

**THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI**

BY-LAW NO. 17-1356

**Being a bylaw to relocate a drainage easement located on the property at 307 & 313 Fox
Run Legally described as Lots 6 & 7 of Plan 36M-610.**

WHEREAS Section 41(7) (a) (8) of the Planning Act, R.S.O. 1990, c.P.13, provides that the council of a municipality may have easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality on thereof on the land;

AND WHEREAS at the regular Council Meeting dated February 2, 2017 council passed By-law 17-1326 to designate lots 6 & 7 of Plan 36M610 in the Municipality of Temagami as lots deemed to not be lots on a registered plan of subdivision;

AND WHEREAS a certified copy of this by-law was registered in the proper Land Registry Office Receipted as BS158146;

AND WHEREAS on the 2nd day of February 2017, the Council of the Corporation of the Municipality of Temagami passed Resolution 17-052 to receive Memo 2017-M-007 and to agree to relocate the drainage easement between lots 6 & 7 of Plan 36M610 to be between lots 5 and 6, at the expense of the proponent;

AND WHEREAS the easement plan was registered in the proper Land Registry Office as 36R14074;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. That the easement located between Lots 6 and 7 of Plan 36M-610 in the Municipality of Temagami, hereby relocates the drainage ditch or pipe to convey water to the easement between Lots 5 and 6.
2. That Council hereby ratifies the Easement Agreement attached hereto as Schedule "A" and forming part of this bylaw.
3. That the Clerk of the Corporation of the Municipality of Temagami is hereby authorized and directed to:
 - (1) Register a certified copy of this by-law in the proper Land Registry Office;
4. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.


5. That this by-law shall come into force and take effect upon finally passing thereof.

TAKEN AS READ a first time this 20th day of July 2017.

TAKEN AS READ a second and third time and finally passed this 20th day of July 2017.



Mayor



Clerk

Schedule A

LRO # 36 Transfer Release & Abandonment

Received as BS158147 on 201707 06 at 13:56

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

yyyy mmdd Page 1 of 2

Properties

PIN 49004 - 0020 LT Interest/Estete Easement 0 Remove Easement

Description SERVIENT LANDS: PT PCL7-1 SEC 36M610 SRO; PT LT 7 PL 36M610 CASSELS
DESIGNATED AS PT 7 ON PL 36R10092; TEMAGAMI; DISTRICT OF NIPISSING

DOMINANT LANDS: EASEMENT IN GROSS

Address FOX RUN
TEMAGAMI

Consideration

Consideration \$ 0.00

Transferor(s)

The transferor(s) hereby transfers, releases and abandons the easement to the transferees).

Name THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

Address for Service P.O. Box 220
Temagami, Ontario
P0H 2H0

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

This document is being authorized by a municipal corporation Brian Koski (Deputy Mayor) and Patrick Cormier (Deputy Clerk).

Transferees)

Capacity

Share

Name POTTER, JOANNE LYNE

Date of Birth 196302 13

Address for Service P.O. Box 1003
New Liskeard, Ontario
P0J1P0

Statements

I Paul Crombeen confirm that all the parties having an Interest have consented to this release of easement

Schedule: By Order of the Commission made under subsection 25.3(13) of the Municipal Act, R.S.O.1990, c. M.45 dated August 15, 1997, the name of the Transferor was changed from The Corporation of the Township of Temagami to The Corporation of the Municipality of Temagami effective January 1,1998. This is a partial transfer release & abandonment of easement number LT352372 deleting it from PIN 49004-0020, only. I, Paul Crombeen, solicitor, state that all the parties having an interest have consented to this transfer release & abandonment This is an Easment in Gross.

This document relates to registration number(s)LT352372

Signed By

Paul Crombeen 22 Armstrong Street acting for Signed 2017 07 06
Timiskaming Shores
P0J1P0
Tel 705-647-7353
Fax 705-647-6473 .

