



THE CORPORATION OF THE TOWNSHIP OF AUGUSTA

BY-LAW NUMBER 3046-2013

**A BY-LAW TO CONSENT TO AN ENCROACHMENT ONTO THE ROAD
ALLOWANCE BETWEEN THE GEOGRAPHIC TOWNSHIP OF ELIZABETHTOWN AND
THE GEOGRAPHIC TOWNSHIP OF AUGUSTA**

WHEREAS Peter Thomas Sinclair and Helen Alexander Sinclair are the owners of the lands and premises located in Part Lot A, Concession 1 Being Parts 1 and 3 on Plan 28R-679 and Part 1 on plan 28R-11580, Geographic Township of Elizabethtown, Municipality of the Township of Elizabethtown-Kitley, County of Leeds being those lands identified by Parcel Identification Number (PIN) 44160-0290 (LT), and municipally known as 1947 County Road 2 East, Brockville;

AND WHEREAS the existing vinyl clad cottage situated thereon was constructed in such a way that it encroaches onto the Road Allowance between the Geographic Township of Elizabethtown and the Geographic Township of Augusta, as identified in the agreement attached hereto;

AND WHEREAS Section 308(3) of the Municipal Act, R.S.O. 1990 Chapter M.45, as amended, authorizes Council to pass By-Laws to permit a person to place, construct, install maintain and use objects in, on under or over highways under the Council's jurisdiction and for prescribing the terms and conditions upon the conferred privilege;

AND WHEREAS the Corporation of the Township of Augusta agrees to permit the encroachment in the present location and consents to the said requested encroachment at the pleasure of Council and to enter into an agreement relating thereto, to be attached hereto;

NOW THEREFORE The Council of the Township of Augusta enacts as follows:

1. **THAT** the Corporation consents to the said encroachment and grants the owners the right to maintain existing encroachment in its present location at the pleasure of Council.
2. **THAT** the Reeve and Clerk are hereby authorized to execute the appropriate encroachment agreement on behalf of the Corporation acknowledging the aforesaid consent of the Township and outlining the terms and conditions applicable thereto;
3. **AND FURTHER THAT** this By-Law will come into force and effect upon the final reading thereof and upon registration on title to the subject lands.

Read a first and second time this 26 day of August 2013.

Read a third time and passed this 26 day of August 2013.


REEVEY


CLERK

FOR OFFICE USE ONLY

(1) Registry Land Titles (2) Page 1 of pages

(3) Property Identifier(s) Block 44160 - Property 0280 (R) Additional See Schedule

(4) Nature of Document ENCROACHMENT AGREEMENT

(5) Consideration Dollars \$

(6) Description Road Allowance between Lot A, Concession 1, Geographic Township of Elizabethtown, County of Leeds and Lot 37, Concession 1, Geographic Township of Augusta, County of Grenville being all of the lands identified by PIN 44160-0280 (R)

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch (b) Schedule for Description Additional Parties Other

New Property Identifiers

Additional See Schedule

Executions

Additional See Schedule

(8) This Document provides as follows: 1. Encroachment Agreement made between Peter Thomas Sinclair and Helen Alexandra Sinclair, owners of an adjoining parcel of lands, and The Corporation of the Township of Elizabethtown-Kitley and the Corporation of the Township of Augusta, owners of the Road Allowance; 2. certified copies of authorizing By-Laws

Continued on Schedule

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest) Name(s)

THE CORPORATION OF THE TOWNSHIP OF ELIZABETHTOWN-KITLEY THE CORPORATION OF THE TOWNSHIP OF AUGUSTA

Signature(s)

Handwritten signatures for the two corporations.

Date of Signature Y M D

2013 07 16 2013 07 16

(11) Address for Service 6544 New Dublin Road, RR#2, Addison, Ontario, K0E 1A0 3560 County Road 26, RR#2, Prescott, K0E 1T0

(12) Party(ies) (Set out Status or Interest) Name(s)

SINCLAIR, Peter Thomas SINCLAIR, Helen Alexandra by their solicitor, David A. Hain

Signature(s)

Date of Signature Y M D

2013

(13) Address for Service 1947 County Road 2 East, Brockville, Ontario, K6V 5T1

(14) Municipal Address of Property

1947 County Road 2 East, Brockville, Ontario K6V 5T1

(15) Document Prepared by:

David A. Hain Lawyer Professional Corporation 58 King Street East P.O. Box 757 Brockville, Ontario K6V 5W1

Fees and Tax

Table with 2 columns: Fee Type, Amount. Includes Registration Fee and Total.

Attachment 1 2013-249

AGREEMENT made this day of , 2013.

