

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2018-54

**"A BY-LAW TO AUTHORIZE AN EASEMENT AGREEMENT WITH
JOAN MACKINNON – 2513 COUNTY ROAD 2"**

WHEREAS the Municipal Act 2001, SO 2001, Chapter 25, Section 8(1) states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and

WHEREAS the Municipal Act 2001, SO 2001, Chapter 25, Section 8(2) states that in the event of ambiguity, the ambiguity shall be resolved so as to include, rather than exclude, municipal powers that existed before the Municipal Act, 2001 came into force; and

WHEREAS the Municipal Act 2001, SO 2001, Chapter 25, Section 9 gives the municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this Act; and

WHEREAS Municipal Council deems it advisable to enter into an easement agreement with Joan MacKinnon with respect to a drainage ditch (Mary Street Outlet) on the property described as:

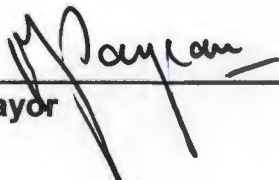
Plan 6 Crown Reserve PT Irreg.
Geographic Township of Edwardsburgh
Now the Township of Edwardsburgh Cardinal
County of Grenville
Property Roll # 0701 701 015 27000

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. That the Mayor and Clerk are hereby authorized to execute the easement agreement attached hereto as Schedule "A" and shall form part of this by-law.
2. That this by-law shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 27th day of August, 2018.

Read a third and final time, passed, signed and sealed in open Council this 27th day of August, 2018.



Mayor



Deputy Clerk

EASEMENT AGREEMENT

BETWEEN:

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH/CARDINAL**

(the "Township")

-and-

JOAN MACKINNON

("MacKinnon")

RECITALS:

1. There exists a drainage ditch ("the Mary Street Outlet") on the property described in Schedule "A" owned by Joan MacKinnon at Plan 6 Crown Reserve PT Irreg., Geographic Township of Edwardsburgh, County of Grenville ("the MacKinnon Lands") that runs from the south side of County Road 2 to the St. Lawrence River.
2. The Mary Street Outlet drain parts of the Township roads Mary Street and Elizabeth Street and requires improvement which work will require the approval of South Nation Conservation.
3. There is a proposed plan for improvement ("the Mary Street Outlet Remediation Plan").
4. MacKinnon is concerned with erosion of the MacKinnon Lands and future maintenance of the watercourse.
5. A significant undertaking is required initially to remediate the Mary Street Outlet and then inspection and maintenance will be required from time to time.
6. Access is required to perform the remediation and maintenance work.

**NOW THEREFORE IN EXCHANGE FOR THE MUTUAL COVENANTS CONTAINED
HEREIN THE PARTIES HERETO AGREE AS FOLLOWS:**

1. MacKinnon hereby grants, transfers and conveys unto the Township, its successors and assigns, in perpetuity, an exclusive unencumbered easement upon the portion of the MacKinnon Lands described in Schedule "A" for the purposes of remediation and ongoing maintenance of the Mary Street Outlet drainage ("Easement Lands").

2. The aforesaid easement is herein granted on the following terms and conditions which are hereby mutually covenanted and agreed to by and between the Township and MacKinnon:

MacKinnon conveys to the Township, its successors and assigns, the free, uninterrupted and unobstructed right and easement in perpetuity over the Easement Lands as follows:

To enter on and construct, install, place, lay, erect, reconstruct, relocate, repair, replace, operate, maintain, and remove all such of its drainage works, including all drains, culverts, fixtures and equipment as the Township may from time to time or at any time hereafter deem requisite, for the purpose of providing part of the drainage system of the Township.

The right and licence of free, uninterrupted, unimpeded and unobstructed access to the Township, its servants, agents, independent contractors, employees and workmen together with vehicles, supplies and equipment at all times and for all purposes and things necessary for or incidental to the exercise and enjoyment of the rights hereby granted or transferred, over the said Easement Lands and over such portions of the MacKinnon lands adjacent thereto as may from time to time be unencumbered by any building or other structure, to and from the said lands, works and fixtures or any part thereof which are to be constructed, repaired, replaced and maintained.

