

ATTACHMENT A EXISTING REGISTERED COVENANT (S126899)

PID 25-143
SK

S 126899

MUNICIPAL ACT

(S. 215) COVENANT

FORM 17

Before submitting this application, applicants should check and satisfy themselves to tax position, including taxes of the Crown Provincial, a Municipality and Improvement, Water and Irrigation Districts.

NATURE OF INTEREST: RESTRICTIVE COVENANT

TRUE VALUE:

HEREWITH FEE OF \$ 25.00

PID # 000-025-143

Full name, address and telephone number of person presenting application:

Address of person entitled to be registered as owner if different from that shown in Instrument:

P.W. McKechnie
City of Nanaimo
455 Wallace Street,
Nanaimo, B.C.
V9R 5J6 754-4251

P.W. McKechnie

Signature of Applicant, or Solicitor, or Authorized Agent 12/01/87 016736 CHG MON 25.00

RECEIVED
LAND TITLE
VICTORIA, B.C.

1 Dec 87

THIS AGREEMENT made the 10th day of NOV. A.D. 1987.

BETWEEN:

JAMES EDWARD SYMINGTON AND JACYNTHIE BROUARD-SYMINGTON
231 Pine Street
Nanaimo, B.C.
V9R 2B5

(hereinafter called the "Grantor")

OF THE FIRST PART,

AND:

CITY OF NANAIMO
455 Wallace Street
Nanaimo, British Columbia
V9R 5J6

(hereinafter called the "Grantee")

OF THE SECOND PART.

FORM 1 (Section 39)
MEMORANDUM OF REGISTRATION
Registered on application received on
the day and date written hereon
M. H. CRISWOLD, Registrar of the
Victoria Land Title Office

RECEIVED
CAYO
JUN 28 2018
CITY OF NANAIMO
COMMUNITY DEVELOPMENT

2

-2-

The Grantors, James Edward Symington and Jacynthe Brouard-Symington are the registered owners in fee simple of:

That Part of Lot 4, Block 3, Newcastle Reserve, Section 1, Nanaimo District, Plan 5753, Lying to the West of The Highway through Said Lot 4, that Highway being shown on said Plan 5753

The Grantor applied to the Grantee to have the land rezoned to Parking 1 Zone provided that the use of the land be restricted as set out in this agreement.

NOW, THEREFORE, in consideration of the premises and the covenants contained in this agreement and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties covenant and agree to and with each other as follows:

The Grantors agree that the property shall be used solely for the purpose of a parking lot for vehicles, at ground level only, and specifically excluding any buildings or structures.

The Grantee shall consider the Grantors' application to rezone the land pursuant to the procedure set out in the Municipal Act.

The Grantors covenant and agree for themselves, their heirs, executors, successors and assigns, that they will at all times perform and observe the requirements and restrictions thereinbefore set out but so nevertheless that the same shall be binding upon the Grantors as personal covenants only during the period of their respective ownership and any interest in the land.

The restrictions and covenants herein contained shall be covenants running with the land and shall be perpetual, and shall be registered in the Land Title Office at Victoria pursuant to Section 215 of the Land Title Act as covenants in favour of the Grantee.

This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors and assigns.

Wherever the expression "Grantor" and "Grantee" are used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

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IN WITNESS WHEREOF the parties have hereunto set their respective hands and seal the day and year first before written.

THE CORPORATE SEAL of
THE CITY OF NANAIMO
was affixed hereto in the
presence of:

(SEAL)

Mayor

City Clerk

SIGNED, SEALED AND DELIVERED
in the presence of:

Witness

30 FRONT ST.
Address

NANAIMO BC
V9R 5X9
SOLICITOR

LAND-TITLE ACT
Form 6
(Section 46)

PROOF OF EXECUTION BY CORPORATION

2 TSC000

I CERTIFY that on the 13th day of November, 19 82, at NANAIMO, in British Columbia,

GARY HASON

whose identity has been proved by the evidence on oath of

who is) personally known to me, appeared before me and acknowledged to me that he/she is the authorized signatory of City of Nanaimo

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 NANAIMO BC this 13th day of October, 19 82.

*** [Signature]
A COMMISSIONER FOR
TAKING AFFIDAVITS
FOR

*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.