

A BY-LAW TO BEING A BY-LAW TO AUTHORIZE AN ENCROACHMENT AGREEMENT WITH TASCO VENTURE MANAGEMENT INC. FOR PROPERTY LOCATED AT 144 ORR STREET COBOURG

WHEREAS Tasco Venture Management Inc represents that it is the owner of the lands legally described as 144 Orr Street, COBOURG, ONTARIO, particularly described as Parts of Lot 14 and 15, BLOCK H on Caddy Plan, being Part 1 on Plan 39R-14472; COBOURG, PART OF PIN 51092-0167;

AND WHEREAS the Municipality represents that it is the owner of the lands described as Road Allowance – ORR STREET PL CADDYCOBOURG; COBOURG being all of PIN 51092-0099 (LT) (hereinafter referred to as the “Encroachment Lands”); and

AND WHEREAS Consent Applications B-08-21 through B-13-21 were approved by the Committee of Adjustment at their meeting on September 14, 2021. As a condition of the decisions, the Owner is required to enter into an Encroachment Agreement with the Town to recognize the existing structures in the road allowance.

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. THAT the Mayor and Clerk are authorized to sign, on behalf of the Municipality, the Encroachment Agreement with Tasco Venture Management Inc for the property located at 144 Orr Street, Cobourg.
2. THAT the Agreement shall be attached to this By-law as Schedule “A”.
3. That this Agreement shall be registered against the lands legally described as 144 Orr Street, COBOURG, ONTARIO, particularly described as Parts of Lot 14 and 15, BLOCK H on Caddy Plan, being Part 1 on Plan 39R-14472; COBOURG, PART OF PIN 51092-0167;
4. THAT all costs for the preparation and registration of this Agreement are to be paid by Tasco Venture Management Inc.
5. THAT the Clerk and/or Mayor, as may be required, are authorized to execute whatever further documents as may be required to effect the Agreement described in Section 1 of this By-law.
6. THAT passage of this By-law shall be deemed to include authorization to legal counsel to register this Agreement, in the appropriate Land Titles Office or Land Registry Office without further written authorization.

7. THAT this By-law shall come into effect on its passing.

Read and finally passed in Open Council on this 11 day of April 2023.



DEPUTY MAYOR

MUNICIPAL CLERK

APPENDIX "A"

Encroachment Agreement

144 Orr Street Cobourg

ACKNOWLEDGEMENT AND DIRECTION

TO: KEVIN WALSH
(Insert lawyer's name)

AND TO: TEMPLEMAN LLP
(Insert firm name)

RE: TOWN OF COBOURG - ENCROACHMENT AGREEMENTS = 142-144 ("the transaction")
ORR STREET (Our File #55904) - Registration of the Transfer to PT 1 on
39R6767
(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 Ontario 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 Cobourg, this _____ day of December, 20 22.

WITNESS

(As to all signatures, if required)

THE CORPORATION OF THE TOWN OF COBOURG

per: [Signature]
LUCAS CLEVELAND, MAYOR Nicole Featky
[Signature] Deputy Mayor
BRENT LARMER, CLERK

WE HAVE AUTHORITY TO BIND THE CORPORATION

Properties

PIN 51092 - 0184 LT Interest/Estate Fee Simple Split

Description PART OF PIN #51092-0184 (LT) - PART OF LOT 17 BLOCK H ACCORDING TO PLAN ATTACHED TO INSTRUMENT NO. 2788 (1832) AND PART OF BLOCK H, CADDY PLAN (FORMERLY PART OF LOT 18 CONCESSION B HAMILTON) BEING PT 1 ON PL 39R-6767, TOWN OF COBOURG

Address COBOURG

Consideration

Consideration \$2.00

Transferor(s)

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

Name TVM COBOURG INC.
Acting as a company

Address for Service 801 Eglinton Avenue West, Suite 112, Toronto, Ontario M5N 1E3

A person or persons with authority to bind the corporation has/have consented to the registration of this document. This document is not authorized under Power of Attorney by this party.

Transferee(s)	Capacity	Share
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Name THE CORPORATION OF THE TOWN OF COBOURG Acting as a company	Registered Owner	
Address for Service 55 King Street West, Cobourg, Ontario K9A 2M2		

Statements

Schedule: In accordance with Section 31(6) of the Municipal Act, 2001, the lands are being acquired by The Corporation of the Town of Cobourg for the purpose of widening the public highway known as HYBERNIA STREET.
The land is being acquired or disposed of by the Crown in Right of Ontario or the Crown in Right of Canada, including any Crown corporation, or any agency, board or commission of the Crown; or a municipal corporation.

