

SCHEDULE "A"

LEGAL DESCRIPTION

Part of Lot 177, former Township of Thorold, Town of Pelham, Regional Municipality of Niagara, designated as Parts 4 to 10 inclusive on Reference Plan 59R-12120, being Part of PIN 64072-0078(LT).

SCHEDULE "B"

SPECIAL PROVISIONS

1. The Developer shall carry out or cause to be carried out all stormwater management techniques and Works including re-vegetating all disturbed areas and maintaining erosion and sediment control to the satisfaction of the Town of Pelham.
2. The Developer shall construct, at its own expense, a section of 1.5m wide sidewalk along the south side of Bacon Lane and west side of Marylea Street extension south of Bacon Lane in accordance with the Plans approved by the Director. This section of sidewalk shall be constructed within twelve (12) months of the issuance of the Certificate of Completion of Primary Services (CCPS) for this development, weather permitting or as directed by the Town's Director of Operations.
3. The Developer acknowledges that the Region will not assign a servicing allocation for the Development until the Plan is granted final approval for Registration.
4. The Director at his sole discretion, may consider that the Letter of Credit maintenance guarantee be reduced to ten (10%) percent of the completed Works subject to the Developer meeting all requirements of the *Construction Lien Act*.
5. The Developer shall make arrangements satisfactory to Bell Canada, Enbridge Consumers Gas and other public utilities, and the Town of Pelham for the provision of underground Utility Services, internal and external to this Development.

SCHEDULE "C"

LANDS CONVEYED FOR PUBLIC PURPOSES

The Developer shall transfer title to the Town of Pelham, free and clear of all encumbrances and at its own expense, Parts 1 and 2, as shown on the Reference Plan (59R-12120), ~~attached as Schedule "C-1"~~ and prepared by P. D. Reitsma, under its file No. 03-14-1, dated July 2, 2003, for road widening.

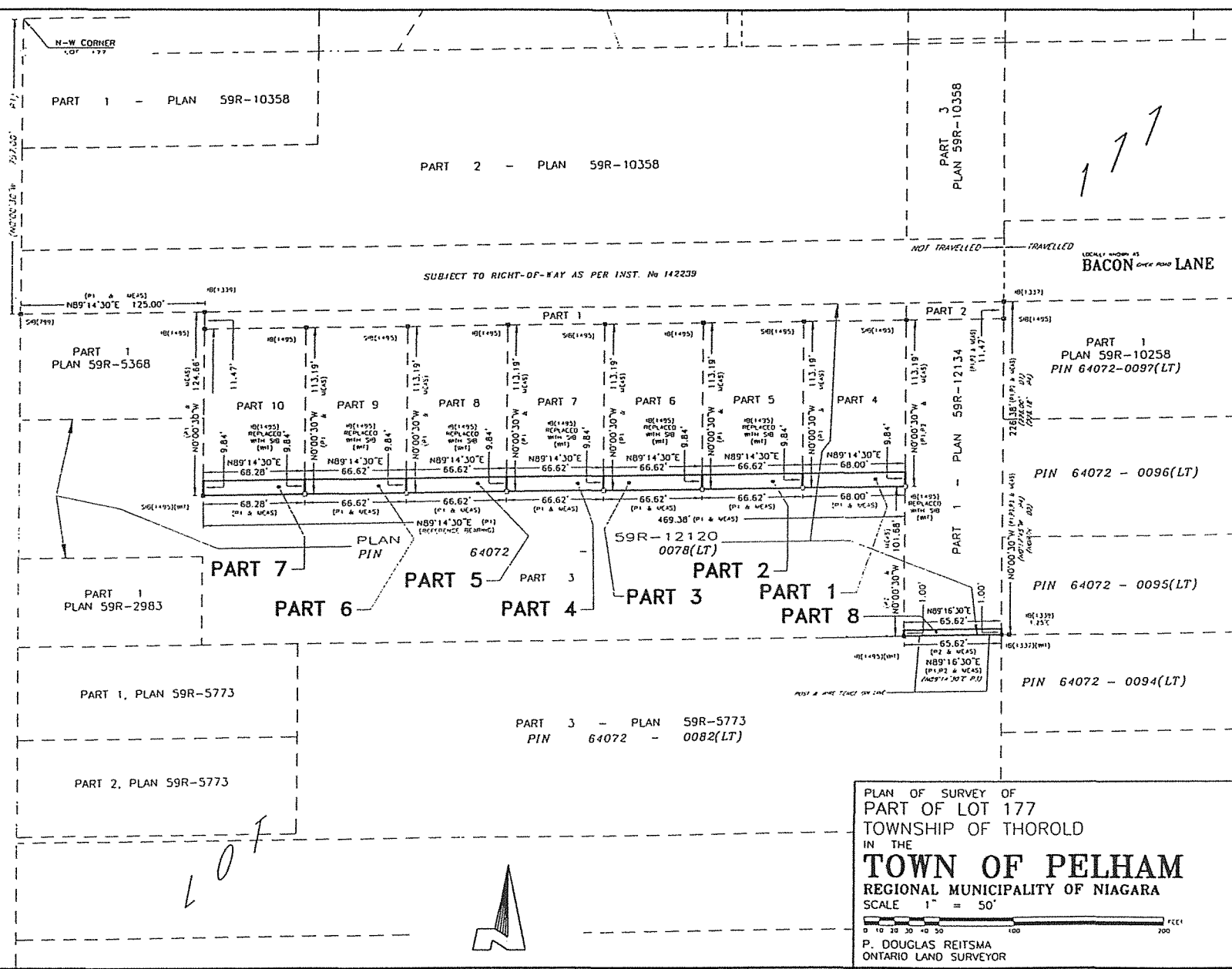
The Developer shall transfer title to the Town of Pelham, free and clear of all encumbrances and at its own expense, Part 1, as shown on the Reference Plan (59R12134), ~~attached as Schedule "C-2"~~ and prepared by P. D. Reitsma, under its file No. 03-14-1, dated July 14, 2003, for road allowance.

