

RURAL MUNICIPALITY OF MORRIS

BY-LAW NO. 1423/92

BEING a By-law authorizing the execution of an agreement between the R. M. of Morris and James Wayne Penner and Leona Penner.

WHEREAS a residential car garage located on Lots 14 and 15, in Block 3 and Plan 522, in Lowe Farm, Manitoba is encroaching onto the public lane;

AND WHEREAS the building on this property is currently owned by James Wayne Penner and Leona Penner;

AND WHEREAS an encroachment agreement is required to be entered into in order to resolve the matter;


THEREFORE BE IT RESOLVED that the Council of the Rural Municipality of Morris, in a meeting duly assembled, enacts as follows:

1. That the Rural Municipality of Morris agrees to enter into an encroachment agreement with James Wayne Penner and Leona Penner recognizing the encroachment of the residential car garage on Lots 14 and 15, Block 3 and Plan 522, onto the public lane.
2. That the agreement mentioned above shall be considered as schedule "A" to this By-law.
3. That the Reeve and the Secretary-Treasurer are hereby authorized to sign all necessary documents on behalf of the Municipality in order to complete this agreement.
4. That a copy of the above mentioned encroachment agreement shall be registered as a caveat on Lots 14 and 15, Block 3 and Plan 522.

DONE AND PASSED in open council of the Rural Municipality of Morris assembled this 5 day of June, 1992.



Reeve



Secretary-Treasurer.

EASEMENT AGREEMENT

B E T W E E N:

RURAL MUNICIPALITY OF MORRIS
(hereinafter called the "Grantor")

OF THE FIRST PART,

- and -

JAMES WAYNE PENNER AND LEONA PENNER
of P.O. Box 129, Lowe Farm, Manitoba, R0G 1E0
(hereinafter called the "Grantees")

OF THE SECOND PART.

WHEREAS the Grantees are entitled to be the registered owners
of:

Lots 14 and 15, Block 3, Plan 522 MLTO (W DIV) in the
SW 1/4 6-5-1 WPM

AND WHEREAS the garage located on the land which the Grantees are
entitled to be the registered owners of, encroaches on a Public
Lane (as shown on a Building Location Certificate attached hereto
as Schedule "A");

AND WHEREAS THE Grantor is willing to grant an easement relating
to the encroachment of the garage on the Public Lane;

NOW THEREFORE IN CONSIDERATION of the covenants herein contained, and the sum of \$1.00 paid by the Grantees to the Grantor, (the receipt whereof is hereby acknowledged), the parties hereto agree as follows:

1. The Grantor grants to the Grantees, their heirs, assigns and the occupants of:

Lots 14 and 15, Block 3, Plan 522 MLTO (W Div) in the SW $\frac{1}{4}$ of Section 6-5-1 WPM

an easement over the following land:

The Public Lane adjacent to said Lots 14 and 15, Block 3, Plan 522 MLTO (W Div) in the SW $\frac{1}{4}$ of Sec. 6-5-1 WPM.

2. This grant of easement shall terminate if the easement is used for other than its contemplated use, being the location of the existing garage as set out in Schedule "A";

3. In the event of total demolition or any major renovation of the existing garage referred to herein, the right of easement granted herein shall terminate and the garage shall be relocated to proper distances within the property boundaries.



4. The parties hereto agree that provisions of this agreement shall run with the land and shall be binding upon all successors in title.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the _____ day of _____ 1992.

SIGNED, SEALED AND DELIVERED in the presence of:

) R . M. OF MORRIS
)
) Paul J. ...
) Reeve
) J. Macaloy
) Secretary Treasurer
)
) _____
) James Wayne Penner
)
) _____
) Leona Penner
)

A. G. DEBNER, M.L.S.
G. J. LAMOREVILLE, M.L.S.
L. N. McLAUGHLIN, M.L.S.

**POLLOCK & WRIGHT
LAND SURVEYORS**

SCHEDULE "A"

TELEPHONE: 947-1557 FAX: 943-3024
TOLL FREE: 1-800-563-8656

Main Office
303 - 379 Broad-
Winnipeg, Manito-
B.C.U

Wednesdays: 9:00 to 5:
Civic Centre, Room -
Winkler, Manito-
B5W -
Tel: 325-4

May 1st, 1992

Mr. Bruce Gregory
Barrister and Solicitor
Box 811
Morris, Manitoba
R0G 1K0

Dear Sir:

RE: Lots 14 and 15, Block 3, Plan 522 MLTO, (W.Div.),
in SW 1/4 6-5-1 WPM

Certificate of Title: A49939

Registered Owner: Lorne Peter Zacharias and Colleen Grace Zacharias

Encumbrances: Instrument 89-0202 is registered against the above
Certificate of Title

This is to certify that I have made the necessary measurements to determine the position of a one and one half storey dwelling, numbered 17 on the East side of Third Street in the R.M. of Morris (Lowe Farm) and find that the same above ground level is contained entirely within the limits of the above described land.

The garage, deck and play structure appurtenant to the said dwelling are contained entirely within the limits of the above described land, except for the Easterly wall and eave of the garage which encroach onto the Public Lane to the East 0.55 and 1.05 foot respectively.

There are no encroachments above ground level onto the above described land by buildings from adjoining properties.

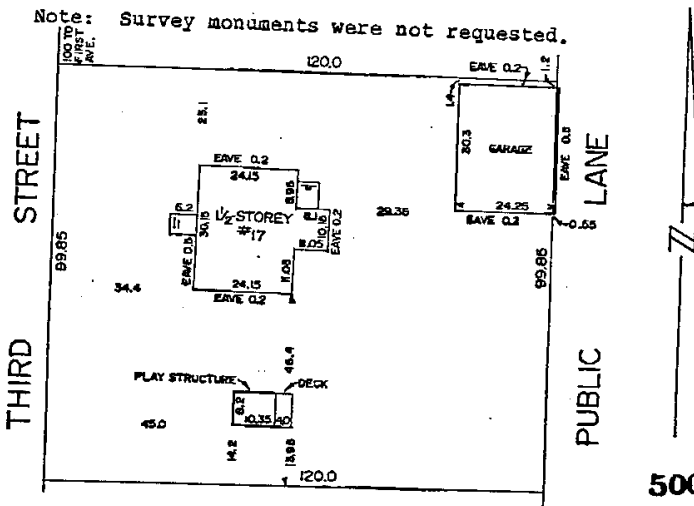
This survey was made on the 30th day of April, 1992.

J. M. Pollock, M.L.S.

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S K E T C H

Note: Survey monuments were not requested.



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