

SCHEDULE "A"

LEGAL DESCRIPTION

Part of Lot 177, former Township of Thorold, now Town of Pelham, in the Regional Municipality of Niagara.

The described Lands being Part 3 on Reference Plan 59 R-14218 and being part of 64072-0730.

SCHEDULE "B"

SITE PLAN

Site Plan, Drawing No. 0736SP, Rev. 3, prepared by Upper Canada Consultants, dated January 18, 2010, the original of which is located at the Town at the address shown in Section 21 of this Agreement.

SCHEDULE "C"

SERVICING PLAN

Servicing Plan, Drawing No. 0736GSP, Rev. 3, prepared by Upper Canada Consultants, dated April 8, 2010, the original of which is located at the Town at the address shown in Section 21 of this Agreement.

SCHEDULE "D"

GRADING PLAN

Grading Plan, Drawing No. 0736GP, Rev. 3, prepared by Upper Canada Consultants, dated April 8, 2010, the original of which is located at the Town at the address shown in Section 21 of this Agreement.

SCHEDULE "E"

LANDSCAPE PLAN

Landscape Plan, Drawing No. 0736-LP, Rev. 2, prepared by Donald Martin Landscape Architect, dated June 1, 2010, the original of which is located at the Town at the address shown in Section 21 of this Agreement.

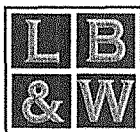
SCHEDULE "F"

COST ESTIMATES FOR FACILITIES AND WORKS

The on-site work cost estimates are as follows:

<u>Item</u>	<u>Cost Estimate</u>
1. Site Grading and Preparation	\$ 18,390.00
2. Storm System	35,349.60
3. Water System	45,249.26
4. Sanitary System	24,120.00
5. Roadways	50,348.50
6. Landscaping and Fencing	<u>36,766.00</u>
TOTAL ESTIMATED COSTS	<u>\$210,223.36</u>

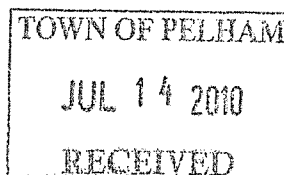
In accordance with Clause 14(a) of this Agreement, the amount of the deposit shall be Sixty Thousand Dollars (\$60,000.00)



Lancaster, Brooks & Welch LLP

BARRISTERS AND SOLICITORS

PLEASE RESPOND TO WELLAND OFFICE



July 9, 2010

The Corporation of the
Town of Pelham
P. O. Box 400
Fonthill, Ontario
L0S 1E0

Attention: Mr. Craig Larmour

Dear Sir:

**RE: Lucchetta Construction Limited
Site Plan Agreement
(Ryan's Walk)
Part 3 on Plan 59R-14218**

This letter is further to yours of June 18, 2010.

Please find enclosed:

- a) original Site Plan Agreement, registered on July 6, 2010 as instrument No. SN286155; and
- b) our account for services rendered.

We trust this is satisfactory and remain,

Yours very truly,

LANCASTER BROOKS & WELCH LLP

PER:

R. Bruce Smith

RBS:pm
Encls.

Lancaster, Brooks & Welch LLP

PO Box 790, 80 King Street, St. Catharines, Ontario L2R 6Z1
PO Box 67, 247 East Main Street, Welland, Ontario L3B 5N9
55 Main Street West, Grimsby, Ontario L3M 1R3

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Tel. 905.735.5684 Fax 905.735.3340
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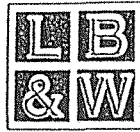
Gary L. Black
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Geoffrey F. Brooks, QC (retired); Robert S. K. Welch, OC, QC, LLD (1928-2000)

*Certified by the Law Society as a Specialist in Corporate and Commercial Law
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***Registered Trade-Mark Agent
****Certified by the Law Society as a specialist in Labour Law



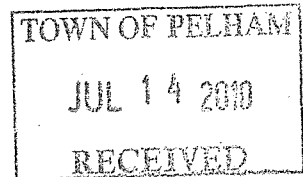
Lancaster, Brooks & Welch LLP
BARRISTERS AND SOLICITORS