The Developer shall transfer title to the Town, free and clear of all encumbrances and at its own expense, Part 8 for 0.3 metre (1 foot) reserve as shown on the preliminary Reference Plan attached as Schedule "C-3" and prepared by P. D. Reitsma, under its file No. 03-14-1.

SCHEDULE "C-3"

PRELIMINARY REFERENCE PLAN

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 59R- RECEIVED AND DEPOSITED	
DATE		DATE	
P. DOUGLAS REITSMA, B. Sc., O.L.S.		ASSISTANT DEPUTY LAND REGISTRAR FOR THE LAND TITLES DIVISION OF NIAGARA SOUTH(59)	
SCHEDULE			
PART	LOCATION	PIN	
1	PART OF LOT 177 TOWNSHIP OF THOROLD IN THE TOWN OF PELHAM	PART OF PIN 64072-0078(LT)	
2			
3			
4			
5			
6			
7			
8			
BEARING NOTE			
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF PARTS 4 TO 10, INCLUSIVE, ON PLAN 59R-5368 ON A COURSE OF N89°14'30"E.			
LEGEND			
— DENOTES SURVEY MONUMENT FOUND			
— SURVEY MONUMENT SET			
SIB STANDARD IRON BAR			
SSIB SHORT STANDARD IRON BAR			
IB IRON BAR			
SB SUBDIVISION BAR			
RIB ROUND IRON BAR			
IP IRON PIPE			
MEAS MEASURED			
WIT WITNESS			
OU ORIGIN UNKNOWN			
N/S/E/W NORTH/SOUTH/EAST/WEST			
P1 DEPOSITED PLAN 59R-12120			
P2 DEPOSITED PLAN 59R-12134			
P3 DEPOSITED PLAN 59R-5773			
P4 DEPOSITED PLAN 59R-10258			
D1 INSTRUMENT No 152007 - PIN 64072-0078(LT)			
D2 INSTRUMENT No 472605 - PIN 64072-0095(LT)			
799 R. H. FUNK, O.L.S.			
1337 D. G. WARR, O.L.S.			
1339 W. A. MASCOE, O.L.S.			
1495 P. D. REITSMA, O.L.S.			
IMPERIAL NOTE			
DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.			
SURVEYOR'S CERTIFICATE			
I CERTIFY THAT:			
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;			
2) THE SURVEY WAS COMPLETED ON THE 23rd DAY OF JULY, 2003.			
DATE		P. DOUGLAS REITSMA, B. Sc., O.L.S.	
P. D. REITSMA SURVEYING LTD.			
203 EAST MAIN STREET (Upper)			
WELLAND ONTARIO L3B-3W7			
(905) 735-7841			
DRAWN BY: D. H. T.	DATE: CIVIL 2003	DATE: 03014-1C	FILE NO: 03-14-1



