

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2011-24**

**A by-law to provide for the transfer of easement for the purpose of ingress and egress**

**WHEREAS** S. Funtig & Associates Inc., Trustee on behalf of General Chemical Canada Ltd. has requested a right of way over lands owned by the Town described as Part 1, 12R- 24637;

**AND WHEREAS** the benefiting lands are described as:

- (a) Part of Farm Lots 5, 6, 7, 8 and Part of Indian Stone Quarry Reserve, Concession 1 and Lot 1 and Part Lot 2 Block "C" Registered Plan 14, Town of Amherstburg (formerly Township of Anderdon) designated as Part 1 on 12R-9123 save and except Part Lot 7 Concession 1 designated as Parts 1 and 2 on 12R-9165, being Part of PIN 01544-1690 (R);
- (b) Part Lots 7 & 8, Concession 1, Part Indian Stone Quarry Reserve designated as Part 1 on 12R-19151; Amherstburg, being PIN 01544-1577 (LT);
- (c) Part Lot 8 & 9, Concession 1, as in R774431 (parcels 1 & 2); subject to R774431; subject to R190563; subject to the rights of owners of adjoining parcels, if any, under R774431; subject to R532456, R658936; Amherstburg, being PIN 01544-1558 (LT);
- (d) Lots 7 to 21 inclusive Block B Plan 14 Anderdon; Part Lots 1 to 6 inclusive Block B Plan 14 Anderdon; Part Farm Lot 7, Concession 1, Amherstburg (formerly Anderdon Township) being Parts 1 to 3 inclusive on 12R-5248; Amherstburg, being PIN 01544-1583 (R);
- (e) Part Indian Stone Quarry Reserve, Anderdon being Part 1 on 12R-5278; Amherstburg, being PIN 01544-1367 (LT);
- (f) Lots 254 to 259 inclusive on Plan 960; Anderdon; Amherstburg, being PIN 01544-1029 (LT);
- (g) Lots 260 – 265 inclusive on Plan 960; Anderdon; Amherstburg, being PIN 01544-1030 (LT);
- (h) Lots 266 – 271 inclusive and 306 – 311 inclusive, all on Plan 960; Anderdon; Amherstburg, being PIN 01544-1031 (LT);

**AND WHEREAS** the Council deems it appropriate to grant the said transfer of easement for the purpose of ingress and egress;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:**

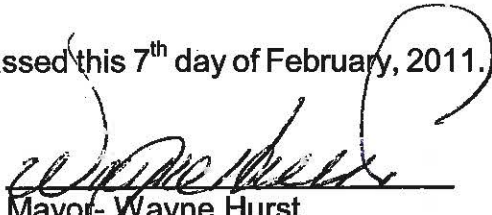
1. That a Transfer of Easement for the purpose of ingress and egress in the form annexed hereto and referred to as Schedule "A" be granted to the benefiting lands being;
  - (a) Part of Farm Lots 5, 6, 7, 8 and Part of Indian Stone Quarry Reserve, Concession 1 and Lot 1 and Part Lot 2 Block "C" Registered Plan 14, Town of Amherstburg (formerly Township of Anderdon) designated as Part 1 on 12R-9123 save and except Part Lot 7 Concession 1 designated as Parts 1 and 2 on 12R-9165, being Part of PIN 01544-1690 (R);

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- (e) Part Indian Stone Quarry Reserve, Anderdon being Part 1 on 12R-5278; Amherstburg, being PIN 01544-1367 (LT);
- (f) Lots 254 to 259 inclusive on Plan 960; Anderdon; Amherstburg, being PIN 01544-1029 (LT);
- (g) Lots 260 – 265 inclusive on Plan 960; Anderdon; Amherstburg, being PIN 01544-1030 (LT);
- (h) Lots 266 – 271 inclusive and 306 – 311 inclusive, all on Plan 960; Anderdon; Amherstburg, being PIN 01544-1031 (LT);

with respect to Part 1, 12R-24637.

- 2. That the costs associated with the transfer of easement for encroachment will be the responsibility of the transferee.
- 3. That this By-Law shall come into force and effect on the date of final passage hereof.

Read a first, second and third time and finally passed this 7<sup>th</sup> day of February, 2011.

  
\_\_\_\_\_  
Mayor- Wayne Hurst

  
\_\_\_\_\_  
Clerk- Brenda M. Percy

**EASEMENT**

The Transferor hereby transfers unto the Transferee, its successors and assigns, free and clear from any and all encumbrances and restrictions, the free, uninterrupted, unobstructed and exclusive (subject to easements, if any, for Installations as defined below) right and easement in perpetuity on, in, over, under, across, along and through the lands described as Part of the Indian Stone Quarry Reserve, Concession 1; Anderdon, designated as Part 1 on Plan 12R-24637; Amherstburg, being Part of PIN 01544-1559 LT (hereinafter the "Easement Lands" or "Servient Tenement"), for the purpose of ingress and egress and access of any and every nature or kind whatsoever, including without limitation, for vehicular and pedestrian passageway.

The aforementioned Transfer of Easement shall entitle the Transferee to the free and unencumbered entry and access to the Easement Lands described herein and shall apply to its invitees, representatives, employees, workmen, servants, agents, contractors, vehicles, supplies and equipment at all times and for all purposes and things necessary for or incidental to the purposes of this easement, including the pruning and removal of natural growth and vegetation and other obstructions and materials which may interfere with the use and enjoyment of the said Easement.

