

THE RURAL MUNICIPALITY OF MORRIS

BY-LAW NO. 1462/95

BEING a By-law authorizing the execution of an encroachment agreement between the R. M. of Morris and Robert Fred Wroblewsky.

WHEREAS a commercial building located on Lots 1 and 2, in Block 3 and Plan 916, in Sperling, Manitoba is encroaching onto Station Street;

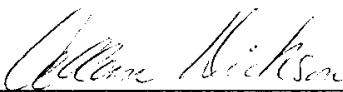
AND WHEREAS the building on this property is currently owned by Robert Fred Wroblewsky;

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 Robert Fred Wroblewsky recognizing the encroachment of the commercial building on Lots 1 and 2, Block 3 and Plan 916, onto Station Street.
2. That the agreement mentioned above shall be considered as schedule "A" to this By-law.
3. That the Reeve or Deputy-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 1 and 2, Block 3 and Plan 916.

DONE AND PASSED in open Council of the Rural Municipality of Morris assembled this 12th day of January, 1995.


Deputy- 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 -

ROBERT FRED WROBLEWSKY
of Sperling, Manitoba, ROG 2M0
(hereinafter called the "Grantees")

OF THE SECOND PART,

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

Lots 1 and 2, Block 3, Plan 916 MLTO (C Div)
in the W 1/2 29-6-2 WPM

AND WHEREAS the 1 storey shop located on the land which the Grantees are entitled to be the registered owners of, encroaches onto Station Street to the North a maximum of 0.6 of a foot and the eaves encroach an additional 0.8 of a foot (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 shop on Station Street;

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 Grantee, his heirs, assigns, and the occupants of:

Lots 1 and 2, Block 3, Plan 916 MLTO (C Div)
in the W 1/2 29-6-2 WPM

an easement over the following land:

Station Street

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

3. In the event of total demolition of the shop referred to herein or in the event of destruction of that portion of the shop which overhangs onto the street, the right of easement grant herein shall terminate.

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

WILSON & NEAL
MANITOBA LAND SURVEYORS

J. T. Wood, M.L.S.
K.W. Bailey, M.L.S.
G.J. Wood, M.L.S.
I.R. Bowman, M.L.S., C.L.S.

AMLS

SURVEYOR'S BUILDING LOCATION CERTIFICATE

Offices at:

102-720 Broadway
Winnipeg, Manitoba
R3G 0X1
Telephone: (204) 775-8968
Fax: (204) 786-2701
Toll Free: 1-800-542-8903

100-127 8th Street
Morden, Manitoba
R6M 2B4
Telephone: (204) 822-6051
Fax: (204) 822-6054
Toll Free: 1-822-6053

File No. 940863

16 December 1994

McKenzie, Mooney & Brown
Box 1240
Carman, Manitoba
R0G 0J0

Attention: Robert McKenzie

Re: Lots 1 and 2 Block 3 Plan 916 MLTO (C Div) in the W $\frac{1}{2}$ 29-6-2 WPM

Certificate of Title: A62671 MLTO Searched December 14, 1994
Registered Owner: Robert Fred Wroblewsky

Encumbrances: There are no encumbrances registered against the above Certificate of Title.

This is to certify that, as requested, we have made the necessary measurements to determine the position of a 1 storey shop, trailer and a movable shed on the South West corner of Station Street and Main Street in the Village of Sperling, and find that the same above sidewalk level are contained entirely within the limits of the above described land. EXCEPT the main wall of the 1 storey shop encroaches onto Station Street to the North a maximum of 0.6 of a foot and the eaves encroach an additional 0.8 of a foot.

SEE SKETCH ON REVERSE SIDE HEREOF

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

Please note that no survey monuments were requested to be installed at property corners.

This survey was made on the 15th day of December, 1994.

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Yours truly,

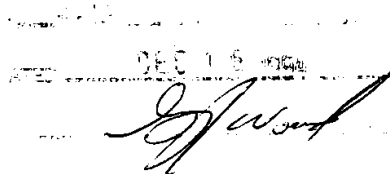
WILSON & NEAL

Per:



M.L.S.