BY-LAW No 8108-95 REGIONAL ROAD No 36
BY-LAW No 1811-77, WEST No 306504
PELHAM STREET
(FORMERLY KNOWN AS SOUTH PELHAM STREET)
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIPS OF PELHAM AND THOROLD

SCHEDULE "D"

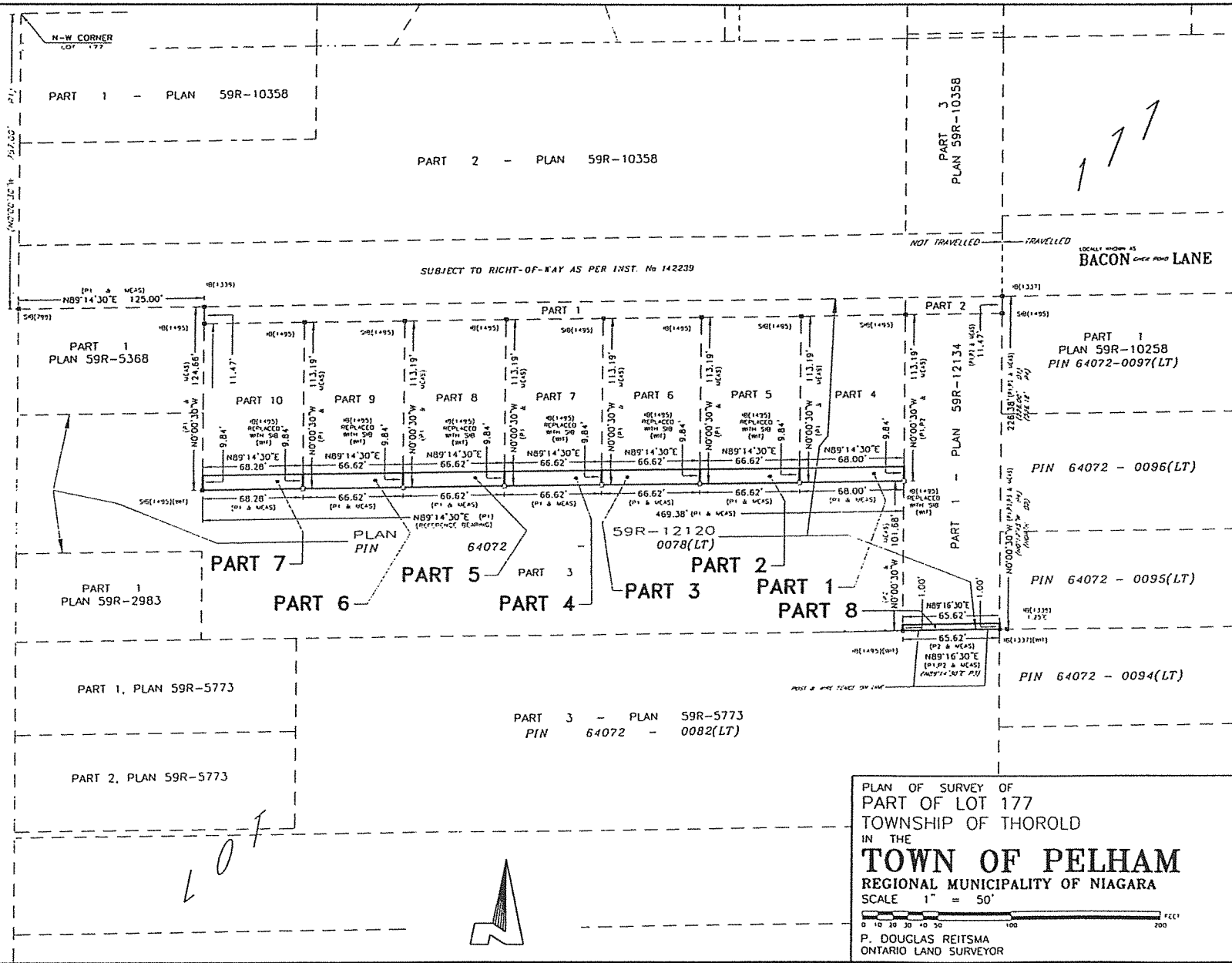
EASEMENTS

The Developer shall convey, free and clear of all encumbrances and at its own expense, easements to the Corporation of the Town of Pelham, over, under and through Parts 1 to 7, inclusive, as shown on the preliminary Reference Plan, attached as Schedule "D-1", prepared by P. D. Reitsma, under its File No. 03-14-1, for storm drainage purposes.

SCHEDULE "D-1"

PRELIMINARY REFERENCE PLAN

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 59R- RECEIVED AND DEPOSITED	
DATE		DATE	
P. D. DOUGLAS REITSMA, B. Sc., O.L.S.		ASSISTANT DEPUTY LAND REGISTRAR FOR THE LAND TITLES DIVISION OF NIAGARA SOUTH(59)	
SCHEDULE			
PART		LOCATION	PIN
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LEGEND			
DEMOTES SURVEY MONUMENT FOUND			
SURVEY MONUMENT SET			
SIB - STANDARD IRON BAR			
