



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 334-85

To authorize the execution of
an encroachment agreement
(32 McMurchy Avenue South)

The Council of The Corporation of the City of Brampton hereby ENACTS as follows:

1. The Mayor and Clerk are hereby authorized to execute an encroachment agreement in a form approved by the City Solicitor between Neil Morley McKelvey, Beatrice Mary McKelvey and The Corporation of The City of Brampton, respecting encroachment of a driveway at 32 McMurchy Avenue South onto City lands.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 18th day of November, 1985.


KENNETH G. WHILLANS MAYOR


LEONARD J. MIKULICH CLERK

APPROVED AS TO FORM LAW DEPT BRAMPTON
WCC
DATE 11/18/85

THIS AGREEMENT dated the _____ day of
1985.

BETWEEN:

NEIL MORLEY McKELVEY and
BEATRICE MARY McKELVEY

hereinafter called the "Owners:

and

THE CORPORATION OF THE CITY
OF BRAMPTON

hereinafter called the "City"

WHEREAS the Owners own the lands and premises described in Schedule A hereto, known municipally as 32 McMurchy Avenue South;

AND WHEREAS the City is the successor to The Corporation of the Town of Brampton, pursuant to the provisions of the Regional Municipality of Peel Act, and as such is the owner of the lands described as part of Lot 7 according to a plan of subdivision known as BR-17, more particularly described in a deed registered in the Land Registry Office for the Registry Division of Peel (No. 43) as Instrument Number 11217 Brampton;

AND WHEREAS the Owners' ^{R.M. M.} ~~gravel~~ driveway encroaches onto the City's lands as shown on the sketch attached as Schedule B to this agreement;

NOW THEREFORE this agreement witnesses as follows:

1. In consideration of the sum of two dollars, the City agrees that the encroachment shown on

Schedule B may continue but it shall be deemed to be with the licence of the City to the intent that the Owners shall not acquire an easement therefor.

2. This agreement shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the parties respectively.

IN WITNESS WHEREOF the Owners have set their hands and seals and the City has affixed its corporate seal under the hands of its proper officers duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Doris Peirce

Neil Morley McKelvey
Neil Morley McKelvey

Beatrice Mary McKelvey
Beatrice Mary McKelvey

THE CORPORATION OF THE
CITY OF BRAMPTON

Kenneth G. Whillans
KENNETH G. WHILLANS MAYOR

Leonard J. Mikulich
LEONARD J. MIKULICH CLERK

SCHEDULE A

The land situated in the City of Brampton, in the Regional Municipality of Peel, being composed of part of Lot 7 according to a plan of subdivision registered in the Land Registry Office for the Registry Division of Peel (No 43) and known as BR-17, more particularly described as follows:

PREMISING that the Southwesterly production of the Southeasterly limit of Fleming Avenue as shown on Plan B-12, registered in the said Registry Office has an assumed governing bearing of North 37 degrees 56 minutes 00 seconds East and relating all bearings quoted herein thereto;

