

THE CORPORATION OF THE

T O W N O F P E L H A M

BY-LAW NUMBER 70 (1970)


Being a By-law to authorize the entering into an execution of an Agreement with Steed and Evans Ltd. with respect to work on the Road Allowance between Lots 11 and 12, Concession 7 (Cream Street), North of #20 Highway in the Town of Pelham.


WHEREAS Council considers it desirable to enter into an agreement with Steed and Evans Ltd. with respect to the construction of a paved surface upon Cream Street, north of #20 Highway (Con. 7, Lots 11 & 12) and the regrading of Cream Street between #20 Highway and Tice Road when Quarry operations cease or the company's scales are moved.

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

1. That the agreement hereto attached and made part of this by-law between Steed and Evans Ltd. and the Corporation of the Town of Pelham be and same is hereby approved and authorized.
2. That the Mayor and Clerk be and each of them is 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.

READ THE FIRST, SECOND AND THIRD TIME AND PASSED IN COUNCIL THIS 30th. DAY OF NOVEMBER, 1970.

  
MAYOR

  
CLERK

THIS AGREEMENT made in duplicate  
this 30th. day of November, A.D. 1970.

BETWEEN:

THE CORPORATION OF THE TOWN OF  
PELHAM, hereinafter called the  
"TOWN"  
OF THE FIRST PART

-and-

STEED AND EVANS LIMITED,  
hereinafter called the "COMPANY"  
OF THE SECOND PART

WHEREAS Steed and Evans Limited own and operate gravel pits on the east side of Cream Street in the Town of Pelham between Highway No. 20 and Tice Road, under the firm and style of Moyer Sand & Gravel.

AND WHEREAS Steed and Evans Limited did during the winter and spring of 1970 alter the grade of Cream Street in the vicinity of the entrance to its gravel pit operations and scales.

AND WHEREAS Steed and Evans Limited did construct a ditch along the west side of Cream Street, where the surface was raised, and did also install a culvert and create access to the lands of Frank Pratten situate on the west side of Cream Street.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of their respective covenants the parties hereto agree as follows:

1. Steed and Evans Limited will, upon the signing of this Agreement, pave that portion of Cream Street where the grade has been altered to accommodate Steed and Evans' purposes and will grade the paved surface in such a manner that surface drainage will flow to the east side of Cream Street and will not in any way create a hazard to the travelling public or a condition that may be proven to be detrimental to the property fronting on the west side of Cream Street in the area between Highway No. 20 and Tice Road.

2. The Company undertakes and agrees to regrade Cream Street between Highway No. 20 and Tice Road to a level approximating as near as possible the level at which it was before alterations and according to specifications provided by the Municipal Engineer when Quarry operations cease or the company's scales are moved.

3. The Company hereby undertakes to hold harmless and agrees to indemnify the Town against any liability incurred by reason of the Company's alteration of the grade of Cream Street and the work performed thereon by the Company.

4. To further guarantee the fulfilment of the provisions of this Agreement by the Company and its undertaking to indemnify the Municipality for any claims arising out of the Company's operations on Cream Street, IT IS AGREED THAT the Municipality may have recourse to the fund established by the Municipality to insure the restoration of gravel pit areas to which an annual contribution is made by the Company.

5. It is HEREBY DECLARED AND AGREED that this Agreement shall ensure to the benefit of and be binding upon the parties hereto, their successors and assigns respectively.

IN WITNESS WHEREOF THE said Steed and Evans Limited have hereto caused its corporate seal to be affixed and these presents signed by its proper officers in that behalf and the said Town has hereto caused its corporate seal to be affixed and these presents signed by the Mayor and Clerk.

STEED AND EVANS LIMITED

Per: 

THE CORPORATION OF THE TOWN OF PELHAM

Per: 

MAYOR

  
CLERK