SSIB - SHORT STANDARD IRON BAR			
IB - IRON BAR			
SB - SUBDIVISION BAR			
RIB - ROUND IRON BAR			
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MEAS - MEASURED			
WIT - WITNESS			
OU - ORIGIN UNKNOWN			
N/S/E/W - NORTH/SOUTH/EAST/WEST			
P1 - DEPOSITED PLAN 59R-12120			
P2 - DEPOSITED PLAN 59R-12134			
P3 - DEPOSITED PLAN 59R-5773			
P4 - DEPOSITED PLAN 59R-10258			
D1 - INSTRUMENT No 152007 - PIN 64072-0078(LT)			
D2 - INSTRUMENT No 472685 - PIN 64072-0095(LT)			
R. H. FUNK, O.L.S.			
1337 - D. G. MARR, O.L.S.			
1339 - W. A. MASCOE, O.L.S.			
1495 - P. D. REITSMA, O.L.S.			
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DATE		P. DOUGLAS REITSMA, B. Sc., O.L.S.	
P. D. REITSMA SURVEYING LTD.			
203 EAST MAIN STREET (Upper)			
WELLAND, ONTARIO L3B-3W7			
(905) 735-7841			
DRAWN BY:	D. H. T.	DATE:	CML 2003
DATE:	03014-1C	FILE NO:	03-14-1



BY-LAW No 8108-95
REGIONAL ROAD No 36
PELHAM STREET
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIPS OF PELHAM AND THOROLD
FORMERLY KNOWN AS SOUTH PELHAM STREET
(NAME CHANGE BY BY-LAW No 1821-77, INST. No 306504)