Calculated Taxes

Provincial Land Transfer Tax \$0.00

File Number

Transferor Client File Number : 2022-0555

Transferee Client File Number : 55904

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 51092 - 0184 PART OF PIN #51092-0184 (LT) - PART OF LOT 17 BLOCK H ACCORDING TO PLAN ATTACHED TO INSTRUMENT NO. 2788 (1832) AND PART OF BLOCK H, CADDY PLAN (FORMERLY PART OF LOT 18 CONCESSION B HAMILTON) BEING PT 1 ON PL 39R-6767, TOWN OF COBOURG

BY: TVM COBOURG INC.
TO: THE CORPORATION OF THE TOWN OF COBOURG Registered Owner

1. LUCAS CLEVELAND, MAYOR AND BRENT LARMER, 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 TOWN OF COBOURG 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	\$2.00
(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))	\$2.00
(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	\$2.00

4.

Explanation for nominal considerations:

g) Transfer to a municipality pursuant to subdivision or development agreement, condominium approval or other municipal purposes: Conveyance to the Town in accordance with Section 31(6) of the Municipal Act, 2001, for the purpose of widening pursuant to the Site Plan Agreement registered as ND216743. No consideration passing directly or indirectly.

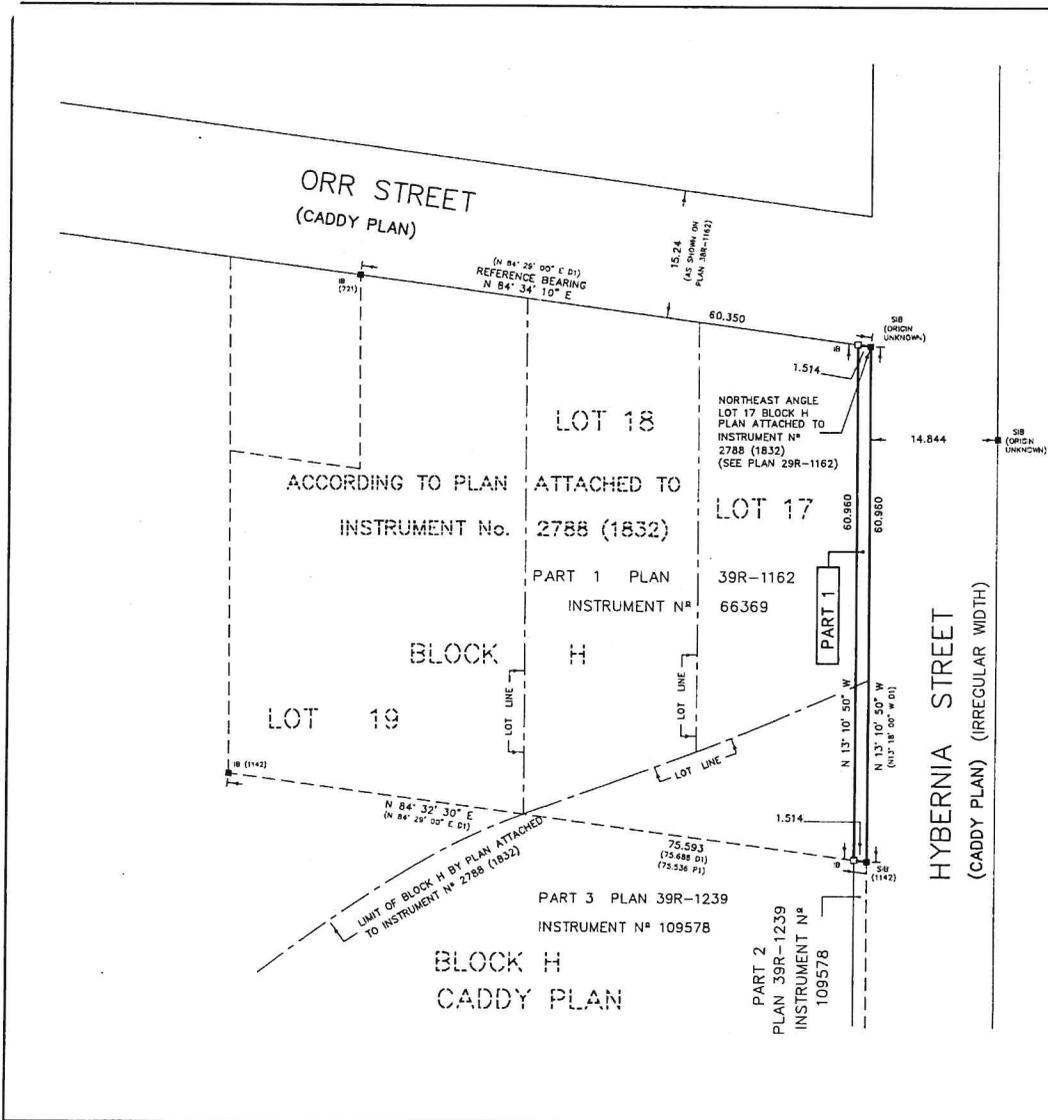
5. The land is not subject to an encumbrance

