

Harold Black Park
773

BROOKS, MACFARLANE & BIELBY
BARRISTERS & SOLICITORS

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735-5684
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(AREA CODE 416)

P. O. BOX 67
76 DIVISION STREET
WELLAND, ONTARIO
L3B 5N9

June 2, 1982.

The Corporation of the
Town of Pelham,
P. O. Box 400,
Pelham Municipal Building,
Pelham Town Square,
Fonthill, Ontario.
L0S 1E0.

RECEIVED

JUN 3 1982

Attention: Murray Hackett, Esq.

Dear Sir:

Re: River Realty Development
Harold Black Park

Please find enclosed the transfer to the Corporation of the Town of Pelham of the property now known as the Harold Black Park. Also enclosed is the duplicate original application to register the restrictive covenants and the restrictive covenant agreement. Perhaps you should make a copy for your file and deliver the original to River Realty.

This would appear to complete the matter as it pertains to this transfer and please advise whether or not you wish us to render a separate account or docket our time to the Town of Pelham General account.

Yours very truly,

BROOKS, MACFARLANE & BIELBY

PER: 

TAB:bd

Encls.

APPLICATION TO REGISTER
RESTRICTIVE COVENANTS

THE LAND TITLES ACT RSO 1980 s 118

TO: THE LAND REGISTRAR
FOR THE LAND TITLES DIVISION OF
NIAGARA SOUTH

RIVER REALTY DEVELOPMENT (1976) INC., a company duly incorporated under the laws of the Province of Ontario, the registered owner of the land entered in the Register for Section 59 - Pelham - 10 as Parcel 2-1 in the Land Registry Office for the Land Titles Division of Niagara South requests the Land Registrar to register as annexed to the land the covenants, a copy of which is filed herewith.

Dated at Welland this 19th day of March, 1982..

RIVER REALTY DEVELOPMENT (1976) INC.

PER: Frank A. Branscombe
President

THIS AGREEMENT made in duplicate this 3rd day of March,
1982.

B E T W E E N :

RIVER REALTY DEVELOPMENT (1976) INC.,

Hereinafter called the "GRANTOR"

- OF THE FIRST PART -

A N D :

THE CORPORATION OF THE TOWN OF PELHAM,

Hereinafter called the "GRANTEE"

- OF THE SECOND PART -

WHEREAS the Grantor is the owner of lands and premises located in part of Township Lot No. 2, Concession 10, in the former Township of Pelham, County of Welland, now in the Town of Pelham, in the Regional Municipality of Niagara and more particularly described as Parts 2, 3 and 4 on Plan 59R-1512 which property is located east of Haist Road and south of Quaker Road in the said Town of Pelham;

AND WHEREAS the Grantor desires to dedicate and convey to the Grantee a ten-acre parcel of land within the aforementioned parcel, more particularly described as Part 1 on Plan 59R-3710 for the purpose of either a public park or a senior citizens complex and home but for no other purpose;

AND WHEREAS the Grantee is willing to accept the dedication and conveyance and the restrictions that run with the conveyance, on behalf of its citizens and for their benefit;

NOW THEREFORE WITNESSETH that in consideration of the conveyance, the Grantee agrees to abide by and honour the conveyance and restrictions that run with the land and the parties agree as follows:

1. The Grantor shall grant and convey to the Grantee that certain parcel or tract of land and premises situate, lying and being Part of Township Lot 2 in the 10th Concession for the former Township of Pelham, County of Welland, now in the Town of Pelham, in the Regional Municipality of Niagara and more particularly described as Part 1 on Reference Plan 59R-3710 deposited in the Land Titles Division for Niagara South containing ten acres.
2. The Grantee agrees to accept the conveyance in the form delivered to the Grantee and agrees to accept the conveyance and the restrictive covenants that run with the conveyance. The Grantee agrees that the lands conveyed to it are to bear the burden of the

restrictive covenant and adjoining lands of the Grantor lying to the south of the ten-acre parcel and being described in Schedule "A" and the adjoining lands of the Grantor lying to the north of the said ten-acre parcel and being described in Schedule "B" are to enjoy the benefit of the restrictive covenant.