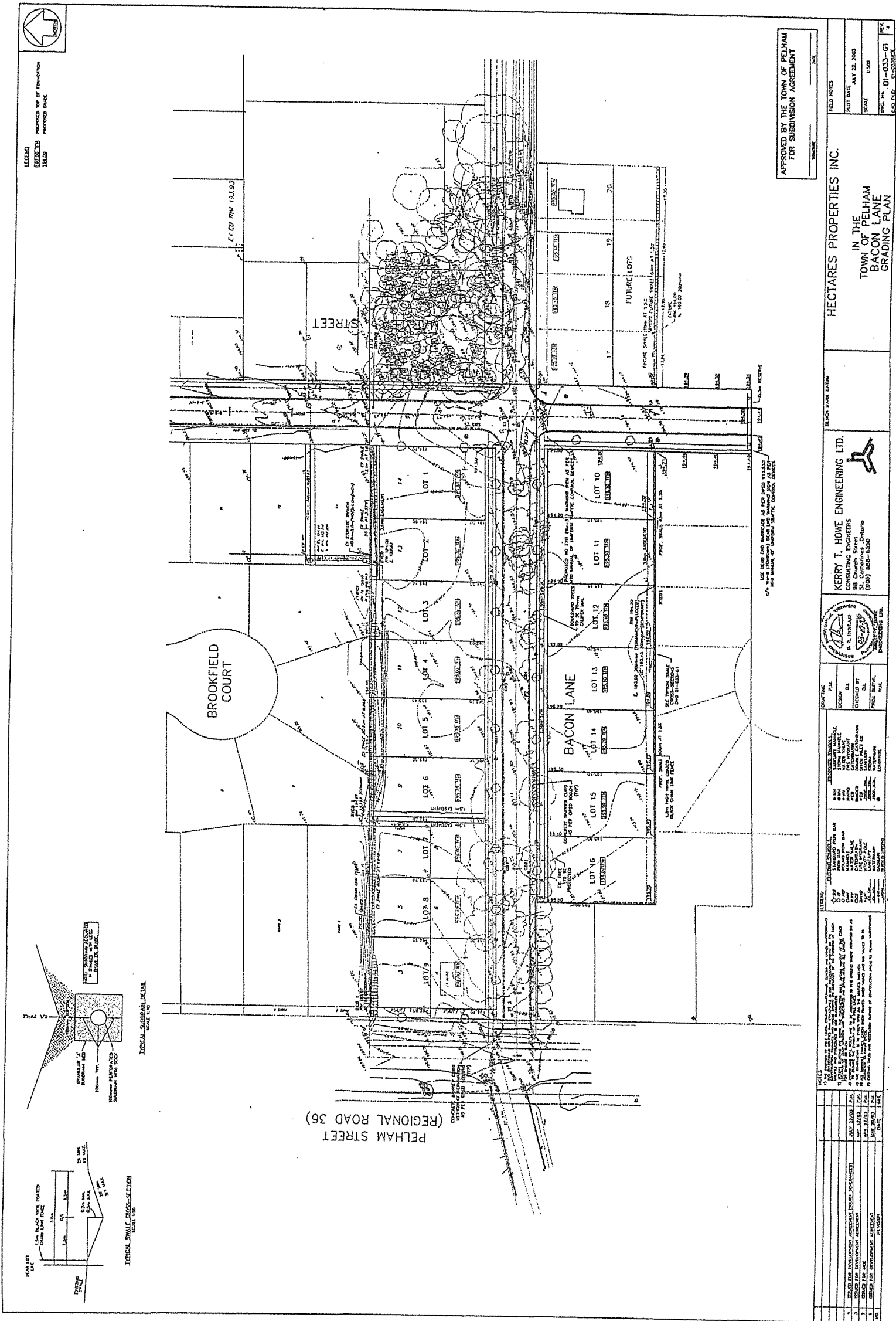
SCHEDULE "E"

DEVELOPMENT GRADE CONTROL PLAN

All Lot grading shall be in general conformity with the Development Grade Control Plan forming part of the development design, as approved by the Director and attached hereto as Schedule "E-1".

