

*Eustace
Morgan
& Derksen*

LAWRENCE A. EUSTACE, B.A., LL.B.
ROBERT B. MORGAN, B.Sc., LL.B.
WESLEY DERKSEN, LL.B.

Barristers Solicitors Notaries

MAILING ADDRESS
510 Portage Avenue
Fort Frances ON
P9A 2A3
807-274-5361
807-274-3247

BRANCH OFFICES
Main Street
Atholton ON
807-597-2203
Coral Street
Emo ON
807-482-2322

U.S. MAIL
Box 1167
International Falls MN
56649

TELECOPIER
807-274-6447
All correspondence
to be sent to
Fort Frances office

hamilton.rep/lm pg.6

December 15, 1989

Gillons' Insurance Brokers Ltd.
Box 128
Fort Frances, Ontario
P9A 3M5

COPY

Dear Sirs:

RE: Scott Hamilton
1340 1/2 Home Street
Fort Frances, Ontario

Please be advised that Mr. Hamilton has also acquired the right to use a private driveway contained within the road allowance of Bayview Avenue owned by the Town of Fort Frances.

Liability insurance must be placed on this portion in addition to Mr. Hamilton's current coverage. We ask that you please confirm this directly with Mr. Hamilton and please provide our office with confirmation in this regard.

Thank you.

Yours very truly

EUSTACE, MORGAN & DERKSEN
Per:

ROBERT B. MORGAN
RBM/lm

TOWN OF FORT FRANCES

BY-LAW NO. 22/85

(Being a by-law for the purpose of entering into an agreement with John Martin Sus with respect to a private driveway on municipal property - The Municipal Act, R.S.O. 1980, Chapter 302, Section 310.)

The Council of the Corporation of the Town of Fort Frances
HEREBY ENACTS as follows:-

1. That the agreement dated July 8th, 1985 between the Corporation of the Town of Fort Frances and John Martin Sus with respect to a private driveway on municipal property, being Schedule "A" attached to and forming part of this by-law, be and the same is hereby approved.
2. That the Mayor and Clerk be and they are hereby authorized to sign and affix thereto the Seal of the Corporation in token of this approval.

This by-law shall come into full force and effect upon the final passing thereof.

READ THREE TIMES and finally passed in open Council this 8th day of July, 1985.



MAYOR



DEPUTY-
CLERK

A G R E E M E N T made this 8th day of July, 1985
BETWEEN:

THE CORPORATION OF THE TOWN OF FORT FRANCES
hereinafter called the "TOWN",

of the first part

-and-

JOHN MARTIN SUS, of the Town of Fort Frances,
in the District of Rainy River, hereinafter
called the "OWNER",

of the second part.

WHEREAS John Martin Sus is the registered owner of Parcel
23069 filed in the Land Registry Office at Fort Frances,
being lands known as Block G, SM-123;

AND WHEREAS John Martin Sus has made application for a new
private driveway on municipal property to be at his expense;

AND WHEREAS, therefore, the Town has agreed to install a culvert,
at its expense;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties
hereto covenant and agree as follows:

1. The Town hereby consents for John Martin Sus to install
at his expense, a private driveway between the easterly pro-
perty line of Block G, SM-123 and the existing developed
road surface of Bayview Avenue which terminates at the lane
allowance (but is commonly referred to as Home Street) between
lots 27 and 28 SM-27, provided that:

- a) the private driveway is contained within the road allow-
ance of Bayview Avenue;
- b) the private driveway is totally maintained by or at the
expense of John Martin Sus;
- c) the private driveway, in addition to such uses which are
expressly provided for in this agreement, is used
exclusively and solely for the express purposes of access
and egress between 1340-1/2 Home Street and Bayview
Avenue as is developed and maintained by the Town;
- d) the Town is not held liable whatsoever for any damages
or actions which may arise as a result of its inability
to provide any service as a result of the private drive-
way being constructed or maintained so as to inhibit,
hamper or prevent the provision of services;
- e) any private crossing, that may be required as determined
by the Town Engineer, to enter Block G, SM-123 at its
property line shall be at the expense of John Martin Sus.
Any private crossing, that may be required as determined
by the Town's Engineer, to join the private driveway with
the municipally-maintained portion of Bayview Avenue at
the lane allowance (commonly referred to as Home Street)
between lots 27 and 28, SM-27, shall be in accordance
with private crossing By-Law No. 32/82, as amended.