I have the authority to sign and register the document on behalf of all parties to the document

Paul Crombeen 22 Armstrong Street acting for Signed 2017 07 06
Timiskaming Shores
P0J1P0
Tel 705-647-7353
Fax 705-647-6473

I have the authority to sign and register the document on behalf of al parties to the document

The applicants) hereby applies to the Lend Registrar.

yyyy mm dd Page 2 of 2

Submitted By

KEMP PIRIE CROMBEEN

22 Armstrong Street
Timiskaming Shores
P0J1P0

2017 07 06

Tel 705-647-7353

Fax 705-647-6473

Fees/Taxes/Payment

Statutory Registration Fee \$63.35

Provincial Land Transfer Tax \$0.00

Total Paid \$63.35

File Number

Transferor Client File Number: 24973 JL

Transferee Client File Number: 24973 JL

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of 49004 - 0020 SERVIENT LANDS: PT PCL 7-1 SEC 36M610 SRO; PT LT 7 PL 38M610
CASSELS DESIGNATED AS PT 7 ON PL 36R10092; TEMAGAMI; DISTRICT OF
NIPISSING

DOMINANT LANDS: EASEMENT IN GROSS

BY: THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

TO: POTTER, JOANNE LYNE

%(aU PINs)

1. POTTER, JOANNE LYNE

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) (J above).

☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraphs (J) above.

☐ (f) A transferee described in paragraph (J) and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph (J) 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
(H) 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:

s _____) other no consideration passing either directly or indirectly between the Transferor and Transferee.

5. The land is not subject to an 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.

PROPERTY Information Record

A. Nature of Instrument Transfer Release & Abandonment

LRO 36 Registration No. BS158147

Date: 2017/07/06

B. Property(8): PIN 49004- 0020 Address FOX RUN

TEMAGAMI

Assessment -
Roll No

C. Address for Service: P.O. Box 1003
NewLiskeard, Ontario
POJ IPO

D. (I) Last Conveyances: PIN 49004 - 0020 Registration No. BS140686

(II) Legal Description for Property Conveyed: Same as in last conveyance? Yes Q No 0 Not known O

E Tax Statements Prepared By: Paul Crombeen

22 Armstrong Street
Timiskaming Shores POJ
1P0

The appfcantfs) hereby applies to the Land Registrar.

yyyymmdd Page1 of2

Properties

PIN 49004 - 0019 LT **Interest/Estate Easement** 0 Add Easement

Description DOMINANT LAND: HEAD OFFICE OF THE TRANSFEREE. THIS EASEMENT IS AN EASEMENT IN GROSS.

SERVIENT LAND: PCL 6-1 SEC 36M610 SRO; PT LT6 PL 36M610 DESIGNATED AS PT 1 36R14074 CASSELS; TEMAGAMI; DISTRICT OF NIPISSING

Address TEMAGAMI

Consideration

Consideration \$ 0.00

Transferors)

The transferorfa) hereby transfers the easement to the transferee^).

Name POTTER, JOANNE LYNE

Address for Service P. O. Box 1003
New Liskearti, Ontario
P0J1P0

I am at least 18 years of age.

Dalton Potter is my spouse and has consented to this transaction.

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

Transfereefs)

Capacity

Share

Name THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

Address for Service P.O. Box 220
Temagami, Ontario
POH 2H0

Statements

Schedule: See Schedules

Signed By

Paul Crombeen 22 Armstrong Street acting for Signed 2017 07 06
Ttmiskantfng Shores
P0J1P0 Transferors)

Tel 705-647-7353

Fax 705-647-6473

I have the authority to sign and register the document on behalf of an parties to the document

Paul Crombeen 22 Armstrong Street acting for Signed 2017 07 06
Tlmiskaming Shores
P0J1P0 Transferees)

Tel 705-647-7353

Fax 705-647-6473

I have the authority to sign and register the document on behalf of all parties to the document

Submitted By

KEMP PIRIE CROMBEEN

22 Armstrong Street
Timfeskaming Shores
P0J1P0

2017 07 08

Tel 705-647-7353

Fax 705-647-6473

Fees/Taxes/Payment

Statutory Registration Fee \$63.35

Provincial Land Transfer Tax \$0.00

Total Paid \$63.35

File Number

Transferor Client File Number: 24973 JL

Transferee Client File Number: 24973 JL

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 49004 - 0019 DOMINANT LAND: HEAD OFFICE OF THE TRANSFEREE. THIS EASEMENT IS AN EASEMENT IN GROSS.