SCHEDULE "E-1"

DEVELOPMENT GRADE CONTROL PLAN



SCHEDULE "F"

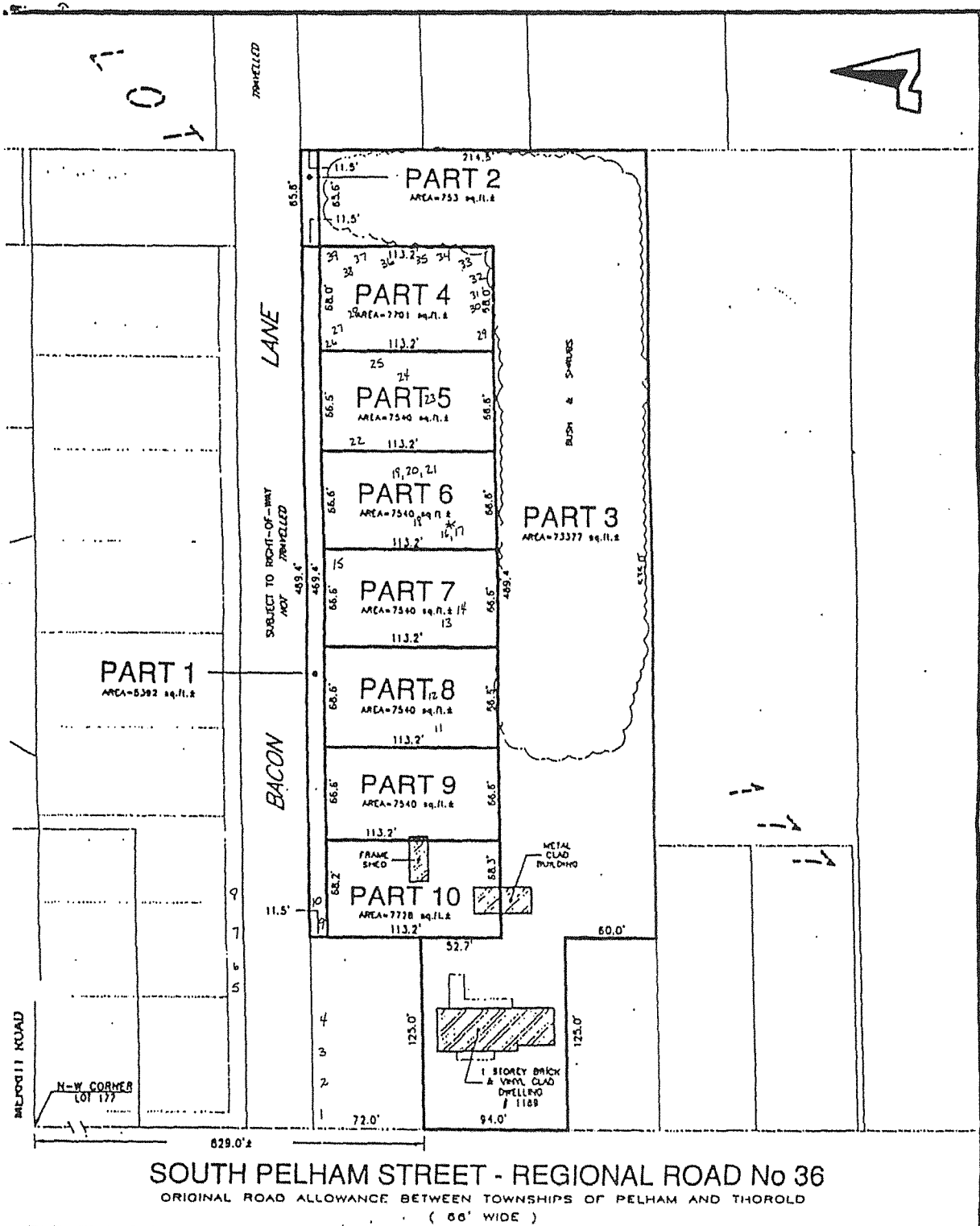
TREE SAVING PLAN

The following recommendations will be implemented to preserve and protect trees identified on Schedule "F-1":