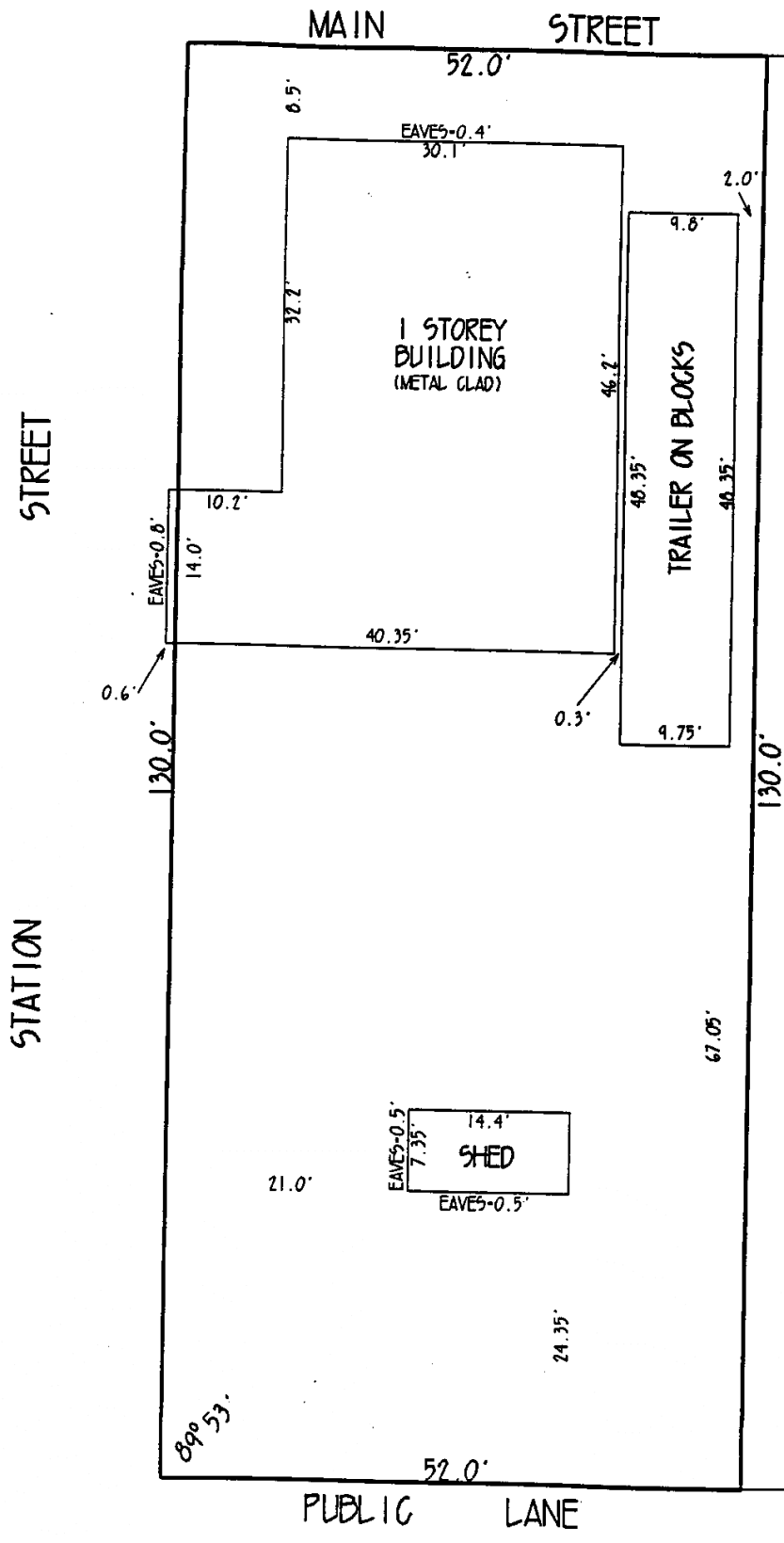
SEAL

DEC 16 1994


WILSON & NEAL

SURVEYOR'S BUILDING LOCATION CERTIFICATE

FILE 940863
IMPERIAL



NOTE:
THIS SKETCH FORMS PART ONLY OF A SURVEYOR'S
BUILDING LOCATION CERTIFICATE AND MUST BE
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