

THIS GRANT OF EASEMENT made this 7th day of January 1982.

B E T W E E N:

THE CORPORATION OF THE CITY OF WELLAND
hereinafter referred to as "the City"

OF THE FIRST PART

AND

THE CORPORATION OF THE TOWN OF PELHAM
hereinafter referred to as "the Town"

OF THE SECOND PART

PERMANENT EASEMENT

WHEREAS the City is the owner of a road in the City of Welland known as Foss Road; which road lies between Lot 1, Concession 10 and Lot 1, Concession 11 now in the City of Welland in the Regional Municipality of Niagara, formerly the Township of Pelham in the County of Welland.

AND WHEREAS the Town is desirous of constructing a forcemain sanitary sewer facility over and upon lands owned by the City for the purpose of servicing its municipality and for the purpose of connecting to the existing trunk sanitary sewer located along South Pelham Street in the City of Welland.

AND WHEREAS the Town has requested a grant of a permanent easement owned by the City for the purpose of the said forcemain sanitary sewer facility.

AND WHEREAS Section 354(1), Paragraph 84 of The Municipal Act, R.S.O. 1970, Chapter 284, as amended provides that by-laws may be passed by a municipality for entering into an agreement with an adjoining municipality to facilitate the extension of sewers between them.

NOW THIS INDENTURE WITNESSETH that in consideration of the sum of One Dollar (\$1.00) of lawful money of Canada paid by the Party of the Second Part to the Party of the First Part (the receipt of which hereby acknowledged) and in consideration of the mutual covenants hereinafter contained, the Town and the City hereby agree as follows:

1. The City grants to the Town, its authorized agents, servants, employees and workmen, a permanent easement, to place and install a forcemain sanitary sewer in, upon and under the northerly fifteen (15) feet of the Foss Road road allowance located in the City of Welland from the west limit of the City of Welland easterly to South Pelham Street in the City of Welland; more particularly described in Schedule "A" and "B" attached hereto.
2. The City grants to the Town, its authorized agents, servants, employees, and workmen, a permanent easement in, over, upon and under Foss Road road allowance located in the City of Welland as described in Schedule "A" and "B" attached hereto to repair, inspect, alter, operate, and maintain a forcemain sanitary sewer over the said lands, with the necessary machinery, material, equipment and vehicles.
3. The Town agrees that every time it enters upon the said lands described in Schedules "A" and "B" in pursuance of its privileges hereunder, it will, within a reasonable time thereafter, restore as nearly as practicable the lands to the condition such lands were in immediately prior to the said entry.
4. The Town agrees that the forcemain sanitary sewer constructed by it on the said lands in Schedules "A" and "B" attached hereto will be in accordance with standard and specifications reasonably required by the City more particularly described in Schedule "C" attached hereto that the sanitary sewer will be maintained at all times by the Town to those standards; that the City may inspect the said sewer from time to time to determine compliance with these standards and that the Town will repair the sanitary sewers at the request of the City when the City determines that the said sewer fails to meet the required standards and specifications.
5. The Town agrees that all construction will be carried out in accordance with the provisions of The Occupational

Health and Safety Act, R.S.O. 1980, Chapter 321 and that it will provide all the necessary traffic guards for the safe control of traffic during construction.

6. The Town will at all times indemnify and save harmless the City from and of all losses, costs, damages, and injury which the City may suffer, by at or be put to for or by reason of or on account of the construction, maintenance or existence of any work done by the Town, its contractors, agents, workmen or employees in respect to the said sanitary sewer.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their corporate seals duly authorized in that behalf

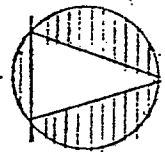
SIGNED, SEALED AND DELIVERED)

in the presence of

) THE CORPORATION OF THE TOWN OF BELHAM
)
) per E.G. Bergen MAYOR
)
) per Murray Hackett CLERK
)
) THE CORPORATION OF THE CITY OF WELLAND
)
) per [Signature] MAYOR
) per [Signature] CLERK
)

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate lying and being in the City of Welland, in the Regional Municipality of Niagara, formerly in the Township of Pelham, in the County of Welland, now in the City of Welland and being composed of an open road allowance between Lot 1, concession 10 and Lot 1, concession 11 in the City of Welland, and municipally known as Foss Road, and the easterly 14.41 feet of Lot 2, Concession 10 in the City of Welland, also municipally known as Foss Road.