SERVIENT LAND: PCL 6-1 SEC 36M610 SRO; PT LT 6 PL 36M610
DESIGNATED AS PT 1 36R14074 CASSELS; TEMAGAMI; DISTRICT OF
NIPISSING

BY: POTTER, JOANNE LYNE

TO: THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

%(AD PINs)

1. BRIAN KOSKI (DEPUTY MAYOR) AND PATRICK CORMIER (DEPUTY CLERK)

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 MUNICIPALITY OF TEMAGAMI described in paragraph(s) (c) above.

☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraphs (j) above.

☐ (f) A transferee described in paragraph (i) and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph (j) and as such, I have personal knowledge of the facts herein deposited 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 (1) assumed (show principal and interest to be credited against purchase price)	0.00
(H) 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

Z

Explanation for nominal considerations:

g) Transfer to a municipality pursuant to subdivision or development agreement, condominium approval or other municipal purposes: transfer public utility easement to municipality

5. The land is not subject to an 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.

PROPERTY Information Record

A. Nature of Instrument Transfer Easement
LRO 36 Registration No. BS158148 Date: 2017/07/08

B. Property(s): PIN 49004-0019 Address Assessment -
TEMAGAMI 1,011 No

C. Address for Service: P.O. Box 220
Temagami, Ontario
P0H2H0

D. (I) Last Conveyance(s): PIN 49004 - 0019 Registration No. BS151188
(II) Legal Description for Property Conveyed: Same as in last conveyance? Yes Q No 0 Not known Q

E Tax Statements Prepared By: Paul Crombeen
22 Armstrong Street
Timiskaming Shores POJ
1P0

i. gym of wwat

The Transferor does hereby grant and transfer unto the Transferee, its successors and assigns, the exclusive right and easement in, over, along, upon, under and through this Tract (designated as Part 1 on Plan 36R-14074) for storm water drainage and to lay down, construct, operate, maintain, inspect, patrol, alter, remove, replace, reconstruct, repair or use for municipal works purposes required by the Transferee including, without limitation, all such structures, equipments and appurtenances as may be necessary, useful, or convenient in connection therewith or incidental hereto.

2. Right of Ingress and Egress

Together with the right of ingress and egress to, from, in and over the Tract for itself, its servants, agents, contractors, subcontractors with or without vehicles, machinery and equipment for all purposes, useful or convenient in connection with or incidental to the exercise and enjoyment of the right and easement herein granted and transferred as and from the date hereof and continuing in perpetuity.

3. Terms and Conditions

The aforesaid right and easement is herein granted and transferred on the following terms.

(a) Rights of Transferor

The Transferor shall have the right fully to use and enjoy the Tract including, without limitation:

- (i) the right to construct such works as the Transferor may be obligated to construct pursuant to any agreement or Undertaking given to the Transferee;
- (ii) provided, however, that without the prior written consent of the Transferee the Transferor, shall not/
 - after construction of the works, remove, or permit to be removed, any soil from the Tract nor shall the Transferor excavate, drill, install, erect, or permit to be excavated, drilled, installed or erected in, over, upon, under, or through the Tract, any pit, well, foundation, payout, building, tree, shrub or other structure for installation.

(b) Obligations of Transferor - Storm Drainage

- (i) Notwithstanding the foregoing, the Transferor covenants that he, or his successors in title, will maintain at his sole risk and expense and to the satisfaction of the Transferee the storm water drainage system to be constructed on the Tract. Such maintenance shall include the proper cleaning of such drain as may be required from time to time to maintain an efficient drainage flow.
- (ii) This covenant shall run with the land, and in the event that the Transferor, or his successors in title, fails to maintain the said drain as required then the Transferee may do so at the expense of the Transferor, or his successors in title, and recover the expenses incurred by action or in like manner as municipal taxes.

(c) 1^sugforea'a Rights Boy Uto Ba interrupted

The Transferee performing and observing the covenants and conditions on its part to be observed and performed, shall and may peaceably hold and enjoy the right and easement herein granted and transferred without hindrance, molestation or interruption on the part of the Transferor or of any person claiming by, through, under or in trust for the Transferor,

(d) AdditloaAl jgpwntg.

