

THE CORPORATION OF THE TOWN OF AMHERSTBURG

By-law 2006-08

A By-law to provide for the transfer of easement for encroachments

WHEREAS 1603966 Ontario Limited has proposed the redevelopment of property municipally known as 252 Dalhousie Street;

AND WHEREAS the transfer of easement for encroachments is required respecting property being Part 2 and Part 4, Plan 12R-22413;

AND WHEREAS the benefitting lands are described as Part 1 and Part 3, Plan 12R-22413;

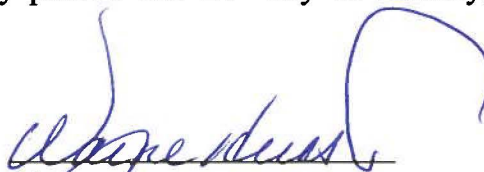
AND WHEREAS the transfer of easement for encroachments is required for the purpose of installing, maintaining, repairing and replacing building features, systems, apparatus, fixtures and adornments appurtenant to the building to be constructed on the benefitting lands;

AND WHEREAS the Council deems it appropriate to grant the said transfer of easement for encroachments to permit the redevelopment of 252 Dalhousie Street;

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

1. That a Transfer of Easement for Encroachments in the form annexed hereto and referred to as Schedule "A" be granted to the benefitting lands being Parts 1 and 3, Plan 12R-22413 with respect to Parts 2 and 4, Plan 12R-22413.
2. That the costs associated with the transfer of Easement for Encroachments will be the responsibility of the Transferee.
3. This By-law shall come into force and effect upon the date of final passage.

Read a first, second and third time and finally passed this 24th day of January, 2006.



Mayor



Clerk

Certified to be a true copy of
By-law 2006-08 passed by the
Amherstburg Municipal Council
on January 24th, 2006.

SCHEDULE "A" TO BY-LAW 2006-08

LRO # 12 **Transfer Easement**

In preparation on 2006 01 16 at 14:34

This document has not been submitted and may be incomplete.

yyyy mm dd Page 1 of 3

Properties

PIN 70555 - 0176 LT Interest/Estate Easement Add Easement

Description PART OF DALHOUSIE ST PL 1, DESIGNATED AS PART 2, PLAN 12R-22413;
AMHERSTBURG

Address AMHERSTBURG

PIN 70552 - 0430 LT Interest/Estate Easement Add Easement

Description PT RICHMOND ST. SHOWN ON PLAN 2, DESIGNATED AS PART 4, PLAN 12R-22413;
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
Amherstburg, Ontario
N9V 2Z3

I, David Mailloux, Clerk, have the authority to bind the corporation.

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

Transferee(s)	Capacity	Share
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Name	1603966 ONTARIO LIMITED	Registered Owner
	Acting as a company	

Address for Service 2405 Howard Avenue
Amherstburg, Ontario
N8X 3V5

Statements

Module: See Schedules

Calculated Taxes

Retail Sales Tax	\$0.00
Land Transfer Tax	\$0.00

File Number

Transferee Client File Number : 954904

SCHEDULE

The Transferor hereby grants to the Transferee, its servants, agents and successors in title to that part of Lots 8 and 9 on the west side of Dalhousie Street, Registered Plan 1 and that part of Richmond Street (closed by Instrument No. CE161813), Registered Plan 2, designated as Parts 1 and 3, Plan 12R-22413, in the Town of Amherstburg, in the County of Essex and Province of Ontario (hereinafter called the "Benefitting Lands") a free, unencumbered, uninterrupted and exclusive easement in perpetuity on, in, over, under, across, along and through the lands described hereinc being that Part of Dalhousie Street, Registered Plan 1 and that Part of Richmond Street, Registered Plan 2, designated as Parts 2 and 4, Plan 12R-22413, in the Town of Amherstburg, in the County of Essex and Province of Ontario (the "subject lands"), as appurtenant to the Benefitting Lands, for the purpose of installing, maintaining, repairing and replacing the following building features, systems, apparatus, fixtures and adornments appurtenant to the building to be constructed on the Benefitting Lands:

With respect to Part 2, Plan 12R-22413:

Sheet piling to be placed below grade;

Coach lamps to be attached to the face of the building to be constructed on the Benefitting Lands;

Roof overhang, soffit trim and brackets, rain water leaders and scuppers to be attached to the building to be constructed on the Benefitting Lands;

Precast concrete sills and lintels to be attached to the building to be constructed on the Benefitting Lands; and

French Door Lookout aluminum guards and concrete sills to be attached to the building to be constructed on the Benefitting Lands.

