

**CORPORATE SERVICES DEPARTMENT- LEGAL SERVICES**

The Regional Municipality of Niagara

2201 St. David's Road, P.O. Box 1042

Thorold, Ontario, L2V 4T7

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E-mail: stephanie.smith@regional.niagara.on.cawww.regional.niagara.on.ca/corp/legal_services.shtml**Fax Transmittal**

To: Cheryl Miclette
Town Clerk, Town of Pelham

Fax: 905-892-5055

BL 2519

From: Stephanie Smith, Legal Services Assistant

Date: October 23, 2003

Re: Transfer of Easement - New Ambulance Station
Regional Road No. 20
Our File: L.04.2003.1355

Pages: 4

CONFIDENTIAL

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MESSAGE

Further to your letter of October 15, 2003, attached for your file please find a copy of the Transfer/Deed registered on October 17, 2003 as Instrument No. 778077.

We trust this is satisfactory.

IF YOU ARE EXPERIENCING DIFFICULTIES RECEIVING THIS FAX, PLEASE CONTACT STEPHANIE AT EXTENSION 3647
IN LEGAL SERVICES USING ANY OF THE NUMBERS LISTED ABOVE.



Transfer/Deed of Land

Form 1 - Land Registration Reform Act

THIS LIPPIN CANADA DOCUMENT COMPANY
1-877-462-3027 www.lippin.com

A

FOR OFFICE USE ONLY 778077 CERTIFICATE OF REGISTRATION CERTIFICAT D'ENREGISTREMENT NIAGARA SOUTH/SUD(59)WELLAND 03 10 17 13 17 LAND REGISTRAR New Property Identifiers Additional: See Schedule <input type="checkbox"/> Executions Additional: See Schedule <input type="checkbox"/>	(1) Registry <input checked="" type="checkbox"/> Land Titles <input type="checkbox"/>	(2) Page 1 of 3 pages
	(3) Property Identifier(s) Block Part 64035 - 0277 (R)	Property Additional: See Schedule <input type="checkbox"/>
	(4) Consideration ONE ----- 00/100 Dollars \$ 1.00	
	(5) Description This is a: Property Division <input type="checkbox"/> Property Consolidation <input type="checkbox"/> Part of Lot 3, Concession 7, in the former Township of Pelham, now the Town of Pelham, in the Regional Municipality of Niagara and being shown as Parts 2, 3, 4, 5, and 6, Plan 59R-11997	

(6) This Document Contains	(a) Redescription New Easement Plan/Sketch <input type="checkbox"/>	(b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>	(7) Interest/Estate Transferred EASEMENT
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(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
an easement

Name(s) THE CORPORATION OF THE TOWN OF PELHAM	Signature(s) Per: <i>[Signature]</i> Ralph Beamer, Mayor	Date of Signature Y M D 2003 10 14
	<i>[Signature]</i> Cheryl Michette, Clerk	2003 10 14
We are authorized to bind the corporation		

(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	P.O. Box 400, 20 Pelham Town Square, Fonthill, ON L0S1E0
--	--

(11) Transferee(s) THE REGIONAL MUNICIPALITY OF NIAGARA	<i>[Signature]</i> Ian Neville, Commissioner of Public Works	Date of Signature Y M D 2003 10 16
I have authority to bind the corporation		

(12) Transferee(s) Address for Service	2201 St. David's Road, P.O. Box 1042, Thorold, ON L2V 4T7
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(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.	Date of Signature Y M D	Date of Signature Y M D
Signature		Signature
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		Date of Signature Y M D

OPTIONAL

Signature

Affix Statement by
Solicitor for Transferee(s)
here if necessary

(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

Date of Signature
Y M D

(15) **Assessment Roll Number
of Property**

Civ.	Mun.	Map	Sub.	Par.
Not	assigned			

(16) **Municipal Address of Property**

Not assigned

(17) **Document Prepared by:**

Legal Services
The Regional Municipality of Niagara
2201 St. David's Road
P.O. Box 1042
Thorold, ON L2V 4T7 L.04.2003.1355

FOR OFFICE USE ONLY

Fees and Tax

Registration Fee

Land Transfer Tax

Total

Province
of
Ontario

Schedule

Form 5 - Land Registration Reform Act

THE UPPER CANADA DOCUMENT COMPANY
1-877-482-3827 www.ucdocuments.com

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Additional Property Identifier(s) and/or Other Information

SCHEDULE - EASEMENT

1. The Transferor grants to the Transferee its successors and assigns, to be used and enjoyed as appurtenant to the Transferee's lands, the free, uninterrupted and unobstructed right and easement in perpetuity to enter, construct, maintain, inspect, alter and repair underground gas, sanitary sewer and water utilities including all appurtenances thereto, on and under the herein lands; for the servants, agents, contractors and workmen of the Transferee to enter with machinery, material, vehicles and equipment necessary for the use of the easement legally described as follows:

Gas Utilities

Part of Lot 3, Concession 7, in the former Township of Pelham, now Town of Pelham, Regional Municipality of Niagara being designated as Parts 2, 3 and 4, Plan 59R-11997

Sanitary Sewer and Water Service

Part of Lot 3, Concession 7, in the former Township of Pelham, now Town of Pelham, Regional Municipality of Niagara being designated as Parts 2, 3, 4, 5 and 6, Plan 59R-11997

2. The Transferee covenants to fill in all excavations and restore the surface to the same condition as prior to the commencement of construction or any subsequent work thereto.
3. The Transferor 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.
4. The easement herein is declared to be appurtenant to and for the benefit of the lands of the Transferee described as Part of Lot 3, Concession 7, in the former Township of Pelham, now in the Town of Pelham, in the Regional Municipality of Niagara and being designated as Part 1, Plan 59R-3960 being PIN 64035 - 0276 (R).
5. The Transferee further covenants that it will at all times hereafter save harmless and keep indemnified the Transferor from all claims, costs and damages which may be incurred by reason of any entry made upon or work performed on the said lands, subject to the terms of this agreement.
6. This easement and everything herein contained shall extend to and include the parties hereto and their respective successors and assigns.

