAY OF JUNE, 2001 A.D.


MAYOR RALPH BEAMER


CLERK CHERYL MICLETTE

THIS AGREEMENT made this 23rd day of September, 2003

BETWEEN:

THE CORPORATION OF THE TOWN OF PELHAM

hereinafter called the

"Town"

- AND -

NIAGARA SOUTH CONDOMINIUM CORPORATION NO. 69

hereinafter called the

"Condominium"

WHEREAS by agreement, dated the 15th day of June, 2000, and registered in the Registry Office for the Land Titles Division of Niagara South on the 5th day of July, 2000, as instrument No. LT-160846 (the "Site Plan Agreement"), Mountainview Homes (Niagara) Ltd. did covenant and agree with the Town to perform certain works on the lands and premises therein described upon the terms and conditions therein contained;

AND WHEREAS there has been constructed on the said lands buildings in accordance with Schedule "B", "C", "D" and "E" of the said Site Plan Agreement, and in accordance with site plans filed in the office of the Town;

AND WHEREAS by registration of a declaration and description on the 26th day of SEPTEMBER, as instrument No. ^{SN}LT-8910 in the Land Registry Office for the Land Titles Division of Niagara South, the Condominium was established;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of one dollar (\$1.00) now paid by each of the parties to each other (the receipt of which is hereby acknowledged), the parties hereto mutually covenant and agree as follows:

1. That every covenant, condition, proviso and stipulation contained in the Site Plan Agreement will apply and bind the Condominium in the same manner and with the same effect as if the Condominium had been a party to the said Site Plan Agreement and the Condominium covenants and agrees with the Town to do, observe, keep and perform every such covenant, condition, proviso and stipulation.

2. The Condominium agrees that no condominium unit shall be conveyed and that no transfer of such unit shall be registered unless and until such time as this agreement has been registered on title.

3. The Condominium shall pay the Town's costs in connection with this agreement for the preparation, processing, administration and supervision including, but not limited to, all administrative, legal, inspection and consulting expenses.

4. The Condominium consents to the registration of this agreement against the title to the lands described in Schedule "A".

5. This agreement and everything herein contained shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns and upon those persons or corporations hereafter acquiring title to all or any part of the lands described in Schedule "A".

IN WITNESS WHEREOF the said parties have hereunto affixed their corporate seals duly attested to by the hands of their proper officers duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED) THE CORPORATION OF THE TOWN OF

) PELHAM

)

) PER: Ralph Beamer

)

RALPH BEAMER - Mayor

)

) PER: Cheryl Miclette

)

CHERYL MICLETTE - Clerk

)

) NIAGARA SOUTH CONDOMINIUM

) CORPORATION NO. 69

)

) PER: [Signature]

)

I have authority to bind the Corporation
MARK BASCIANO

) PER: _____