

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 2724 (2005)

Being a by-law to authorize the Mayor and Clerk to enter into a
Site Plan Agreement with 766432 Ontario Inc. and 706014
Ontario Inc.

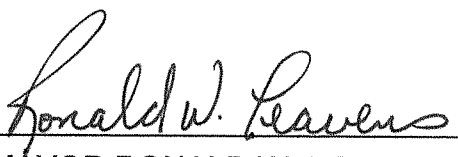
WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to enter into a Site Plan Agreement with 766432 Ontario Inc. and 706014 Ontario Inc. with regard to the construction of a five-bay shop for the repair and maintenance of their fleet of trucks.

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

(1) THAT the Site Plan Agreement attached hereto and made part of this by-law between the Corporation of the Town of Pelham and 766432 Ontario Inc. and 706014 Ontario Inc. be and the same is hereby approved.

(2) THAT the Mayor & 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 Site Plan Agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
5TH DAY OF DECEMBER, 2005 A.D.


MAYOR RONALD W. LEAVENS


CLERK CHERYL MICLETTE

2124

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 5

Properties

PIN 64029 - 0002 LT
Description PT LT 20 CON 10 PELHAM AS IN RO687507 EXCEPT PT 1 59R9661; PELHAM
Address PELHAM

Consideration

Consideration \$ 1.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name THE CORPORATION OF THE TOWN OF PELHAM
Address for Service P. O. Box 400
20 Pelham Town Square
Fonthill, Ontario
L0S 1E0

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation Ronald Leavens - Mayor and Cheryl Miclette - Clerk.

Statements

This notice is for an indeterminate period

Schedule: See Schedules

Signed By

Robert Bruce Smith 201-247 East Main St. PO Box 67 acting for Applicant(s) Signed 2006 01 05
Welland L3B 5N9
Tel 9057355684
Fax 9057353340

Submitted By

LANCASTER BROOKS & WELCH 201-247 East Main St. PO Box 67 2006 01 05
Welland L3B 5N9
Tel 9057355684
Fax 9057353340

Fees/Taxes/Payment

Statutory Registration Fee \$60.00
Total Paid \$60.00

THIS AGREEMENT made this 9th day of December, 2005 A.D.

BETWEEN:

766432 ONTARIO INC. AND 706014 ONTARIO INC.

Hereinafter called the "Owner"

OF THE FIRST PART

- and -

THE CORPORATION OF THE TOWN OF PELHAM

Hereinafter called the "Town"

OF THE SECOND PART

WHEREAS the Owner represents and warrants that it is the owner of the lands in the Town of Pelham described in Schedule "A" attached hereto (the "Lands");

AND WHEREAS the Town has previously entered into a Site Plan Agreement with 766432 Ontario Inc. and 706014 Ontario Inc., which Agreement (the "Site Plan Agreement") is dated September 16, 1996 and registered against title to the Lands as Instrument No. 713783 on October 7, 1996;

AND WHEREAS the Owner has assumed and agreed to be bound by the terms and conditions of the Site Plan Agreement;

AND WHEREAS the Owner is desirous of constructing a garage for the sole purpose of repairing and maintaining the fleet of trucks in accordance with Schedule "B" attached hereto and filed in the Town's offices;

AND WHEREAS the Town has agreed to permit the said construction subject to certain terms and conditions;

AND WHEREAS it is necessary to amend the Site Plan Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of One Dollar (\$1.00) now paid by the Owner to the Town (the receipt whereof is hereby acknowledged), the Parties hereto mutually covenant and agree as follows: -

1. The Site Plan Agreement is hereby amended by deleting Schedule "B" attached thereto and replacing it with the Schedule "B" attached to this Agreement.
2. The Site Plan Agreement is hereby further amended by adding the following clauses:

25. NOTICES

Any notice, demand, acceptance or request provided for in this agreement shall be in writing and shall be deemed to be sufficiently given if personally delivered or sent by registered mail (postage prepaid) as follows:

To the Town at:

Clerk
Town of Pelham
P. O. Box 400
20 Pelham Town Square
Fonthill ON L0S 1E0

To the Owner at:

766432 Ontario Inc. and 706014 Ontario Inc.,
1050 Canboro Road
R R 1
Fenwick Ontario L0S 1C0

or as such other address as the party to whom such notice is to be given shall have last notified the party giving the notice in the manner provided in this paragraph 25. Any notice delivered to the party to whom it is addressed in this paragraph 25 shall be deemed to have been given and received on the day it is so delivered at such address. Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth day next following the date of its mailing.

26. SCHEDULES

The originals of the plans set out in the attached Schedules are available at the offices of the Town at the address set out in paragraph 25.


27. BINDING EFFECT


This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns.

3. All other terms and conditions of the Site Plan Agreement shall remain in full force and effect except as amended herein and shall apply to this agreement.


IN WITNESS WHEREOF the parties hereto have executed this agreement as of the date and year first above written.


766432 ONTARIO INC.


Name Debbie Boverhof
Title President
I HAVE AUTHORITY TO BIND THE CORPORATION


Name Rudy Boverhof
Title Vice President
I HAVE AUTHORITY TO BIND THE CORPORATION


706014 ONTARIO INC.


Name Albert Elmers
Title President
I HAVE AUTHORITY TO BIND THE CORPORATION


Name Kathleen Elmers
Title Secretary / Treasurer
I HAVE AUTHORITY TO BIND THE CORPORATION

THE CORPORATION OF THE TOWN OF PELHAM


Mayor Ronald W. Leavens


Clerk Cheryl Miclette