E. LIMIT OF
LOT 2

440.73

SE 1 OF LOT 2

14.41

ROSS

1503.59
ROAD
1318.00

E. LIMIT OF
LOT 2

LOT 1, CON. 11

FRONTAGE DISTANCES ARE
ACCORDING TO ASSESSMENT ROLL

SCALE - 1" = 100'

CITY LIMIT

LOT 1, CON. 10

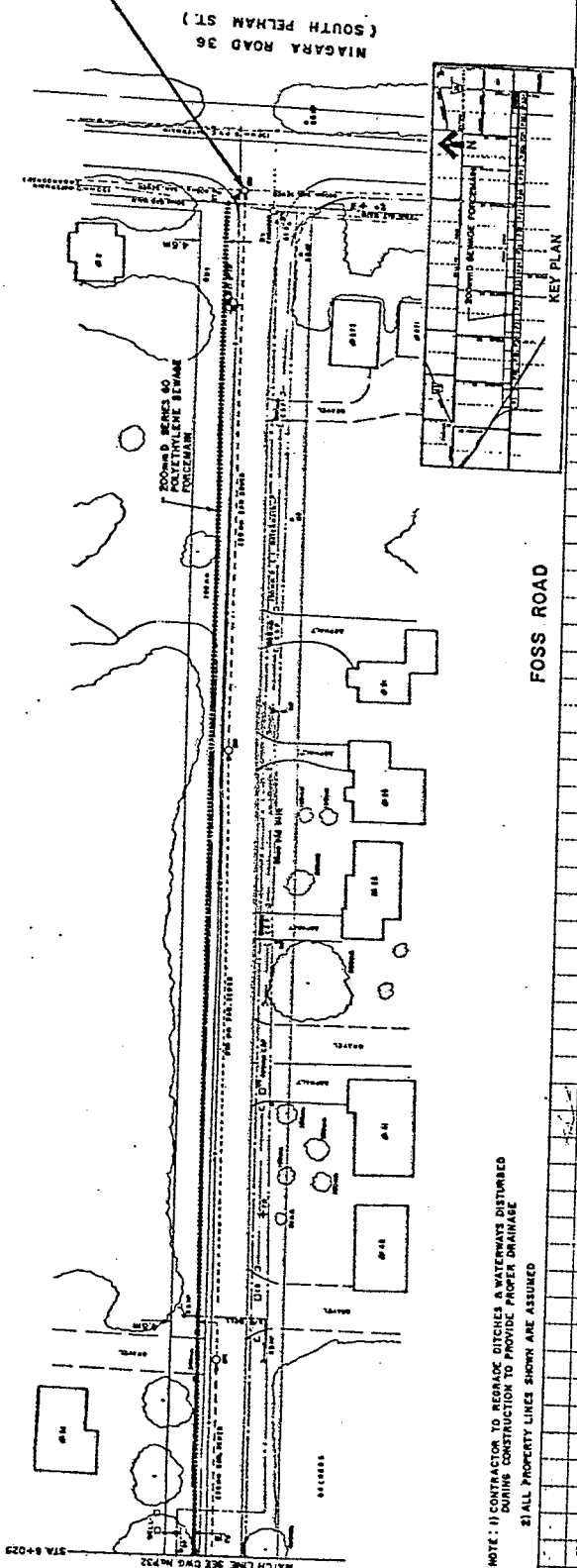
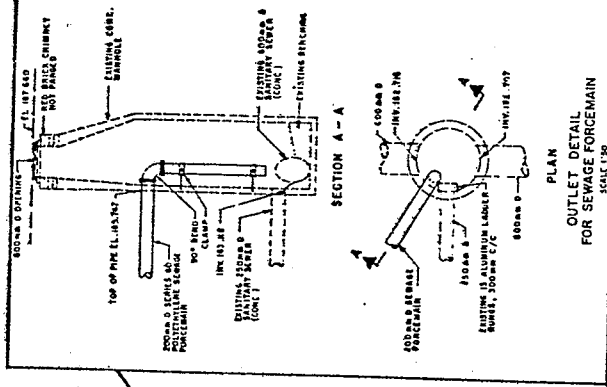
440.73

