

THIS AGREEMENT made in duplicate this day
of , 1979.

B E T W E E N:

THE CORPORATION OF THE TOWN OF PELHAM

Hereinafter called the "Town"

- and -

UGO LUCCHETTA

Hereinafter called the "Owner"

WHEREAS the Owner purports to be the Owner of 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, (formerly the Township of Thorold, County of Welland) and being composed of part Lot 237 for the former Township of Thorold, and as shown as Part 6 on reference plan 59R-1232, registered on the 8th day of July, 1975;

AND WHEREAS the said lands are outside the limits of the Town's "sewer area" as designated by By-law number 50 (1970) as passed by the Municipal Council of the Town;

AND WHEREAS the Owner has connected his lands with the Town's sanitary sewer system;

AND WHEREAS the Town has agreed to allow the Owner and the Owners of the adjoining lands being Parts 5 and 7 on reference plan 59R-1232 to share the use of an existing sanitary sewer lateral, subject to certain terms and conditions:

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the covenants herein contained the Town and the Owner covenant and agree as follows:

1. The Town shall allow the Owner and the Owners of the aforementioned adjoining property to share an existing sanitary sewer lateral, which lateral is presently being used by the Owner to service his aforementioned property.
2. The Owner agrees to pay to the Town an annual combined frontage and lateral fee of \$87.60 for a period of twenty years.
3. The Owner further agrees to pay to the Town and charge his lands with an annual tax levy variable from year to year based upon the special sewer area rate, as prescribed from year to year by the Municipal Council of the Town, and payable by all of the assessed Owners within the Town's aforementioned sewer area, as well as any other tax levies made from time to time as assessed by the Municipal Council of the Town.
4. This agreement is to be binding on the Owner, his heir, executors, administrators, successors and assigns forever and shall be registered against the title of the Owner.

IN WITNESS WHEREOF the Town has affixed its corporate seal attested by the hands of its proper signing officers in that behalf and the Owner has hereunto set his hand and seal.

SIGNED, SEALED AND DELIVERED)
In the presence of)

THE CORPORATION OF THE TOWN
OF PELHAM

PER: EG Bergenstein

PER: M. May

UGO LUCCHETTA

AFFIDAVIT OF SUBSCRIBING WITNESS

I,

~~THOMAS M. DIBBY~~ A.T. LACAVERA

of the

City of Welland

in the

Regional Municipality of Niagara

Solicitor

make oath and say:

*See footnote

I am a subscribing witness to the attached instrument and I was present and saw it executed at Welland, Ontario by UGO LUCCHETTA.

*See footnote

I verily believe that each person whose signature I witnessed is the party of the same name referred to in the instrument.

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

XXXXXX

this 13 day of August 19 79

Wanda E. Szajnocha
A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

WANDA E. SZAJNOCHA, a Commissioner,
etc., Judicial District of Niagara South, for
Lacavera and Ivankovich, Barristers.
Expires September 21, 1980.

* Where a party is unable to read the instrument or where a party signs by making his mark or in foreign characters add "after instrument had been read to him and he appeared fully to understand it". Where executed under a power of attorney insert "(name of attorney) as attorney for (name of party)"; and for next clause substitute "I verily believe that the person whose signature I witnessed was authorized to execute the instrument as attorney for (name)".

AFFIDAVIT AS TO AGE AND SPOUSAL STATUS

I / WEX

UGO LUCCHETTA

of the

City of Welland

in the

Regional Municipality of Niagara

* If attorney,
see footnote

XXXXXX make oath and say:

When I / WEX executed the attached instrument,

I WAS / XXXXXXXXXXXX at least eighteen years old;

and within the meaning of section 1(f) of The Family Law Reform Act, 1978,

(a) I WAS / XXXXXXXX a spouse.

Strike out
inapplicable
clauses.

(b) was my spouse.

(c) XXXXXXXXXXXXXXXXXXXX

** Not a
matrimonial
home, etc.,
see footnote.

Resident of
Canada, etc.

(XXXXXX) SWORN before me at the City
of Welland, in the Regional
Municipality of Niagara

this 11th day of August 19 79

A COMMISSIONER FOR TAKING AFFIDAVITS, ETC.

* Note: Where affidavit made by an attorney substitute: "When I executed the attached instrument as attorney for (name), he/she was (spousal status, and if applicable, name of other spouse) within the meaning of section 1(f) of The Family Law Reform Act, 1978 and when he/she executed the power of attorney, he/she had attained the age of majority".

** Note: See Section 12(3) of The Family Law Reform Act, 1978 where spouse does not join in or consent; or complete a separate affidavit.