FOR OFFICE
USE ONLY

Land Transfer Tax Affidavit
Land Transfer Tax Act

Refer to all Instructions on reverse side.

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land) Part of Lot 3, Concession 7, in the former Township of Pelham
 now the Town of Pelham, in the Regional Municipality of Niagara and being shown as Parts 2, 3, 4, 5 and 6 on Plan
59R-11997.

BY (print names of all transferors in full) THE CORPORATION OF THE TOWN OF PELHAMTO (print names of all transferees in full) THE REGIONAL MUNICIPALITY OF NIAGARA

I/We have personal knowledge of the facts herein deposed to and MAKE OATH AND SAY THAT:

1. I am/We are (place a clear mark within the square opposite the following paragraph(s) that describe(s) the capacity of the deponents):

- ☐ (a) the transferee(s) named in the above-described conveyance;
- ☒ (b) the authorized agent or solicitor acting in this transaction for the transferee(s);
- ☐ (c) the President, Vice-President, Secretary, Treasurer, Director or Manager authorized to act for _____
 _____ (the transferee(s));
- ☐ (d) a transferee and am making this affidavit on my own behalf and on behalf of (insert name of spouse or same-sex partner)
 _____ who is my spouse or same-sex partner.
- ☐ (e) the transferor and ☐ I am tendering this document for registration and
☐ no tax is payable on registration of this document.

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

(a) Monies paid or to be paid in cash.....	\$	1.00	
(b) Mortgages (I) Assumed (principal and interest)	\$	NIL	
(II) Given back to vendor	\$	NIL	
(c) Property transferred in exchange (detail below in para. 5)	\$	NIL	
(d) Other consideration subject to tax (detail below)	\$	NIL	
(e) Fair-market value of the lands (see instruction 2)	\$	NIL	
(f) Value of land, building, fixtures and goodwill subject to Land Transfer Tax (Total of (a) to (e))	\$	1.00	\$ 1.00
(g) Value of all chattels - items of tangible personal property which are taxable under the provisions of the Retail Sales Tax Act	\$		NIL
(h) Other consideration for transaction not included in (f) or (g) above	\$		NIL
(i) Total Consideration	\$		1.00

All blanks
must be filled
in. Insert
"Nil" where
applicable.

3. To be completed where the value of the consideration for the conveyance exceeds \$400,000.00

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

- ☐ does not contain a single family residence or contains more than two single family residences.
- ☐ contains at least one and not more than two single family residences.
- ☐ contains at least one and not more than two single family residences and the lands are used for other than just residential purposes. The transferee has accordingly apportioned the value of consideration on the basis that the consideration for the single family residence is \$ _____ and the remainder of the lands are used for _____ purposes.

Note: Subsection 2(1)(b) imposes an additional tax at the rate of one-half of one percent upon the value of the consideration in excess of \$400,000.00 where the conveyance contains at least one and not more than two single family residences and 2(2) allows an apportionment of the consideration where the lands are used for other than just residential purposes.

If consideration is nominal, is the land subject to any encumbrance? ☐ Yes ☐ NoOther remarks and explanations, if necessary, Transfer is for municipal purposes - easementworn before me at the City of Thoroldin the Regional Municipality of Niagarathis 16th day of October, 20 03

Stephanie Lynne Smith
 STEPHANIE LYNNE SMITH, a Commissioner,
 Commissioner for taking Affidavits for The
 Regional Municipality of Niagara.

Property Information Record Expires November 2, 2004.

Bruce William Banting
 Signature (s)

Describe nature of Instrument: Transfer/Deed of Land(I) Address of property being conveyed (if available) Not assigned

For Land Registry Office Use Only
 Registration No.

(iii) Assessment Roll No. (if available) Not assigned

Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed
2201 St. David's Road, P.O. Box 1042

Thorold, ON L2V 4T7

(i) Registration number for last conveyance of property being conveyed (if available) n/a

(ii) Legal description of property conveyed: Same as in D. (i) above. ☐ Yes ☒ No ☐ Not Known
Name(s) and address(es) of each transferee's solicitor:

Legal Services, 2201 St. David's Road, P.O. Box 1042, Thorold, ON L2V 4T7

Registration Date (Year/Month/Day)
Land Registry Office No.

School 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?

☐☐

(c) Do all individual transferees have French Language Education Rights?

☐☐

(d) If Yes, do all individual transferees wish to support the French Language School Board (where established)?

☐☐

Note: As to (c) and (d) the land being transferred will receive French Public School Board Election unless otherwise directed in (a) and (b)

0449H (02-01)