

Handwritten initials: R. /

L 39582
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-----DO NOT WRITE ABOVE THIS LINE, FOR LAND TITLE OFFICE USE ONLY-----

FORM 17

Nature of Charge(s): Right-of-way
 Full name, postal address and telephone number of person presenting instrument for registration:
 P.W. McKechnie
 City of Nanaimo,
 455 Wallace Street, *fr*
 Nanaimo, B.C.
 V9R 5J6 754-4251

Address of person entitled to be registered, If different from that shown in instrument:
 British Subject: Yes
 True Value: \$ 1.00
 Herewith fees of \$ 10.00

Signature of Applicant (Solicitor or Agent)
Alvin Thompson

THIS SEWERAGE AND DRAINAGE RIGHT-OF-WAY AGREEMENT was received on the 28th day of

MEMORANDUM OF REGISTRATION
 Registered on application received on the day and time written hereon
 R. E. HEMPER, Registrar of the Victoria Land Title Office
 JUN 19 12 15 PM '82
 JUN 19 1982
 406740 -133 1000

BETWEEN:
 Mary Barbara Pass
 6292 Forest Cresce
 Nanaimo, B.C.
 V9S 5N7
 (hereinafter called "the Grantor")

AND:
 The City of Nanaimo,
 455 Wallace Street, Nanaimo, B.C.
 (hereinafter called "the Corporation")

IN CONSIDERATION OF \$1.00, (the receipt whereof is hereby acknowledged by the Grantor), the Grantor hereby grants to the Corporation, its successors and assignees, forever, the full and exclusive rights by its officers, agents, servants, workmen, contractors, and subcontractors, in, over, across and under the land described in Schedule "A" hereto, (hereinafter called "the right-of-way area") to enter, cross and recross; to install, construct, operate, maintain, inspect, alter, remove, replace, reconstruct, and repair one or more sewers, drains, valves, fittings, meters, pumps, manholes, and other equipment and appurtenances of every kind (all or any of which are hereinafter called "facilities") which may be required by the Corporation, its successors and assignees for the collection and conveyance of sewerage or the collection and conveyance of drainage water, or both, or a combination of both; and to convey sewage and drainage water, or any of them, through the facilities or any of them.

THE CORPORATION covenants with the Grantor:

- Insofar as it may be practicable, the Corporation will bury all facilities so as not to interfere unreasonably with the use of the surface of the ground within the land described in Schedule "A"; and
- Upon completion of any construction or any installation of facilities, or alteration, removal, replacement, reconstruction, or repair of facilities, the Corporation will restore the surface of the ground as nearly as possible to the condition thereof at the time of commencement of that work and will repair any injury to property caused directly or indirectly by the Corporation, its officers, agents, servants, workmen, contractors or subcontractors in the course of carrying out that work.

THE GRANTOR covenants with the Corporation:

- Not to install, erect, or construct or permit to be installed, erected or constructed any building or fixture within the right-of-way area without the consent in writing of the Corporation and not to diminish or permit to be diminished or substantially add to or allow to be substantially added to the soil cover over any of the facilities installed within the right-of-way area without the consent in writing of the Corporation, and not to do any act or knowingly suffer or permit any act to be done within the right-of-way area which may interfere with the facilities or any of them, and

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2. If at the date hereof, the Grantor is not the sole owner of the parcel of land wherein the right-of-way area is located, this instrument shall nevertheless bind the Grantor to the full extent of his interest therein, and if he shall later acquire a greater interest therein, the provisions hereof shall extend to such after acquired interest.

THE PARTIES MUTUALLY AGREE that the facilities shall at all times remain the property of the Corporation, its successors and assignees, notwithstanding that they may be affixed to the land and the facilities or any of them may at any time and from time to time be removed by the Corporation, its successors and assignees, but the Corporation shall be under no obligation to remove the facilities or any of them from the land.

The provisions of this instrument shall be binding upon and enure to the benefit of the Grantor's heirs, executors, administrators, successors and assignees and the Corporation's successors and assignees, and wherever the singular or masculine is used herein, it shall be construed as if the feminine, plural or neuter, as the case may be, had been used where the context so requires, and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary have been made.

IN WITNESS WHEREOF the parties have executed this agreement effective on the date hereof.