To trim, fell and remove any trees and brush necessary and incidental to permit access to construct, maintain, repair and replace any parts of the said Outlet.

MacKinnon agrees to maintain the said Easement Lands free of buildings or other structures, new shade or ornamental trees, and to make no alterations to the grade or drainage conditions without the prior written consent of the Township, which consent shall not be unreasonably withheld.

The Township covenants and agrees with MacKinnon that it shall be responsible for any damage caused to the property and lands of MacKinnon by its servants, agents, employees or workmen, and shall as far as possible repair at its own expense any damage resulting from the construction or maintenance of the works to the satisfaction of MacKinnon.

The burden of this Easement shall run with the lands and shall benefit the Township's lands and extend to, be binding upon and enure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors and assigns.

3. The Township will indemnify and save harmless MacKinnon in respect of any damage, injury, expense or loss caused to any person or property resulting from the operating, using, maintaining, inspecting, altering, repairing, reconstructing and replacing of the Mary Street Outlet.

4. This easement shall enure to the benefit of and shall be binding upon MacKinnon and the Township, and their respective heirs, successors, and assigns.
5. This document may be executed in any number of counterparts, each of which when executed and delivered shall be deemed to be an original hereof and fully binding upon the signatory thereto, and all such counterparts shall together constitute one and the same instrument.
6. Either party may register this document or any notice of same.

IN WITNESS WHEREOF the Corporation of the Township of Edwardsburgh/Cardinal has hereunto affixed its corporate seal duly attested to by its proper signing officers in that behalf this 27 day of August, 2018.

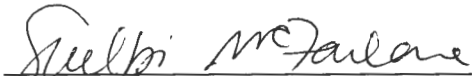
We have the Authority to bind the Corporation: By: _____

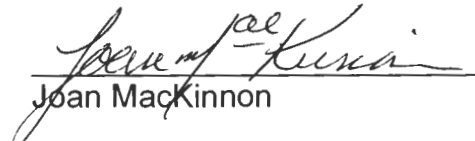

Name: Pat Sayeau
Title: Mayor

By: _____


Name: Debra McKinstry
Title: CAO/Clerk

IN WITNESS WHEREOF MacKinnon has hereunto affixed their signature this 16 day of August, 2018.


Witness


Joan MacKinnon

SCHEDULE "A"

LEGAL DESCRIPTION OF EASEMENT

Plan 6 Crown Reserve PT Irreg.

Geographic Township of Edwardsburgh,

Now the Township of Edwardsburgh/Cardinal,

County of Grenville,

more particularly described as Part 2 of Reference Plan 15R11768.

ACKNOWLEDGEMENT AND DIRECTION

TO: Samantha Berry
(Insert lawyer's name)

AND TO: AULT & AULT
(Insert firm name)

RE: Drainage Easement ("the transaction")
(Insert brief description of transaction)

This will confirm that:

- I/We have reviewed the information set out in this Acknowledgement and Direction and in the documents described below (the "Documents"), and that this information is accurate;
- You, your agent or employee are authorized and directed to sign, deliver, and/or register electronically, on my/our behalf the Documents in the form attached.
- You are hereby authorized and directed to enter into an escrow closing arrangement substantially in the form attached hereto being a copy of the version of the Document Registration Agreement, which appears on the website of the Law Society of Upper Canada as the date of the Agreement of Purchase and sale herein. I/We hereby acknowledge the said Agreement has been reviewed by me/us and that I/We shall be bound by its terms;
- The effect of the Documents has been fully explained to me/us, and I/we understand that I/we are parties to and bound by the terms and provisions of the Documents to the same extent as if I/we had signed them; and
- I/we are in fact the parties named in the Documents and I/we have not misrepresented our identities to you.
- I, _____, am the spouse of _____, the (Transferor/Chargor), and hereby consent to the transaction described in the Acknowledgment and Direction. I authorize you to indicate my consent on all the Documents for which it is required.

