

BY-LAW NUMBER 44, 1970
of THE CORPORATION OF THE TOWN OF PELHAM

A BY-LAW TO REPEAL BY-LAW NUMBER 33
OF THE TOWN OF PELHAM

WHEREAS said By-Law Number 33, 1970 of the Corporation of the Town of Pelham entitled a By-law to authorize the execution of an Agreement with Lester Shoalts Limited with respect to Subdivision Plan N.S. 1, Town of Pelham was passed.

AND WHEREAS Lester Shoalts Limited is the Owner of all Lots (36) in Plan registered in the Registry Office of the Registry Division of Niagara South as N.S. 1 for the Town of Pelham.

AND WHEREAS it is considered necessary to enter into an Agreement with Lester Shoalts Limited with respect to the development of the even numbered Lots as shown on the said Plan.

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

1. THAT the Agreement between Lester Shoalts Limited and the Corporation of the Town of Pelham dated the 11 day of May, 1970 and attached hereto, BE AND THE SAME IS HEREBY APPROVED.

2. THAT the Mayor and Clerk be and each of them are hereby authorized and instructed on behalf of the Corporation to execute the said Agreement and the Clerk is hereby authorized to affix the Corporate Seal

thereto.

3. BY-LAW Number 33 passed on the 13th day of April, 1970 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 11
DAY OF May , 1970.

E. C. Brown Acting Mayor
MAYOR

C. J. Smith
CLERK

BY-LAW NUMBER

44

1970

DATED:

May 11 ,1970

A BY-LAW TO REPEAL BY-LAW
NUMBER 33 OF THE TOWN OF
PELHAM

BAKER & SWAYZE
Barristers & Solicitors
163 Division Street
Welland, Ontario.

THB:vk

THIS AGREEMENT MADE THE 11 DAY OF MAY, 1970.
B E T W E E N: THE CORPORATION OF THE TOWN OF PELHAM,
hereinafter called the "TOWN" OF THE FIRST PART
- and - LESTER SHOALTS LIMITED,
hereinafter called the "OWNER" OF THE SECOND PART

WHEREAS the Owner entered into a Subdivision Agreement with the Council of the Corporation of the Township of Pelham on the 29th day of December, 1969 with respect to the development of a subdivision in Lot 2, Concession 9, Township of Pelham.

AND WHEREAS the Said Agreement, which was approved by the Minister of Planning and the 1970 Council of the Town of Pelham, permitted the construction of homes on 18 of the odd numbered lots beginning with Lot 1 and ending with Lot 35, as shown on the Plan of Subdivision as submitted, duly approved and registered in the Registry Office for the Registry Division of Niagara South on the 28th day of January, 1970 as Plan number N.S. 1.

AND WHEREAS Council considers it desirable to enter into this Agreement with respect to the sale of the even numbered lots from 2 to 36 both inclusive as shown on said Plan N.S. 1.

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises herein and of the approvals and conditions contained in an Agreement, dated the 29th day of December, 1969 and entered into between Lester Shoalts Limited and the Corporation of the Township of Pelham, the Parties hereto agree as follows:

(1) THE OWNER, Lester Shoalts Limited, will not construct, cause to be constructed or permit the construction of any building on Lots 2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34 or 36 according to Plan N.S. 1 for the Town of Pelham/^{Regional Municipality of Niagara} until Approval or Release is received from the Medical Officer of Health and the Minister of Planning and Development. Upon these Approvals being received the Owner, Lester Shoalts Limited will pay to the Town of Pelham an impost fee of \$500.00 per Lot on each of the lots herein described and upon receipt of payment of the said amount the Owner shall be entitled to receive from the Municipality a Release from this Agreement for registration in the appropriate Registry Office.

THIS AGREEMENT SHALL ENURE to the benefit of and be binding upon the successors and assigns of the Parties hereto respectively.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate Seals duly attested by the hands of the proper officers in that behalf.

CORPORATION OF THE TOWN OF PELHAM

E. C. Brown acting Mayor
MAYOR

C. D. D. D.
CLERK

LESTER SHOALTS LIMITED

PER: [Signature]
PRESIDENT

DATED: May 11, 1970

THE CORPORATION OF THE TOWN OF PELHAM

- and -

LESTER SHOALTS LIMITED

Waingfleet. Ont.

A G R E E M E N T

NUMBER 127 494
I CERTIFY that the within instrument is
Registered in the Registry Office for the
Registry Division of Niagara South at 130
O'clock P M, of the 15 day
of SEP 1970
A.C. Jolley
Registrar

BAKER & SWAYZE
Barristers & Solicitors
163 Division Street
Welland, Ontario.
THB:vk