SIGNED, SEALED AND DELIVERED)
In the presence of:)
R. COLBERT)

Name:)
375 SELBY STREET)
NANAIMO, B.C.)

Address:)
APPRAISOR)
Occupation:)

* Mary B Pelt
6292 Forest Cres. Nanaimo
Retired.

SIGNED, SEALED AND DELIVERED)
In the presence of:)
_____)

Name:)
_____)

Address:)
_____)
Occupation:)

THE CORPORATE SEAL OF)
CITY of Nanaimo)
was affixed in the presence of:)

[Signature])
[Signature])
DEPUTY CLERK)

THE CORPORATE SEAL OF)
_____)
was affixed in the presence of:)

_____)
_____)
_____)

SCHEDULE "A"

That part of Lot 10, Block 1, District Lot 40, Wellington District, Plan 11705 included in Plan 3722 R/W.

MEMORANDUM AS TO ENCUMBRANCES, LIENS AND INTERESTS

Mortgage in favour of Her Majesty the Queen in right of the Province of British Columbia registered under number M D20318.

CONSENT

The undersigned, being the holder of an encumbrance or entitled to a lien or interest referred to in the Memorandum above written, for valuable consideration (the receipt from the Corporation whereof is hereby acknowledged) hereby joins in and consents to the grant to the Corporation of the rights set out in the annexed instrument in priority to the interest of the undersigned in and registered as an encumbrance upon the title to the land described in Schedule "A" above written.

SIGNED, SEALED AND DELIVERED in the presence of:

Name
Address
Occupation

THE CORPORATE SEAL OF

was affixed in the presence of:

CONSENT

The undersigned, being the holder of an encumbrance or entitled to a lien or interest referred to in the Memorandum above written, for valuable consideration (the receipt from the Corporation whereof is hereby acknowledged) hereby joins in and consents to the grant to the Corporation of the rights set out in the annexed instrument in priority to the interest of the undersigned in and registered as an encumbrance upon the title to the land described in Schedule "A" above written.

SIGNED, SEALED AND DELIVERED in the presence of:

Name
Address
Occupation

THE CORPORATE SEAL OF

was affixed in the presence of:

CONSENT

The undersigned, being the holder of an encumbrance or entitled to a lien or interest referred to in the Memorandum above written, for valuable consideration (the receipt from the Corporation whereof is hereby acknowledged) hereby joins in and consents to the grant to the Corporation of the rights set out in the annexed instrument in priority to the interest of the undersigned in and registered as an encumbrance upon the title to the land described in Schedule "A" above written.

SIGNED, SEALED AND DELIVERED in the presence of:

Name
Address
Occupation

THE CORPORATE SEAL OF

was affixed in the presence of:

LAND TITLE ACT

FORM 2

(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

I, Randy Colbert of Nanaimo in British Columbia, make oath and say:

- 1. I was present and saw this instrument duly signed and executed by Mary Babak RESS, the party(ies) to it, for the purposes named in it. 30285
- 2. The instrument was executed at Nanaimo BC
- 3. I know the party(ies), who is(are) 19 years old or more.
- 4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at Nanaimo in British Columbia, this 4th day of June, 1982

*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia. NOTE—This Affidavit may be sworn by a witness who is not a party to the instrument.

COMMISSIONER FOR BRITISH COLUMBIA.

LAND TITLE ACT

FORM 3

(Sections 43 (b) and 44 (b))

CERTIFICATE OF ACKNOWLEDGMENT OF TRANSFEROR

I certify that on the _____ day of _____, 19____, at _____ in the _____ of _____

(*Whose identity has been proved by the evidence on oath of _____, who is) personally known to me, (State full name, address, and occupation)

appeared before me and acknowledged to me that he/she/they is(are) the person(s) mentioned in this instrument as a transferor (or attorney of a transferor) that his/her/their name(s) is(are) subscribed to it, that he/she/they know(s) the contents of the instrument and executed it voluntarily, and is(are) of the age of 19 years or more.