SOUTH PELHAM ROAD

"not a plan of survey"



SCHEDULE "C"

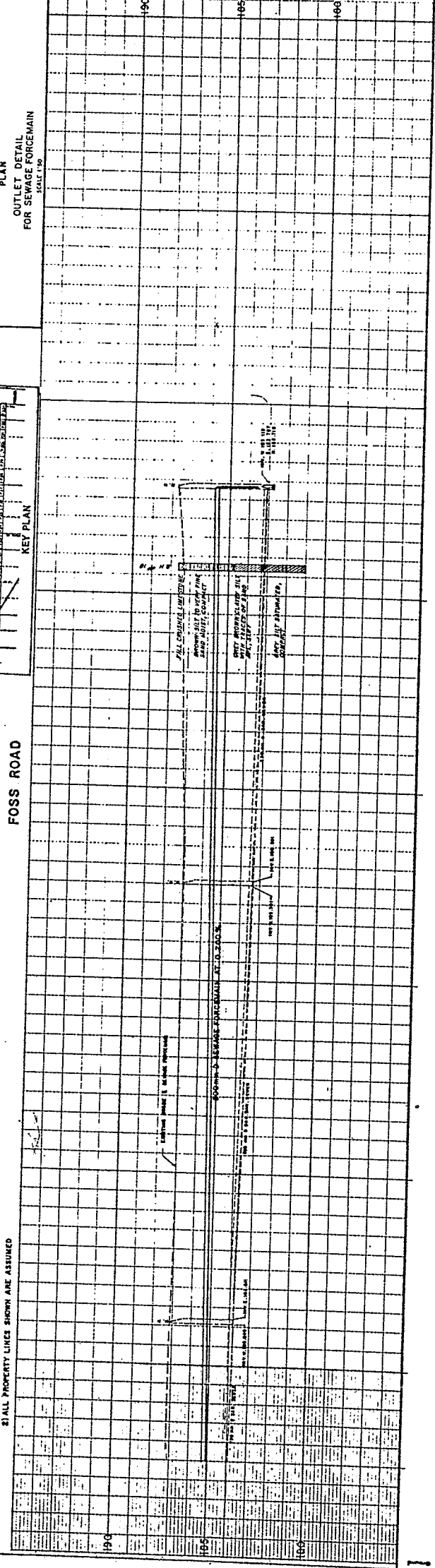


FOSS ROAD

OUTLET DETAIL FOR SEWAGE FORCEMAIN
SCALE 1:30

KEY PLAN

NOTE: 1) CONTRACTOR TO REGRASS DITCHES & WATERWAYS DISTURBED DURING CONSTRUCTION TO PROVIDE PROPER DRAINAGE.
2) ALL PROPERTY LINES SHOWN ARE ASSUMED



Top of Foss Road Elevation 103.247		Bottom of Force Main Elevation 103.247	
6+025		6+275	
6+050		6+250	
6+100		6+200	
6+150		6+150	
6+200		6+100	
6+250		6+050	
6+275		6+025	

THE POSITION OF ALL LINES, CORRIDORS, WATERWAYS, ETC., AND OTHER INFORMATION SHOWN ON THIS PLAN IS FOR INFORMATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION SHOWN ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION SHOWN ON THIS PLAN.