DESCRIPTION OF ELECTRONIC DOCUMENTS

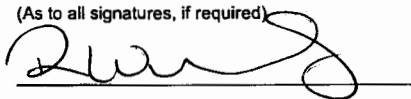
The Document(s) described in the Acknowledgement and Direction are the document(s) selected below which are attached hereto as "Document in Preparation" and are:

- ☐ A Transfer of the land described above.
- ☐ A Charge of the land described above.
- ☐ Other documents set out in Schedule "B" attached hereto.

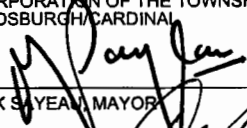
Dated at Spencerville, this 2 day of October, 2018.

WITNESS

(As to all signatures, if required)



THE CORPORATION OF THE TOWNSHIP OF
EDWARDSBURGH/CARDINAL



PATRICK SAYE, MAYOR



DEBRA MCKINSTRY, CAO

WE HAVE AUTHORITY TO BIND THE CORPORATION

Properties

PIN 68154 - 0600 LT Interest/Estate Easement ☒ Add Easement
Description SERVIENT LANDS: PT CROWN RESERVE S/S WATER ST OPPOSITE LT 4 N/S
WATER ST PL 6 JOHNSTOWN; PT CROWN RESERVE S/S WATER ST OPPOSITE LT
3 N/S WATER ST PL 6 JOHNSTOWN BEING PART 2 ON 15R-11768;
EDWARDSBURGH/CARDINAL, BEING PART OF PIN 68154-0600.
Address 2513 COUNTY RD 2
PRESCOTT

Consideration

Consideration \$0.00

Transferor(s)

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

Name MACKINNON, JOAN DONALDA
Acting as an individual
Address for Service 2513 County Road 2
Prescott, ON

I am at least 18 years of age.

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

Transferee(s)

Capacity

Share

Name THE CORPORATION OF THE TOWNSHIP OF
EDWARDSBURGH/CARDINAL
Acting as a company
Address for Service 18 Centre Street
Spencerville, ON

Statements

Schedule:

I Samantha Berry solicitor make the following law statement This is an Easement in Gross for the purpose of remediation and
maintenance of the Mary Street Outlet drain..

Calculated Taxes

Provincial Land Transfer Tax \$0.00

File Number

Transferee Client File Number : 1369-372

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 68154 - 0600 SERVIENT LANDS: PT CROWN RESERVE S/S WATER ST OPPOSITE LT 4 N/S WATER ST PL 6 JOHNSTOWN; PT CROWN RESERVE S/S WATER ST OPPOSITE LT 3 N/S WATER ST PL 6 JOHNSTOWN BEING PART 2 ON 15R-11768; EDWARDSBURGH/CARDINAL, BEING PART OF PIN 68154-0600.

BY: MACKINNON, JOAN DONALDA

TO: THE CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL

1. PATRICK SAYEAU, MAYOR AND DEBRA MCKINSTRY, CAO

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 THE CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL described in paragraph(s) (c) above.
- ☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () 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	\$0.00
(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))	\$0.00
(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	\$0.00

4.

Explanation for nominal considerations:

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

5. The land is subject to encumbrance

6. Other remarks and explanations, if necessary.

1. The information prescribed for purposes of section 5.0.1 of the Land Transfer Tax Act is not required to be provided for this conveyance.
2. The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
3. The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.