The Transferor will, if so requested by the Transferee, execute such further and other documents of title and assurances in respect of the Tract as may be requisite and such documents shall be prepared at the expense of the Transferee*

(e) Condition of Baeeiqfflt gyact;

The Transferee covenants after the performance * of any work on the Tract, to restore the surface of the Tract as far as practicable to the same condition as it was prior to the commencement of any work performed by the Transferee,

(f) Hptiaea

All Notices to be given hereunder may be given by registered letter addressed to

Transferor at P.O. Box 1003, New Liskeard, Ontario POJ 1P0

Transferee at P.O. Box 220, Temagami, Ontario, POH 250

or such other address as the Transferor and the Transferee may respectively from time to time designate in writing, and any such Notice shall be deemed to have been given to and received by the addressee, three (3) days after the mailing thereof, postage prepaid and registered.

4. Covenants Running With The Land

- (a) The right and easement herein granted and transferred, and the burden herein set forth, shall be a covenant running with the Tract.

5. gycq^ssoyg. and Assigns

This Indenture, including all the covenants and conditions herein contained, shall extend to, be binding upon and enure to the benefit of each and all of the heirs, executors, administrators, successors-in-title, and assigns. Of the parties hereto respectively and wherever the singular or masculine is used in this Indenture/ it shall be construed as if the plural or the feminine or the neuter as the case may be, had been, used, where the context or the Party or Parties hereto so require, and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.

TOWNSHIP OF CASSELS

R.S. 2153



PLAN 36R-14074

RECEIVED AND CORRECTED:

May 2, 2017

Kayla Hancock
REPRESENTATIVE FOR THE
LAND TITLES DIVISION OF NIPISSING

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER
THE LAND TITLES ACT.

MAY 2, 2017
DATE

M. Hines
MICHAEL H. HINES
ONTARIO LAND SURVEYOR

PART	PART OF LOT	PLAN	PIN No.	AREA
1	6	36R-610	49004-0019	0.03290

PLAN OF SURVEY OF

PART OF LOT 6

REGISTERED PLAN 36M-610

MUNICIPALITY OF THE
TOWNSHIP OF TEMAGAMI
DISTRICT OF NIPISSING

SCALE 1 : 500

NOTE

BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS PPP GPS OBSERVATIONS REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE).
NAD83 (CSRS) (2010)

AREAS SHOWN ON THIS PLAN ARE IN HECTARES AND CAN BE CONVERTED TO ACRES BY MULTIPLYING BY 2.471

FOR BEARING COMPARISONS, A ROTATION OF 0°46'11" CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 36M-1000P AND 36M-610.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99991163

INTEGRATION DATA			
COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010).			
COORDINATE VALUES ARE TO RELATIVE ACCURACY IN ACCORDANCE WITH SECTION 14 (7) OF THE SURVEY ACT.			
OBSERVED REFERENCE POINTS			
OBSERVED REFERENCE POINTS (ORP) ARE DERIVED USING SIMULTANEOUS STATIC GPS OBSERVATIONS AND REAL TIME KINEMATIC (RTK) BASE AND ROVER INNOVATION COORDINATES.			
POINT	NORTHING	EASTING	DESCRIPTION
A	5713536.58	180984.79	SP
B	5713511.37	180985.23	SP
C	5713585.53	180984.75	SP
COORDINATES CORRECTED, IN THEMSELVES ARE USED TO RE-ESTABLISH CORNERS ON BOUNDARIES SHOWN ON THIS PLAN.			

LEGEND

(1)	--- EROSION ---	SURVEY MONUMENT PLANTED
(2)	--- SURVEY MONUMENT FOUND	
(3a)	--- SURVEY MONUMENT FOUND	
(3b)	--- SURVEY MONUMENT FOUND	
(4)	--- MEASURED	SURVEY MONUMENT FOUND
(5)	--- NO EVIDENCE FOUND	
(6)	--- PLAIN 36M-610	

METRIC DISTANCES AND COORDINATES SHOWN HEREIN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 28th DAY OF APRIL, 2017.

MAY 2, 2017
DATE

M. Hines
MICHAEL H. HINES
ONTARIO LAND SURVEYOR

exp Geomatics Inc.
1788-178-2788 (E) 1-800-471-8293
1788-178-2788 (F) 1-800-471-8293
1788-178-2788 (T) 1-800-471-8293
1788-178-2788 (C) 1-800-471-8293



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INFRASTRUCTURE • INDUSTRIAL • SUSTAINABILITY

DRAWN BY: MARY HARRIS

CHECKED BY: MICHAEL HINES FILE No. NTS-00003201-A0