BETWEEN:

PETER THOMAS SINCLAIR and HELEN ALEXANDRA SINCLAIR
of the Township of Elizabethtown-Kitley, in the County of Leeds
Hereinafter called the "Owners"

OF THE FIRST PART

THE CORPORATION OF THE TOWNSHIP OF ELIZABETHTOWN-KITLEY
Hereinafter called the "Township of Elizabethtown-Kitley"

OF THE SECOND PART

THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
Hereinafter called the "Township of Augusta"

OF THE THIRD PART

WHEREAS, the Owners are the owners of the property described as Part Lot A, Concession 1, being Parts 1 and 3 on plan 28R-679 and Part 1 on plan 28R-11580, Geographic Township of Elizabethtown, Municipality of the Township of Elizabethtown-Kitley, County of Leeds being those lands identified by Parcel Identification Number (PIN) 44160-0290 (LT), and municipally known as 1947 County Road 2 East, Brockville and being those lands more particularly described in Schedule "A";

AND WHEREAS an existing vinyl clad cottage encroaches onto the Road Allowance between the Geographic Township of Elizabethtown and the Geographic Township of Augusta, as identified in Schedule "B" to this agreement,

AND WHEREAS the Township of Elizabethtown-Kitley agrees to permit the said encroachment in the present location at the pleasure of Council of the said municipality;

AND WHEREAS the Township of Augusta agrees to permit the said encroachment in the present location at the pleasure of Council of the said municipality;

AND WHEREAS the Township of Elizabethtown-Kitley has, under By-Law No. authorized the Mayor and Clerk to execute this agreement on behalf of the Township of Elizabethtown-Kitley;

AND WHEREAS the Township of Augusta has, under By-Law No. authorized the Reeve and Clerk to execute this agreement on behalf of the Township of Augusta;

NOW THEREFORE IN CONSIDERATION of the premises set out herein, the parties agree as follows:

1. The encroachment above described shall be deemed to be with the express licence and consent of the Township of Elizabethtown-Kitley and the Township of Augusta to the intent that the Owners, or their successors in title shall not acquire any easement or right in respect thereof.
2. The Township of Elizabethtown-Kitley hereby consents to the said encroachment and grants onto the Owners and their successors in title, the right to maintain the said encroachment during the pleasure of Council of The Township of Elizabethtown-Kitley.
3. The Township of Augusta hereby consent to the said encroachment and grants onto the Owners and their successors in title, the right to maintain the said encroachment during the pleasure of Council of The Township of Augusta.
4. The Owners covenant and agree to indemnify and save harmless the Township of Elizabethtown-Kitley and the Township of Augusta or either one of them from all actions, causes of action, claims and demands of every nature and kind whatsoever arising out of the

said encroachment.

5. That this agreement and everything contained herein shall be binding upon the Owners and all respective heirs, executors, administrators successors and assigns of the Owners and all future purchasers of the Owners' Lands.
6. That the Owners agree that they have an obligation to notify subsequent purchasers of the Owners' lands as described in Schedule "A" of this agreement and these subsequent owners are then obligated to notify further subsequent purchasers of this agreement and this shall serve as notice to all subsequent owners of the Lands that either the Township of Elizabethtown-Kitley or the Township of Augusta shall be entitled to enforce and rely upon the provisions hereof against the owners and all subsequent owners.

IN WITNESS THEREOF the parties hereto have hereunto set their hands and seals on this day of _____, 2013.

SIGNED, SEALED AND DELIVERED
In the Presence of

THE OWNERS

Witness

PETER THOMAS SINCLAIR

Witness

HELEN ALEXANDRA SINCLAIR

**THE CORPORATION OF THE
TOWNSHIP OF ELIZABETHTOWN-
KITLEY**

per:



Jim Pickard, Mayor



Yvonne Robert, CLERK

**THE CORPORATION OF THE
TOWNSHIP OF AUGUSTA**
per:

Mel Campbell, REEVE

Mike Larocque, CLERK

DESCRIPTIONS OF LANDS TO WHICH THIS AGREEMENT APPLIES

SCHEDULE "A"

Owner's Lands

Part Lot A,
Concession 1,
Being Parts 1 and 3 on plan 28R679 and Part 1 on plan 28R-11580,
together with an easement over part 2 on 28R679,
Geographic Township of Elizabethtown,
Township of Elizabethtown-Kitley,
County of Leeds,
As previously described in Instrument No. LR278420,
being all of the lands identified by PIN 44160-0290 (LT)

SCHEDULE "B"

Encroached upon Lands

Road Allowance
between Lot A, Concession 1, Geographic Township of Elizabethtown, County of Leeds
and Lot 37, Concession 1, Geographic Township of Augusta, County of Grenville;
the said Road Allowance has not been closed by By-Law;
and being all of the lands identified by PIN 44160-0280 (R) at the Leeds Registry Office (28)
and being all of the lands identified by PIN 68183-0301 (LT) at the Grenville Registry Office (15)