PROPERTY Information Record

A. Nature of Instrument: Transfer Easement
LRO 15 Registration No. Date:
B. Property(s): PIN 68154 - 0600 Address 2513 COUNTY RD 2 Assessment 0701701 - 01527000
PRESCOTT Roll No
C. Address for Service: 18 Centre Street
Spencerville, ON
D. (i) Last Conveyance(s): PIN 68154 - 0600 Registration No.
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes ☐ No ☒ Not known ☐

Properties

PIN	68154 - 0600	LT	Interest/Estate	Easement	<input checked="" type="checkbox"/> Add Easement
Description	SERVIENT LANDS: PT CROWN RESERVE S/S WATER ST OPPOSITE LT 4 N/S WATER ST PL 6 JOHNSTOWN; PT CROWN RESERVE S/S WATER ST OPPOSITE LT 3 N/S WATER ST PL 6 JOHNSTOWN BEING PART 2 ON 15R-11768; EDWARDSBURGH/CARDINAL, BEING PART OF PIN 68154-0600.				
Address	2513 COUNTY RD 2 PRESCOTT				

Consideration

Consideration \$0.00

Transferor(s)

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

Name MACKINNON, JOAN DONALDA

Address for Service 2513 County Road 2
 Prescott, ON

I am at least 18 years of age.

My spouse has released all rights under the Family Law Act by a separation agreement.

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

Transferee(s)

Capacity Share

Name THE CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL

Address for Service 18 Centre Street
 Spencerville, ON
 K0E 1X0

Statements

Schedule: See Schedules

I Samantha Berry solicitor make the following law statement This is an Easement in Gross for the purpose of remediation and maintenance of the Mary Street Outlet drain..

Signed By

Samantha Louise Berry	Box 428, 522 St. Lawrence St. Winchester K0C 2K0	acting for Transferor(s)	Signed	2018 10 04
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Tel 613-774-2670

Fax 613-774-2266

I have the authority to sign and register the document on behalf of the Transferor(s).

Stephen Fraser Ault	Box 428, 522 St. Lawrence St. Winchester K0C 2K0	acting for Transferee(s)	Signed	2018 10 04
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Tel 613-774-2670

Fax 613-774-2266

I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

AULT & AULT	Box 428, 522 St. Lawrence St. Winchester K0C 2K0		2018 10 04
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Tel 613-774-2670

Fax 613-774-2266

Fees/Taxes/Payment

Statutory Registration Fee	\$63.65
Provincial Land Transfer Tax	\$0.00
Total Paid	\$63.65

The applicant(s) hereby applies to the Land Registrar.

<i>File Number</i>

Transferee Client File Number : 1369-372

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 68154 - 0600 SERVIENT LANDS: PT CROWN RESERVE S/S WATER ST OPPOSITE LT 4 N/S WATER ST PL 6 JOHNSTOWN; PT CROWN RESERVE S/S WATER ST OPPOSITE LT 3 N/S WATER ST PL 6 JOHNSTOWN BEING PART 2 ON 15R-11768; EDWARDSBURGH/CARDINAL, BEING PART OF PIN 68154-0600.

BY: MACKINNON, JOAN DONALDA
TO: THE CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL

1. PATRICK SAYEAU, MAYOR AND DEBRA MCKINSTRY, CAO

- 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 THE CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL described in paragraph(s) (c) above.
 - ☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () 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	\$0.00
(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))	\$0.00
(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	\$0.00

4. Explanation for nominal considerations:
- o Transfer of easement or right of way for no consideration.

5. The land is subject to encumbrance

6. Other remarks and explanations, if necessary.

- 1. The information prescribed for purposes of section 5.0.1 of the Land Transfer Tax Act is not required to be provided for this conveyance.
- 2. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "specified region" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
- 3. (a) This is not a conveyance of land that is located within the "specified region".
- 4. The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
- 5. The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.

PROPERTY Information Record

A. Nature of Instrument:	Transfer Easement		
	LRO 15	Registration No.	GC54389
		Date:	2018/10/04
B. Property(s):	PIN 68154 - 0600	Address	2513 COUNTY RD 2 PRESCOTT
		Assessment	0701701 - 01527000
		Roll No	
C. Address for Service:	18 Centre Street Spencerville, ON K0E 1X0		
D. (i) Last Conveyance(s):	PIN 68154 - 0600	Registration No.	GC49115
	(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not known <input type="checkbox"/>		
E. Tax Statements Prepared By:	Stephen Fraser Ault Box 428, 522 St. Lawrence St. Winchester K0C 2K0		