The burden of this Transfer of Easement is and shall be of the same force and effect for all intents and purposes as a covenant running with the Easement Lands for the benefit of and appurtenant to the lands described as:

- a) Part of Farm Lots 5, 6, 7, 8 and Part of Indian Stone Quarry Reserve, Concession 1 and Lot 1 and Part Lot 2 Block "C" Registered Plan 14, Town of Amherstburg (formerly Township of Anderdon) designated as Part 1 on 12R-9123 save and except Part Lot 7 Concession 1 designated as Parts 1 and 2 on 12R-9165, being Part of PIN 01544-1690 (R);
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- h) Lots 266 – 271 inclusive and 306 – 311 inclusive, all on Plan 960; Anderdon; Amherstburg, being PIN 01544-1031 (LT);

(collectively, the "Dominant Tenement")

If at any time after this Transfer of Easement the Transferee enters onto the Easement Lands and causes damage, the said Transferee will, as much as reasonably possible, restore the Easement Lands to their former condition, reasonable wear and tear excepted, and shall do whatever act is necessary at its own cost to accomplish this restoration.

The Transferor covenants and agrees with the Transferee that the Easement Lands shall remain unencumbered in perpetuity by any building or other structure, but this shall not prevent the

Transferor from paving the Easement Lands nor from installing, constructing, repairing, maintaining or inspecting installations for the provision of municipal services, in, through, over, on and under the Easement Lands (the "Installations") provided the Installations do not interfere with the rights and easements granted herein to the Transferee and provided that the Transferor will restore the Easement Lands to the approximate condition which existed immediately before any such installation, construction, repair, maintenance or inspection.

No other easement or permission to access will be transferred or granted and no encumbrance will be created over or in respect of the Easement Lands prior to the registration of this transfer or Easement.

The Transferor shall execute such further assurances in respect of this Easement as may be requested by the Transferee from time to time.

This grant of Easement shall be binding upon and enure to the benefit of the Transferor and Transferee and their respective heirs, administrators, executors, estates, successors and assigns.

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This document has not been submitted and may be incomplete.

**Properties**

**PIN** 01544 - 1559 LT **Interest/Estate** Fee Simple  **Add Easement**

**Description** PT INDIAN STONE QUARRY RESERVE, CONC 1; ANDERDON BEING PT 1 PL 12R\_\_\_\_\_ ; BEING PT OF THE PIN; AMHERSTBURG

**Address** AMHERSTBURG

**Consideration**

**Consideration** \$ 1.00

**Transferor(s)**

The transferor(s) hereby transfers the easement to the transferee(s).

**Name** THE CORPORATION OF THE TOWN OF AMHERSTBURG  
Acting as a company

**Address for Service** 271 Sandwich Street South, P.O. Box 159, Amherstburg, Ontario N9V 2Z3

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation .

<b>Transferee(s)</b>	<b>Capacity</b>	<b>Share</b>
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<b>Name</b> S. FUNTIG & ASSOCIATES INC. Acting as a company	Trustee in Bankruptcy	
<b>Address for Service</b> 484 Pelissier Street, Suite 200, Windsor, Ontario N9A 4K9		

**Statements**

Schedule: See Schedules

**Calculated Taxes**

<b>Provincial Land Transfer Tax</b>	\$0.00
<b>Retail Sales Tax</b>	\$0.00

**File Number**

**Transferee Client File Number :** 120158-3/MAK/DW

**LAND TRANSFER TAX STATEMENTS**

In the matter of the conveyance of: 01544 - 1559 PT INDIAN STONE QUARRY RESERVE, CONC 1; ANDERDON BEING PT 1 PL 12R \_\_\_\_\_; BEING PT OF THE PIN; AMHERSTBURG

BY: THE CORPORATION OF THE TOWN OF AMHERSTBURG

TO: S. FUNTIG & ASSOCIATES INC. Trustee In Bankruptcy %(all PINs)

1. FUNTIG, STEPHEN

I am

- (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 \_\_\_\_\_ described in paragraph(s) ( ) above.
- (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for S. FUNTIG & ASSOCIATES INC. described in paragraph(s) (c) above.
- (f) A transferee described in paragraph ( ) and am making these statements on my own behalf and on behalf of \_\_\_\_\_ who is my spouse described in paragraph ( ) and as such, I have personal knowledge of the facts herein deposed to.

3. 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)	0.00
(ii) Given Back to Vendor	0.00
(c) Property transferred in exchange (detail below)	0.00
(d) Fair market value of the land(s)	0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	1.00
(h) VALUE OF ALL CHATTELS - items of tangible personal property	0.00
(i) Other considerations for transaction not included in (g) or (h) above	0.00
(j) Total consideration	1.00

4.

Explanation for nominal considerations:

- o) Transfer of easement or right of way for no consideration.

5. The land is not subject to an encumbrance

PROPERTY Information Record

A. Nature of Instrument: Transfer Easement  
LRO 12 Registration No. Date:  
B. Property(s): PIN 01544 - 1559 Address AMHERSTBURG Assessment Roll No  
C. Address for Service: 484 Pelissier Street, Suite 200, Windsor, Ontario N9A 4K9  
D. (i) Last Conveyance(s): PIN 01544 - 1559 Registration No.  
(ii) Legal Description for Property Conveyed : Same as in last conveyance? Yes  No  Not known