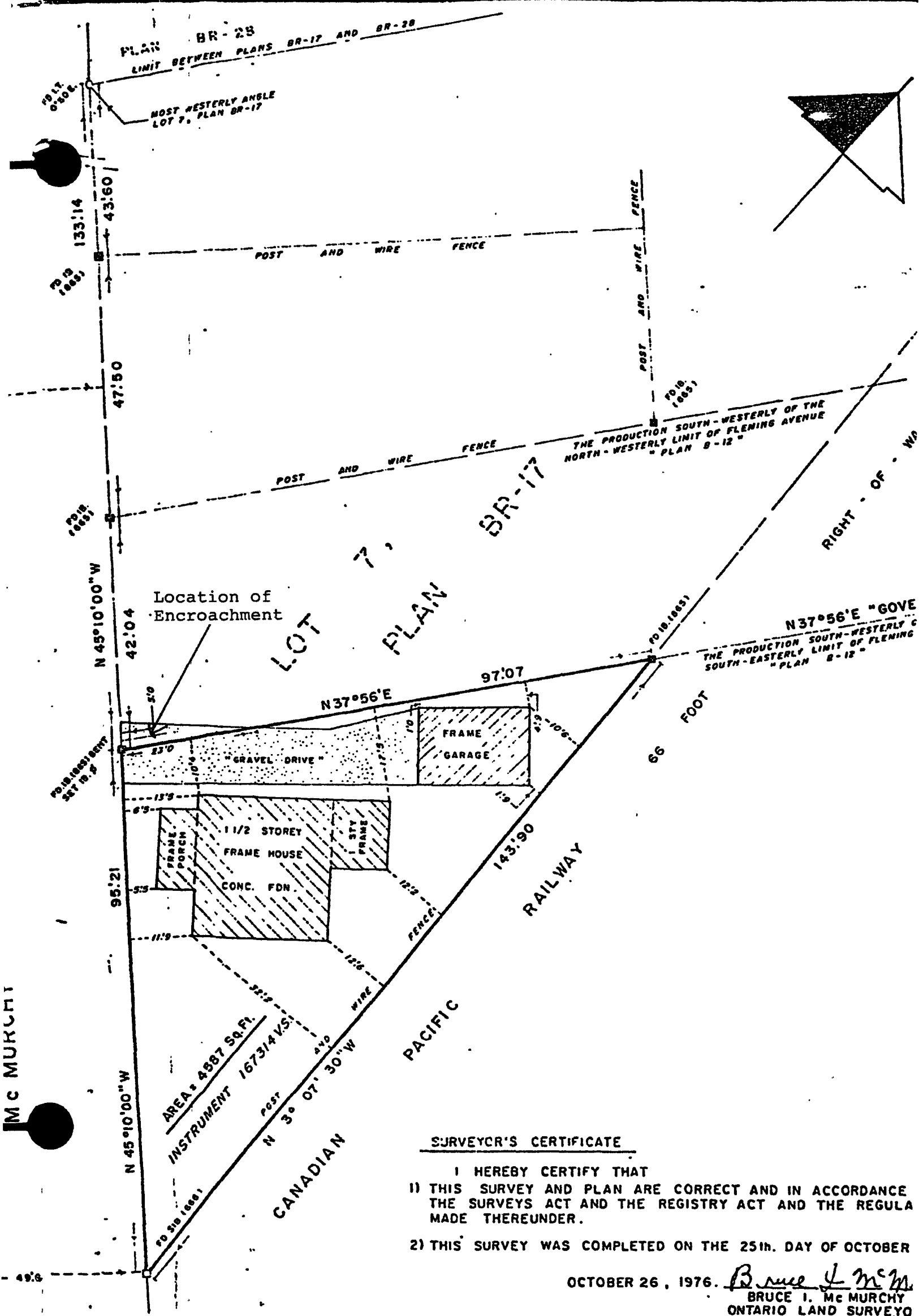
COMMENCING at an iron bar found planted and replaced at the point of intersection of the said Southeasterly limit of Fleming Avenue produced Southwesterly to the intersection with the southwesterly limit of the said Lot 7 Plan BR-17, being the Northeasterly limit of McMurchy Avenue South; and which point of intersection being distant 133.14 feet, more or less, measured Southeasterly along the said Southwesterly limit of the said Lot 7 from the most Westerly angle of the said Lot 7;

THENCE South 45 degrees 10 minutes 00 seconds East along the said Southwesterly limit of the said Lot 7, being the Northeasterly limit of the said McMurchy Avenue, a distance of 95.21 feet, more or less, to a standard iron bar found planted at the intersection thereof with the Westerly limit of the Canadian Pacific Railways right-of-way;

THENCE North 3 degrees 07 minutes 30 seconds West, along the last said limit 143.90 feet, more or less, to an iron bar found planted at an intersection thereof with the said Southeasterly limit of Fleming Avenue produced;

THENCE South 37 degrees 56 minutes 00 seconds West, along the last said limit 97.07 feet, more or less, to the point of commencement.

432988.



SURVEYOR'S CERTIFICATE

- I HEREBY CERTIFY THAT
- 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
 - 2) THIS SURVEY WAS COMPLETED ON THE 25th DAY OF OCTOBER

OCTOBER 26, 1976.

Bruce I. McMurphy
 BRUCE I. McMURPHY
 ONTARIO LAND SURVEYOR