In account with

Lancaster Brooks & Welch LLP
P.O. Box 67, 247 East Main Street, Welland, Ontario L3B 5N9 Tel: 905 735 5684

July 9, 2010

The Corporation of the
Town of Pelham
P. O. Box 400
Fonthill, Ontario
L0S 1E0



RE: Lucchetta Construction Limited
Site Plan Agreement
(Ryan's Walk)
Part 3 on Plan 59R-14218

TO OUR FEE for professional services herein, including receiving your instructions; to obtaining PIN printout; to preparation of acknowledgment and direction for signature by the Mayor and Clerk; to registration of site plan agreement; to reporting to you,

OUR FEE.....\$ 275.00

HST-TAXABLE DISBURSEMENTS

Paid for PIN printout.....\$ 18.00

Paid Teraview registration fee.....\$ 10.00

HST.....\$ 39.39

NON-TAXABLE DISBURSEMENT

Paid to register site plan agreement.....\$ 60.00

TOTAL FEES AND DISBURSEMENTS.....\$ 402.39

THIS IS OUR ACCOUNT

E & O E

PER: 

RBS:pm

H.S.T. No. R117996660

"In accordance with Section 35 of the Solicitors Act, interest will be charged at the rate of % per annum on unpaid fees, charges or disbursements calculated from a date that is one month after this statement is delivered."

Properties

PIN

64072 - 0730 LT

☒ Affects Part of Prop

Description

PT TWP LT 177 THOROLD, PT 3 59R-14218 TOWN OF PELHAM

Address

THOROLD

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
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 by DAVE AUGUSTYN-MAYOR AND NANCY BOZZATO-CLERK.

Statements

This notice is pursuant to Section 71 of the Land Titles Act.

This notice is for an indeterminate period

Schedule: See Schedules

Signed By

Robert Bruce Smith

201-247 East Main St. PO Box 67
Welland
L3B 5N9

acting for
Applicant(s)

Signed

2010 07 06

Tel

9057355684

Fax

9057353340

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

LANCASTER, BROOKS & WELCH (WELLAND)

201-247 East Main St. PO Box 67
Welland
L3B 5N9

2010 07 06

Tel

9057355684

Fax

9057353340

Fees/Taxes/Payment

Statutory Registration Fee

\$60.00

Total Paid

\$60.00

THIS AGREEMENT made in triplicate this 8TH day of JUNE, 2010 A.D.

BETWEEN:

U. LUCCHETTA CONSTRUCTION LIMITED

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 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 townhouse development in accordance with Schedules "B", "C", "D", "E" and "F" 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;

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. DEFINITIONS

In this Agreement:

- (a) **CHIEF BUILDING OFFICIAL** shall mean the Chief Building Official of the Corporation of the Town of Pelham.
- (b) **CLERK** shall mean the Clerk of the Corporation of the Town of Pelham.
- (c) **COUNCIL** shall mean the Council of the Corporation of the Town of Pelham.
- (d) **DIRECTOR OF FINANCIAL SERVICES** shall mean the Director of Financial Services of the Corporation of the Town of Pelham.
- (e) **DIRECTOR OF PLANNING SERVICES** shall mean the Director of Planning Services of the Corporation of the Town of Pelham.
- (f) **DIRECTOR OF COMMUNITY AND INFRASTRUCTURE SERVICES** shall mean the Director of Community and Infrastructure Services of the Corporation of the Town of Pelham.
- (g) **FACILITIES AND WORKS** shall mean and includes those facilities and works which are shown on or referred to in any one or more of the plans, drawings and schedules to this Agreement.
- (h) **LANDS** shall mean the lands described in Schedule "A" attached hereto.
- (i) **PROFESSIONAL ARCHITECT** shall mean a Professional Architect registered with the Ontario Association of Architects.
- (j) **PROFESSIONAL ENGINEER** shall mean a Professional Engineer registered with the Association of Professional Engineers.