- ◆ Limits of disturbance should be delineated in the field with fencing or flagging tape
- ◆ Barrier fencing should be erected along the woodlot edge at the dripline, along the northern rear yard trees (at the dripline) and around the tree clusters as indicated on the site plan drawings attached
- ◆ Placement of fill, building materials and construction equipment should be kept away from the root systems within the dripline area
- ◆ Tree removal in close proximity (within the dripline) to trees to be preserved should not involve heavy equipment to minimize damage to trees in the vicinity. If the trees are not adequately spaced, cutting the tree at the base may help preserve the root systems of the remaining trees
- ◆ Ensure that the roots are not exposed through the construction phase of the development
- ◆ Contractors should be informed/educated regarding the protected areas and limits of disturbance

SCHEDULE "F-1"

TREE SAVING PLAN



**SKETCH
OR SEVERANCE**

ART. OF LOT 177
OWNSHIP OF THOROLD
THE

TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

1" = 50'

COPYRIGHT 2003
REPRODUCTION, ALTERATION OR USE OF THIS SKETCH, IN WHOLE OR IN PART
WITHOUT THE EXPRESS WRITTEN PERMISSION OF P. D. REITSMA SURVEYING LTD.,
STRICTLY PROHIBITED.

SUBJECT LAND USE - VACANT
ADJUTING LAND USE - RESIDENTIAL

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED
INFORMATION, NOT FROM AN ACTUAL SURVEY.
ALL MEASUREMENTS ARE +/- MEASUREMENTS.
DO NOT SCALE FROM THIS DRAWING.

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR
TRANSACTION OR MORTGAGE PURPOSES.

"THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL"

P. DOUGLAS REITSMA, B. Sc., O.L.S.

P. D. REITSMA SURVEYING LTD.

203 EAST MAIN STREET (Upper)
WELLAND, ONTARIO L3B-3W7
(800) 735-7B41

DATE _____ FILE No. 03-14 (03014A.dwg)

SCHEDULE "G"

BUILDING RESTRICTIONS

(To be included in all Deeds)

The Developer shall cause to be Registered against all Lots in the Development the transfer restrictions and restrictive covenants outlined below.

According to the nature of the annexed instrument, the words "Vendor", "Purchaser" and "Land" shall have the following meaning:

- (a) "VENDOR" means and includes also a grantor, transferor or seller and the heirs, successors and assigns of the Vendor.
- (b) "PURCHASER" means and includes also a grantee, transferee or buyer and the heirs, successors and assigns of the Purchaser.
- (c) "LAND" means and includes the land intended to be sold, conveyed or transferred by such instrument.

The Purchaser shall, in respect of the herein described land, adhere to and comply with the Lot Grading Plan attached to the subdivider's agreement registered in the Land Titles Office for Niagara South and, in particular, shall do nothing to interfere with or impede the drainage patterns shown thereon. All grade elevation shown on the said Lot Grading Plan shall be maintained after construction of any Building or structure upon the herein described land in accordance with the Town's Lot Grading Control Policy. In the event that the Purchaser fails to maintain such elevations, or to maintain the proper grades and levels herein referred to, or in the event that the Purchaser impedes any drainage system or pattern on the herein described Lands or neighbouring lands, the Purchaser shall be responsible for the immediate rectification and alteration of the land to conform with the drainage system or patterns laid out in the subdivider's agreement for any consequential damages, costs, expenses or other loss caused by the failure to maintain such grades or drainage patterns.

The Purchaser shall, in the event of requiring a different driveway entrance from that installed by the Vendor, relocate services/utilities at purchaser's expense, cut and reconstruct the concrete curb where necessary on the roadway adjacent to the land herein described. He shall install, keep and maintain his driveway entrance or entrances from the travelled portion of the roadway to the Lot line in good condition until the concrete sidewalk, concrete curbs and/or asphalt roadways for the said Development are constructed.

The Purchaser shall, within nine (9) months of being able to occupy the home in accordance with the *Ontario Building Code* and to the satisfaction of the Chief Building Official, pave or cause to be paved the driveway upon the Lot. Paving shall consist of a hard surface such as asphalt, concrete, paving stones, paving bricks or other similar materials. Crushed brick is not a suitable alternative.

