

A G R E E M E N T

MEMORANDUM OF AGREEMENT dated the 9th day of July, 1979.

B E T W E E N :

THE CORPORATION OF THE TOWN OF PELHAM

Hereinafter called the "Town" of the FIRST PART;

- and -

JOHN COSTELLO, of the Town of Pelham, in the
Regional Municipality of Niagara,

Hereinafter called "Costello" of the SECOND PART;

WHEREAS:

1) Costello is the purchaser under an Agreement of Purchase and Sale with National Trust Company Limited, hereinafter called the "Vendor", dated the 15th day of February, 1979, for lands and premises municipally known as 1617 Lookout Street, Fonthill, and more particularly described in Schedule "A" attached hereto.

2) In order to make good title to Costello, the Vendor made application to the Land Division Committee of the Regional Municipality of Niagara to obtain a severance for the lands and premises described in Schedule "A" attached hereto.

3) The said severance having been granted by the said Land Division Committee, the Town entered an appeal to the Ontario Municipal Board. One of the reasons for the appeal by the Town is its concern with regard to a barn, part of which is situate on the subject lands and part of which encroaches on adjacent land.

continued...

NOW THEREFORE WITNESSETH that in consideration of the Town withdrawing the said appeal to the Ontario Municipal Board, Costello agrees as follows:

1) Costello will proceed with due speed and diligence to obtain title to the lands on which the barn is situate and any additional lands required to conform with the applicable zoning by-law of the Town.

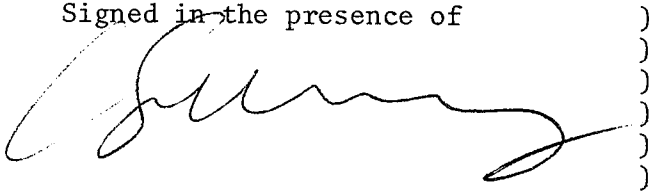
2) In the event that it is impossible to obtain title to the lands, Costello will move the barn at his own expense.

3) Costello will indemnify and save harmless the Town of any liability that may be incurred by the Town as a result of the said encroachment.

IN WITNESS WHEREOF the parties hereto have hereunder executed this Agreement.

DATED at St. Catharines, Ontario this 19th day of July, 1979.

Signed in the presence of




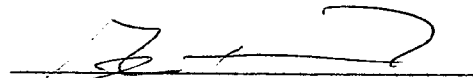

JOHN COSTELLO

Dated at Fonthill, Ontario this

day of July, 1979

CORPORATION OF THE TOWN OF PELHAM

Per: 
Mayor


Clerk