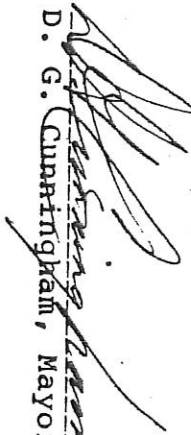
Agreement with John Martin Sus


2. The Town hereby agrees to install a culvert, within Bayview Avenue, to permit continued drainage of the existing large ditch at the rear of lot 28, SM-27, across Bayview Avenue and into the existing drainage basin on the east side of Bayview Avenue, at its expense.
3. The Town shall not proceed to do the work as specified in the preceding sections numbered 2. until John Martin Sus has provided written assurance that the works to be done as specified in the preceding section numbered 1. will proceed or have been completed. All works shall be totally completed on or before December 31st, 1985.
4. If John Martin Sus fails to complete those works as specified in the preceding section numbered 1., the Town's costs for those works as specified in the preceding section numbered 2. shall be payable in full by John Martin Sus and may be added to the Collector's Roll and collected in the same manner as taxes.
5. ~~This agreement shall be registered on title to the lands, namely Block G, SM-123 at the expense of John Martin Sus. No~~
~~works shall commence until such registration has been completed.~~
6. Time is of the essence.
7. This agreement shall be binding upon and inure to the benefit of the parties hereto, their respective executors, administrators, successors and assigns.


IN WITNESS WHEREOF the said parties have hereunto set their hands and seals.

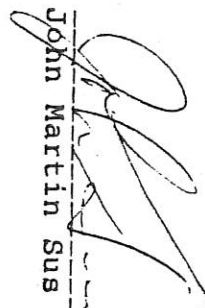
SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE TOWN
OF FORT FRANCES


D. G. Cunningham, Mayor


N. S. Kingerski, Clerk


Witness


John Martin Sus



25	
FORT FRANCES	
ASSESSMENT DIVISION REGIONAL OFFICE NO. 32	
ONARIO	
SCALE: 1" = 100'	PLAN:
DRAWN BY: [blank]	TRACED BY: [blank]
CHECKED BY: [blank]	DATE: [blank]

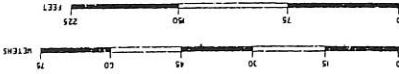
UPDATED
JAN. 23, 1987

MINISTRY OF
CONSUMER AND
BUSINESS
SERVICES
ONTARIO



THIS INDEX MAP SHOWS ALL
PROPERTIES EXISTING IN
BLOCK 56017 - SHEET 4
ON APRIL 1, 2004

SCALE



PROPERTY INDEX MAP
BLOCK 56017
THE TOWN OF
FORT FRANCES
DISTRICT OF
RAINY RIVER
(OFFICE 48)

LEGEND

FREEHOLD PROPERTY BOUNDARY
LEASEHOLD PROPERTY BOUNDARY
NATURAL RESOURCE PROPERTY BOUNDARY
FREEHOLD PROPERTY NUMBER
LEASEHOLD PROPERTY NUMBER
NATURAL RESOURCE PROPERTY NUMBER
TOWNSHIP FABRIC
STREAMS, RIVERS
EASEMENT
UTM GRID
ADJOINING MAP NUMBER