3. The Grantee hereby covenants and agrees that the ten-acre parcel of land shall be used only for the purpose of a public park which shall be known as the "Harold Black Park" or a senior citizens complex and home which shall be identified by and with the name "Harold Black".

4. In consideration of the conveyance the Grantee covenants and agrees that within five (5) years of the date of this agreement it shall erect a standard farm fence, five feet in height, along the north and south boundaries of the park lands.

5. The Grantee covenants and agrees that in the event the lands are used as a public park there shall be no permanent buildings or structures situated thereon, it being understood and agreed however that the following shall not constitute contravention of this restriction:-

- (a) light standards;
- (b) tennis courts and associated fencing and lighting;
- (c) perimeter fencing;
- (d) players' benches;
- (e) baseball backstops;
- (f) soccer goal posts;
- (g) football goal posts;
- (h) boards and supporting structures for an outdoor ice rink if not permanent in nature.

6. The agreement and the covenants contained therein shall enure to the benefit of and be binding upon the respective successors in title of the parties hereto and the restrictive covenants which bind the ten-acre parcel shall accrue to the benefit of the successors in title of the Grantor and shall run with the lands without reference to a specific assignment of the benefit of the covenant.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals duly attested to by the hands of the proper officers in that behalf.

SIGNED, SEALED AND DELIVERED)	RIVER REALTY DEVELOPMENT (1976) INC.
)	Per: <u>Frank A. Branscome</u>
In the Presence of)	
)	THE CORPORATION OF THE TOWN OF PELHAM
)	Per: <u>E. F. Bergensten</u> MAYOR
)	Per: <u>Murray Hackett</u> CLERK
)	

SCHEDULE "A"

Lands of Grantor lying to the south of the
said ten-acre park lands

In the Town of Pelham, in the Regional Municipality of Niagara, and Province of Ontario, and being composed of those parts of Township Lot No. 2, Concession No. 10, in the former Township of Pelham, County of Welland, now in said Town of Pelham, designated as Parts 2, 3 and 4 on a reference plan deposited in the Land Registry Office for the Land Titles Division of Niagara South as No. 59R-3710, containing by admeasurement a total of 17.12 acres.

SUBJECT to an easement in favour of Bell Canada as described in Registered Instrument No. 16149 on that part of said Township Lot No. 2 designated as Part 3 on said Reference Plan No. 59R-3710.

SCHEDULE "B"

Lands of the Grantor lying to the north of the
said ten-acre park lands.

In the Town of Pelham, in the Regional Municipality of Niagara, and Province of Ontario, and being composed of that part of Township Lot No. 2, Concession No. 10 designated as Part 2 on a reference plan deposited in the Land Registry Office for the Land Titles Division of Niagara South as No. 59R-1512.

SAVE AND EXCEPT those parts of said Township Lot No. 2 designated as Parts 1 and 2 on a reference plan deposited in the Land Registry Office for the Land Titles Division of Niagara South as No. 59R-3710.

ALSO SAVE AND EXCEPT that part of said Township Lot No. 2 designated as Part 1 on a reference plan deposited in the Land Registry Office for the Land Titles Division of Niagara South as No. 59R-2485.

The lands remaining after said exceptions containing by admeasurement 13.22 acres.

DATED: MARCH 19, 1982

THE LAND TITLES ACT

No. *LT-24138*

Received at the Land Registry Office, Land
Titles Division for Niagara South (No. 59)
82 MAY 26 P3:36

and entered in Parcel.....*2-1*.....

Section *59-Pelham-10*

Welland, Ont.*R. H. Lawrence*.....
Dep. LAND REGISTRAR

APPLICATION TO REGISTER
RESTRICTIVE COVENANTS

BROOKS, MACFARLANE & BIELBY
Barristers and Solicitors
76 Division Street
Welland, Ontario

TAB:ers