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.
2. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "Greater Golden Horseshoe Region", "specified region", "spouse" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act and O. Reg 182/17. 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. (c) The transferee(s) is not a "foreign entity" or a "taxable trustee".
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

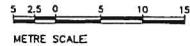
A. Nature of Instrument: Transfer
LRO 39 Registration No. Date:
B. Property(s): PIN 51092 - 0184 Address COBOURG Assessment -
Roll No
C. Address for Service: 55 King Street West, Cobourg, Ontario K9A 2M2
D. (i) Last Conveyance(s): PIN 51092 - 0184 Registration No.
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes No Not known



PROPERTY OF KEAT & VERHOEF INC.
 705-653-2111

PLAN
 OF SURVEY OF
PART OF LOT 17 BLOCK H
ACCORDING TO PLAN ATTACHED TO
INSTRUMENT No. 2788 (1832) AND PART OF
BLOCK H, CADDY PLAN
 (FORMERLY PART OF LOT 18 CONCESSION B)
TOWN OF COBURG
COUNTY OF NORTHUMBERLAND

SCALE 1 : 400
 KEAT & VERHOEF INC
 1994



METRIC
 DISTANCES SHOWN ON THIS PLAN ARE
 IN METRES AND CAN BE CONVERTED
 TO FEET BY DIVIDING BY 0.3048

CAUTION
 THIS PLAN IS NOT A PLAN OF SUBDIVISION
 WITHIN THE MEANING OF THE PLANNING ACT

SCHEDULE			
PART	DESCRIPTION	INSTRUMENT	AREA
1	PART OF LOT 17, BLOCK H ACCORDING TO PLAN ATTACHED TO INSTRUMENT N° 2788 (1832) AND PART OF BLOCK H, CADDY PLAN	66369	0.0091 HA.

PLAN 39 R- 6767
 RECEIVED AND DEPOSITED
 DATE April 7, 1994
David Harbour
 LAND REGISTRAR
 FOR THE REGISTRY
 DIVISION OF
 NORTHUMBERLAND (N° 39)
 I REQUIRE THIS PLAN TO BE
 DEPOSITED UNDER THE
 REGISTRY ACT
 DATE APRIL 7, 1994
Jack Keat
 JACK KEAT O.L.S.

BEARING NOTE
 BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE
 NORTHERLY LIMIT OF PART 1 AS SHOWN ON PLAN
 39R-1162 HAVING A BEARING OF N 84° 34' 10" E.

- LEGEND**
- -SURVEY MONUMENT PLANTED
 - -SURVEY MONUMENT FOUND
 - SIB -STANDARD IRON BAR
1" SQUARE X 48"
 - SSIB -SHORT SIB 1" SQUARE X 24"
 - IB -IRON BAR 5/8" SQUARE X 24"
 - RPL -ROCK PLUG 5/8" SQUARE X 5"
 - *-FENCE
 - WT -WITNESS POST
 - 167B -KEAT & VERHOEF INC
 - NV -NICK H. VERHOEF INC
 - 721 -J. SYLVESTER OLS
 - 1142 -KEITH F. LASHLEY OLS
 - D1 -INSTRUMENT N° 66369
 - P1 -PLAN 39R-1239

SURVEYOR'S CERTIFICATE
 I 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 THE SURVEY WAS COMPLETED ON THE 21st DAY
 OF MARCH 1994.
 CAMPBELLFORD ONT *Jack Keat*
 APRIL 7, 1994
 JOHN C.G. KEAT
 ONTARIO LAND SURVEYOR

KEAT & VERHOEF INC.
 ONTARIO LAND SURVEYORS
 CAMPBELLFORD
 KOL-110
 705-653-2111
 FAX 705-653-1635
MARMORA **TWEED**
 CONSULTATION OFFICE CONSULTATION OFFICE
 613-472-2173 613-478-5452
 JOB No: 94-101 FILE: CO'G CADDY PLAN

39R-6767