BLOCK 56017

480000 N

480000 N

480000 N

480000 N

480000 N

480000 N

480000 N

480000 N

480000 N

480000 N

480000 N

480000 N

480000 N

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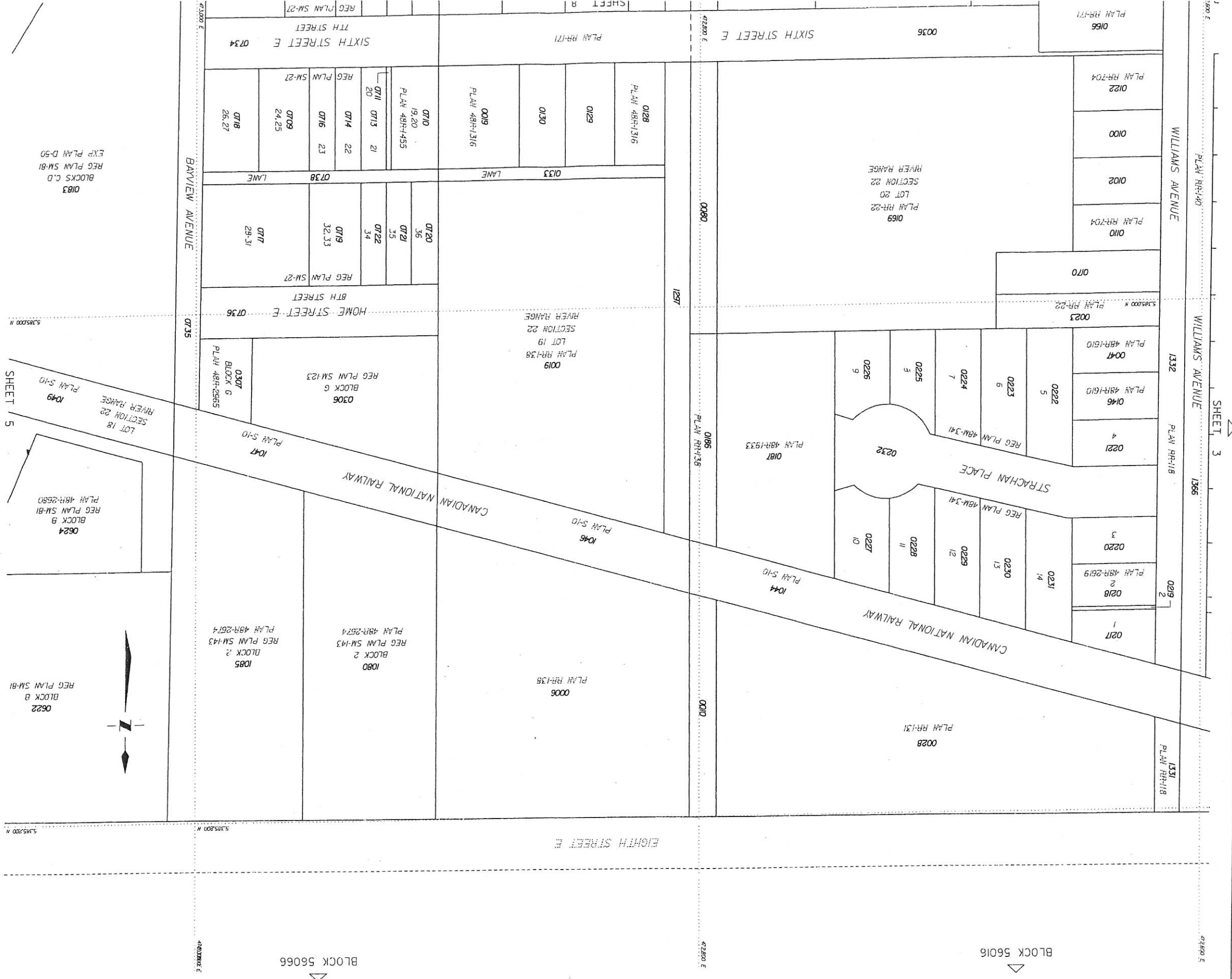
480000 N

480000 N

480000 N

480000 N

480000 N



0183
BLOCKS C.D
REG PLAN SM-81
EXP PLAN D-50

0624
BLOCK B
REG PLAN SM-81
PLAN 48H-2680

0622
BLOCK B
REG PLAN SM-81



NOTES
NORTH AMERICAN DATUM 1983
UNIVERSAL TRANSVERSE MERCATOR PROJECTION
ZONE 18 CENTRAL MERIDIAN 93 00' W
THIS IS NOT A PLAN
OF SURVEY
THIS MAP WAS COMPILED FROM PLANS AND
DOCUMENTS RECORDED IN THE LAND REGISTRY
SYSTEM AND HAS BEEN PREPARED FOR PROPERTY
MARKING PURPOSES ONLY.
FOR DIMENSIONS OF PROPERTY BOUNDARIES
SEE RECORDED PLANS AND DOCUMENTS
ONLY. MAJOR EASEMENTS
ARE SHOWN

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

PLAN OF BUILDING LOCATION SURVEY OF

PART OF BLOCK G, PLAN SM-123

TOWN OF FORT FRANCES DISTRICT OF RAINY RIVER

SCALE: 1:250
B. MASKELL LTD.
1989

LEGEND

BEARINGS are astronomic and are referred to the north limit of Home Street as shown on Plan 48R-2965 having a bearing of N89°58'W.

denotes survey monument found

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
the field survey represented on this plan was completed on the 30th day of
October, 1989.

FORT FRANCES, ONT.
1989-11-10

ROSS H. BALMER
ONTARIO LAND SURVEYOR



B. MASKELL LIMITED
ONTARIO LAND SURVEYORS
FORT FRANCES, O
THUNDER BAY, ONT.
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CLIENT: S. HAMILTON
FILE No. FF 8985

BAYVIEW
AVENUE

