

#262

THIS DEED made in duplicate this

11th day of

April,

A.D. 1974.

BETWEEN:

FONTHILL DOWNS LIMITED, a Company
incorporated under the laws of the
Province of Ontario and having its
Head Office in the Town of Pelham
in the Regional Municipality of
Niagara,

hereinafter called the "GRANTOR"

OF THE FIRST PART

- and -

THE CORPORATION OF THE TOWN OF PELHAM,
in the Regional Municipality of
Niagara,

hereinafter called the "GRANTEE"

OF THE SECOND PART

WITNESSETH that in consideration of the sum of -----ONE (\$1.00) ---Dollar
now paid by the Grantee to the Grantor, the receipt whereof is hereby acknow-
ledged, the Grantor grants to the Grantee, its successors and assigns in
perpetuity the following Easement and Rights:

(a) To enter, construct, maintain, inspect, alter and repair a storm
sewer including all appurtenances thereto, on and under the lands described in

Schedule "A:

(b) For the servants, agents, contractors and workmen of the Grantee to
enter with machinery, material, vehicles and equipment necessary for the use of
the Easement.

THE GRANTEE covenants to fill in all excavations and as far as practicable
restore the surface to the same condition as prior to the commencement of
construction, or of any subsequent work thereto.

THE EASEMENT herein is declared to be appurtenant to and for the benefit
of the lands of the Grantee more particularly described in Schedule "B".

IN WITNESS WHEREOF FOWTHILL, DOWNS LIMITED and THE CORPORATION OF

THE TOWN OF PELHAM, have hereunto affixed their Corporate Seals under the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

in the presence of

FONTHILL DOWNS LIMITED

Per:

~~President,~~

24

Secretary

THE CORPORATION OF THE TOWN OF PELHAM

Mayor

Clock

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Pelham, in the Regional Municipality of Niagara and being composed of the southerly 7.5 feet of Lot 22 and the northerly 7.5 feet of Lot 23 according to registered Plan No. NS - 34 registered in the Registry Office for the Registry Division of Niagara South

SCHEDULE "B"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate. lying and being in the Town of Pelham, in the Regional Municipality of Niagara and being composed of Stella Street as shown on Registered Plan No. NS - 34 registered in the Registry Office for the Registry Division of Niagara South.

Affidavit, The Land Transfer Tax Act

IN THE MATTER OF THE LAND TRANSFER TAX ACT

PROVINCE OF ONTARIO

I, THOMAS HERBERT BAKER

REGIONAL
MUNICIPALITY
OF NIAGARA

of the City of Welland
in the Regional Municipality of Niagara
solicitor

To Wit: named in the within (or annexed) transfer make oath and say:

This affidavit may be made by the purchaser or vendor or by any one acting for them under power of attorney or by an agent accredited in writing by the purchaser or vendor or by the solicitor of either of them or by some other person approved by the Minister of Revenue.

1. I am the solicitor for the Grantee Corporation

named in the within (or annexed) transfer.

2. I have a personal knowledge of the facts stated in this affidavit.

3. (1) The total consideration for this transaction has been allocated as follows:

(a) Land, buildings, fixtures and goodwill \$ 1.00
(b) Chattels — items of tangible personal property - see note \$ nil

TOTAL CONSIDERATION \$ 1.00

(2) The true consideration for the transfer or conveyance for

Land Transfer Tax purposes is as follows:

(a) Monies paid in cash \$ 1.00
(b) Property transferred in exchange (Detail below) \$ nil
(c) Securities transferred to the value of (Detail below) \$ nil
(d) Balances of existing encumbrances with interest owing at date of transfer \$ nil
(e) Monies secured by mortgage under this transaction \$ nil
(f) Liens, legacies, annuities and maintenance charges to which transfer is subject \$ nil
(g) Other (Detail below) \$ nil

TOTAL CONSIDERATION (should agree with 3(1)(a) above) \$ 1.00

4. If consideration is nominal, is the transfer for natural love and affection? no

5. If so, what is the relationship between Grantor and Grantee?

6. Other remarks and explanations, if necessary
No consideration passes for the Granting of this Easement, tangible or intangible

SWORN before me at the City
of Welland
in the Regional Municipality
of Niagara

this 30th day of September 1974

Jeffrey A. Gordon
COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

Handwritten signature

NOTE TO PARAGRAPH 3(1) (b) : Chattels : Retail sales tax is payable on the valuation of items shown in 3(1) (b) unless otherwise exempted under the provisions of The Retail Sales Tax Act. For the purpose of this affidavit insert above only the value of chattels, the total value of which in the opinion of the deponent exceeds \$100.00 This does not exonerate a purchaser from the payment of Retail Sales Tax on any tangible personal property as part of this transaction. When chattels are purchased as part of this transaction with a value of less than \$100.00, the applicable tax should be paid by the purchaser to the Treasurer of Ontario and remitted to the Minister of Revenue.

DATED: April 11th, 1974.

FONTHILL DOWNS LIMITED

TO

THE CORPORATION OF THE TOWN OF PELHAM

Fonthill, Ontario

222149

No.
Registry Division of Niagara South (No. 59)
I CERTIFY that this instrument is registered
as of *A* M.

930 OCT 8 1974 in the

Registry Office
at Welland,
Ontario.

M. J. J.
DEPUTY LAND REGISTRAR

GRANT OF EASEMENT

TOWN OF PELHAM

M. Pelham
Reg'n. Fees
Extra Charges

T. H. BAKER, Q.C.
Barrister and Solicitor
163 Division Street

Welland, Ontario