The Purchaser shall, within twelve (12) months of being able to occupy the home in accordance with the *Ontario Building Code* and to the satisfaction of the Chief Building Official, sod the lot.

The Purchaser shall maintain the road allowance between the Lot line and the curb nearest thereto in good condition and free from weeds and shall cut the grass thereon at frequent intervals.

The Purchaser will not remove any topsoil or strip the Lot of vegetation prior to commencing construction of a home on the Lot. Only then will the Purchaser strip and excavate to the limit approved by the Town.

The Purchaser shall not occupy the dwelling on the Lot concerned until the Chief Building Official for the Town has certified that such of the following services as are applicable to the property have been installed and are operating adequately to serve the dwelling, or in the case of telephone services, are at least available to houses within the Plan: hydro, gas, water services, sanitary sewers and telephone.

SCHEDULE "G"

BUILDING RESTRICTIONS

(Continued)

The Purchaser shall not impede by the placing of fill, Buildings or other structures or Works any natural watercourse, swale, ditch, etc. which exists on the property.

The Purchaser shall not discharge by direct connection to a sanitary or storm sewer any discharge from eavestroughing, downspouts or swimming pools.

The Purchaser shall not erect any free standing tower, radio antenna, communication tower or similar structure.

SCHEDULE "H"

FINANCIAL OBLIGATIONS AND COST OF CONSTRUCTION

A.

PRIMARY SERVICES

Watermain and services	\$ 4,500.00	
Storm sewers, services and drainage swales	14,000.00	
Storm sewer TV inspections (prelim acceptance)	155.00	
Concrete sidewalks	14,500.00	
Fencing (@ \$35/lm)	6,300.00	
Boulevard trees 4 @ \$250 each	1,000.00	
Roadways (excluding surface asphalt)	12,000.00	
Street lighting	<u>12,500.00</u>	\$64,955.00

SECONDARY SERVICES

Driveway ramps @ \$750.00 each	\$ 5,250.00	
Storm & sanitary sewer TV inspections (final acceptance)	155.00	
Adjustment of water valves and curb boxes @ \$250	1,750.00	
Surface asphalt	1,800.00	
Grading and sodding of boulevards	<u>1,800.00</u>	\$10,755.00

Subtotal Municipal Services	\$75,710.00	
Contingencies (5%)	3,795.00	
Engineering (10%)	<u>7,590.00</u>	\$87,095.00
Goods and Services Tax @ 7%		<u>6,096.65</u>

TOTAL - CONSTRUCTION OF MUNICIPAL SERVICES **\$93,000.00** (Rounded)
(Includes GST, Contingencies and Engineering)

B. L C calc for Primary Servicing

Primary Servicing Cost	\$64,955.00	
15% Engineering & Contingency	<u>9,743.25</u>	
Subtotal	\$74,698.25	
7% GST	<u>5,228.88</u>	
Total primary servicing cost used for security	\$80,000.00	
PRIMARY L C required (20%)	\$16,000.00	(Rounded)

C. L C for Secondary Servicing

Secondary servicing cost	\$10,755.00	
15% Engineering & Contingency	<u>1,613.25</u>	
Subtotal	\$12,368.25	
7% GST	<u>865.78</u>	
Total Secondary Servicing for security calc purpose	\$14,000.00	
Secondary L C required (120%)	\$16,800.00	

D. Total Security Required **\$32,800.00** (1)
(Including Engineering, Contingencies and GST)

E. TOWN ADMINISTRATION FEE **\$4,000.00** (2)

STREET and TRAFFIC SIGNS (installed by Town 4 @ \$300 each) **\$1,200.00** (3)

OVERSIZING CONTRIBUTION TO TOWN **\$5,406.00** (4)

DOWNSTREAM DEVELOPMENT STORM SEWER OVERSIZING **\$3,577.00** (5)

SUMMARY

A. LETTER OF CREDIT REQUIRED	
Total of (1)	\$32,800.00
B. CASH PAYMENT REQUIRED	
Total of (2) + (3) + (4) + (5)	\$14,183.00