Proctor & Redfern Limited
Consulting Engineers
Toronto, St. Catharines
Quantity Surveyor
City of Pelham
Date: July, 1981
Project: Fenwick Sewer Project (Forcemain)
Sheet: A1-B1490-P33

Form 1 - Land Transfer Tax Act

AFFIDAVIT OF RESIDENCE AND OF VALUE OF THE CONSIDERATION

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land) An Open Road Allowance between
Lot 1, Concession 10 and Lot 1, Concession 11 in the City of
Welland and municipally known as Foss Road and the easterly 14.41 feet
of Lot 2, Con. 10, Welland.
BY (print names of all transferors in full) The Corporation of the City of Welland.
TO (see instruction 1 and print names of all transferees in full) The Corporation of the Town of Pelham.

I, (see instruction 2 and print name(s) in full) Nadia Koltun.

MAKE OATH AND SAY THAT:

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s); (see instruction 2)

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
☐ (c) A transferee named in the above-described conveyance;
☒ (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s))
The Corporation of the City of Welland
described in paragraph(s) ~~XXXXXX~~ (c) above; (strike out references to inapplicable paragraphs)
☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s))
described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)
☐ (f) A transferee described in paragraph () (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own
behalf and on behalf of (insert name of spouse)
who is my spouse described in paragraph (). (insert only one of paragraph (a), (b) or (c) above, as applicable)

and as such, I have personal knowledge of the facts herein deposed to.

2. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1 (1)(f) and (g) of the Act. (see instruction 3).

3. The following persons to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed are non-resident persons within the meaning of the Act. (see instruction 4) none

4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

- | | | |
|---|---------|---------|
| (a) Monies paid or to be paid in cash | \$ 1.00 | |
| (b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price) | \$ nil | |
| (ii) Given back to vendor | \$ nil | |
| (c) Property transferred in exchange (detail below) | \$ nil | |
| (d) Securities transferred to the value of (detail below) | \$ nil | |
| (e) Liens, legacies, annuities and maintenance charges to which transfer is subject | \$ nil | |
| (f) Other valuable consideration subject to land transfer tax (detail below) | \$ nil | |
| (g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO
LAND TRANSFER TAX (TOTAL OF (a) to (f)) | \$ 1.00 | \$ 1.00 |
| (h) VALUE OF ALL CHATTELS - items of tangible personal property
(Retail Sales Tax is payable on the value of all chattels unless exempt under
the provisions of the "Retail Sales Tax Act", R.S.O. 1980, c.454, as amended) | \$ nil | |
| (i) Other consideration for transaction not included in (g) or (h) above | \$ nil | |
| (j) TOTAL CONSIDERATION | | \$ 1.00 |

ALL BLANKS
MUST BE
FILLED IN.
INSERT "NIL"
WHERE
APPLICABLE.

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 5) strangers

6. If the consideration is nominal, is the land subject to any encumbrance? no

7. Other remarks and explanations, if necessary
To facilitate construction of sanitary sewer forcemain
by Town of Pelham on a City of Welland street.

SWORN before me at the City of Welland
in the Regional Municipality of Niagara
this 10 day of April June 1982

Karen Marie Michels
A Commissioner for taking Affidavits, etc.

KAREN MARIE MICHEL, a
Commissioner for taking Affidavits,
Province of Ontario, for
Flett, Beccario, Barristers and
Solicitors
Expires November 13, 1984.

signature(s)

- A. Describe nature of instrument: Permanent Easement
- B. (i) Address of property being conveyed (if available): Foss Road
- (ii) Assessment Roll No. (if available): not available
- C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed (see instruction 6):
Municipal Building, Fonthill, Ontario
- D. (i) Registration number for last conveyance of property being conveyed (if available): not available
- (ii) Legal description of property conveyed: Same as in D.(i) above. Yes ☐ No ☐ Not Known ☒
- E. Name(s) and address(es) of each transferee or solicitor

Nadia Koltun
City Solicitor
City Hall
Welland, Ontario

For Land Registry Office use only

REGISTRATION NO.

Land Registry Office No.

Registration Date

0
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2
3
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