With respect to Part 4, Plan 12R-22413:

Sheet piling to be placed below grade;

Parking garage exhaust vent with associated structures and apparatus below and at grade servicing the underground parking garage in the building to be constructed on the Benefitting Lands, together with a landscape planter for concealment and protection of the same;

Coach lamps to be attached to the face of the building to be constructed on the Benefitting Lands at the main entry to the said building;

Corbelled brick works and chimneys to be attached to the Building to be constructed on the Benefitting Lands;

Precast concrete sills and lintels to be attached to the building to be constructed on the Benefitting Lands;

Raised stone French corners and wall veneer on the building to be constructed on the Benefitting Lands;

Rain water leaders and scuppers to be attached to the building to be constructed on the Benefitting Lands;

Aluminum balcony guards and precast sills to be attached to the building to be constructed on the Benefitting Lands;

Mechanical vent caps to be attached to the building to be constructed on the Benefitting Lands; and

Parapet crown moulds at roof and brackets to be attached to the building to be constructed on the Benefitting Lands.

The Transferee covenants to fill in all excavations and restore the surface of the subject lands immediately after performing any work therein or thereon, to the satisfaction of the Corporation of the Town of Amherstburg.

Notwithstanding any rule of law or equity, and even though the works and materials or some of them may become affixed to or annexed to the subject lands, the title to such works and materials shall nevertheless remain in the Transferee and its successors in title to the Benefitting Lands, and the Transferor shall have no interest in such works and materials, nor any responsibility for the same.

The Transferee, on behalf of itself and its successors in title to the Benefitting Lands, covenants and agrees to maintain all of the works and materials permitted by this easement in a state of good repair to the satisfaction of the Corporation of the Town of Amherstburg, and to indemnify and save the Transferor, its successors and assigns harmless from any and all claims, demands, damages and causes of action that may arise by reason of or stemming from the works and materials permitted by this easement, howsoever caused.

In the event of the destruction or demolition of the building to be constructed on the benefitting lands, unless such building is replaced within a reasonable time as determined by the Corporation of the Town of Amherstburg after such demolition or destruction, the Transferee, on behalf of itself and its successors in title to the Benefitting Lands, covenants and agrees to remove all of the works and materials permitted by this easement from the subject lands to the satisfaction of the Corporation of the Town of Amherstburg, to restore the subject lands to their state prior to the installation of such works and materials, and to grant to the

Transferor or its successors a complete and final release of this easement.

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 70555 - 0176 PART OF DALHOUSIE ST PL 1, DESIGNATED AS PART 2, PLAN 12R-22413; AMHERSTBURG

70552 - 0430 PT RICHMOND ST. SHOWN ON PLAN 2, DESIGNATED AS PART 4, PLAN 12R-22413; AMHERSTBURG

BY: THE CORPORATION OF THE TOWN OF AMHERSTBURG
TO: 1603966 ONTARIO LIMITED Registered Owner %(all PINs)

1. CARMELLO ANGILERI, PRESIDENT

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 1603966 ONTARIO LIMITED 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.
- (g) A transferee described in paragraph () and am making these statements on my own behalf and on behalf of ____ who is my same-sex partner described above in paragraph(s) ().

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:

s) other: Transfer of easement for encroachments by municipality gratuitously in connection with redevelopment of property.

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 70555 - 0176 Address AMHERSTBURG Assessment Roll No -
PIN 70552 - 0430 Address AMHERSTBURG Assessment Roll No -
C. Address for Service: 2405 Howard Avenue
Amherstburg, Ontario
N8X 3V5
D. (i) Last Conveyance(s): PIN 70555 - 0176 Registration No.
PIN 70552 - 0430 Registration No.
(ii) Legal Description for Property Conveyed : Same as in last conveyance? Yes No Not known