In testimony of which I set my hand and seal of office at _____ this _____ day of _____, 19_____

*Where the person making the acknowledgment is personally known to the officer taking it, strike out the words in brackets. †Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

LAND TITLE ACT

FORM 6

(Section 46)

PROOF OF EXECUTION BY CORPORATION

I certify that on the _____ day of _____, 19____, at _____ in British Columbia, _____

(*whose identity has been proved by the evidence on oath of _____, who is) personally known to me, appeared (State full name, address, and occupation)

before me and acknowledged to me that he/she is the authorized signatory of _____ and that he/she is the person who subscribed his/her name and affixed the seal of the corporation to the instrument, that he/she was authorized to subscribe his/her name and affix the seal to it, †(and that the corporation existed at the date the instrument was executed by the corporation.)

In testimony of which I set my hand and seal of office at _____ this _____ day of _____, 19_____

*Where the person making the acknowledgment is personally known to the officer taking it, strike out these words in brackets. †These words in brackets may be added, if the applicant wishes the registrar to exercise his discretion under section 162 (5) not to call for further evidence of the existence of the corporation. ‡Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

LAND TITLE ACT

FORM 6
(Section 45)

PROOF OF EXECUTION BY CORPORATION

I certify that on the 7th day of June

1982 at Vancouver in British

Columbia

Gerald D. Barry

(whose identity has been proved by the evidence on oath of _____)

(State full name, address, and occupation)

who is personally known to me, appeared before me and acknowledge to me that he/she is the authorized signatory of Gerald D. Barry and that he/she is the person who subscribed his/her name and affixed the seal of the Corporation to the instrument that he/she was authorized to subscribe his/her name and affix the seal to it, and that the corporation existed at the date the instrument was executed by the corporation.)

In testimony of which I set my hand and seal of office at Vancouver BC this 29th day of June , 19 82

Duane Shawcross for P.W. McKechnie
Commissioner for Taking Affidavits for British Columbia

BETWEEN:

AND:

BRITISH COLUMBIA
COMMISSIONER FOR
TAKING AFFIDAVITS
FOR
A CORPORAION FOR

LAND TITLE ACT

FORM 6
(Section 45)

PROOF OF EXECUTION BY CORPORATION

I certify that on the _____ day of _____

19 _____ at _____ in British

Columbia

(whose identity has been proved by the evidence on oath of _____)

(State full name, address, and occupation)

who is personally known to me, appeared before me and acknowledge to me that he/she is the authorized signatory of _____ and that he/she is the person who subscribed his/her name and affixed the seal of the Corporation to the instrument that he/she was authorized to subscribe his/her name and affix the seal to it, and that the corporation existed at the date the instrument was executed by the corporation.)

In testimony of which I set my hand and seal of office at _____ this _____ day of _____, 19 _____.

Commissioner for Taking Affidavits for British Columbia

LAND TITLE ACT

FORM 6
(Section 46)

PROOF OF EXECUTION BY CORPORATION

I certify that on the _____ day of _____

19 _____ at _____ in British

Columbia

(whose identity has been proved by the evidence on oath of _____)

(State full name, address, and occupation)

who is personally known to me, appeared before me and acknowledge to me that he/she is the authorized signatory of _____ and that he/she is the person who subscribed his/her name and affixed the seal of the Corporation to the instrument that he/she was authorized to subscribe his/her name and affix the seal to it, and that the corporation existed at the date the instrument was executed by the corporation.)

In testimony of which I set my hand and seal of office at _____ this _____ day of _____, 19 _____.

Commissioner for Taking Affidavits for British Columbia



TELEPHONE 754-4251
PLEASE REFER TO FILE NO.

CITY OF NANAIMO

CITY HALL
455 WALLACE ST.
NANAIMO, B.C.
V9R 5J6

6 (L 39582) \$0 fees only
my

1982-JUN-8

The Registrar,
Land Title Office,
Law Courts,
Victoria, B.C.

Dear Sirs:

RE: Sewerage and Drainage Right-of-way Agreements -
Eight, for Registration.

Enclosed herewith are eight sewerage and drainage right-of-way agreements for registration.

Also enclosed are our cheques in total of \$80.00 to cover registration fees.

Kindly return the copies of each of the front pages of the documents with proof of registration shown thereon.

Thank you.

Yours truly,

P.W. McKechnie
P.W. McKechnie,
Right-of-way Agent.

/dlc

Encl.

M/A

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0 97085 chq 10⁰⁰

Handwritten initials/signature