

Richard R. Holeton Professional Corporation

Barrister, Solicitor, Notary

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My File: 27,800B-16

August 18, 2016

County of St. Paul #19
5015 – 49 Avenue
St. Paul, AB T0A 3A4

Att: Krystal Fedoretz:

RE: Lot 9, Block 4, Plan 1521299

Further to our recent telephone conversation, I attach a draft encroachment agreement which I understand you will want to review with your lawyer. I also understand that approval of the County Council is required and I would ask that you advise the date and time that this matter will be addressed by Council.

Thank you.

Yours truly,

RICHARD R. HOLETON
PROFESSIONAL CORPORATION



RICHARD R. HOLETON

RRH/vj

Enclosure

Cc: R. & D. Smyl

ENCROACHMENT AGREEMENT

THIS agreement made in triplicate, this day of August, A.D. 2016.

BETWEEN:

DAMIAN RENE JOSEPH PIQUETTE and
ALEXANDRA JOANNE THOMSON,
both of Box 587
St. Paul, Alberta T0A 3A0
(Hereinafter referred to as "Piquette and Thomson")

OF THE FIRST PART

- and -

COUNTY OF ST. PAUL NO. 19,
of St. Paul, Alberta
(Hereinafter referred to as "the County")

OF THE SECOND PART

WHEREAS Piquette and Thomson are the registered owners of those lands described as follows:

PLAN 1521299
BLOCK 4 LOT 9
EXCEPTING THEREOUT ALL MINES AND MINERALS
(Hereinafter called the "Dominant Tenement");

AND WHEREAS the County is the registered owner of those lands described as follows:

PLAN 2705RS
BLOCK R4 (RESERVE)
EXCEPTING THEREOUT:

| | HECTARES | (ACRES) | MORE OR LESS |
|-------------------------------|----------|---------|--------------|
| A) PLAN 1521299 - SUBDIVISION | 0.012 | 0.03 | |

EXCEPTING THEREOUT ALL MINES AND MINERALS
(Hereinafter called the "Servient Tenement");

AND WHEREAS the two properties adjoin each other;

AND WHEREAS situated on the Dominant Tenement is a shed the eaves of which encroach on a portion of the County's property to a maximum of 0.27 meters and a concrete foundation being part of a house and garage which encroaches on a portion of the County's property to a maximum of 0.74 meters as more particularly shown in a real property report prepared by Explore Surveys Inc. dated April 6, 2015, a copy of which is attached hereto and made part hereof;

AND WHEREAS the County has agreed that these encroachments may continue but only in accordance with the terms of this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. The County hereby permits Piquette and Thomson's shed and concrete foundation to encroach upon the Servient Tenement to the extent of the encroachment area as shown in red on the true copy of the real property report which is annexed hereto and forms Schedule "A" to this Agreement, subject to the terms covenants and conditions hereinafter set forth.

2. Piquette and Thomson covenant with the County to indemnify and hold harmless the County and its employees and agents from all claims, damages, costs, losses, expenses, actions and suits, by, or arising directly or indirectly out of the encroachment permitted under this agreement, or by reason of any matter or anything done, permitted or omitted to be done, by Piquette and Thomson or their heirs, administrators and assigns, and whether occasioned by negligence or otherwise.

3. The terms of this Agreement shall be for the lifetime of the said shed and concrete foundation on Piquette and Thomson's property, however in the event that the said shed and concrete foundation are at any time hereafter destroyed, or cease to exist for any reason then the same shall not be rebuilt on the Servient Tenement, and the encroachment rights herein granted shall thereupon lapse with respect to the shed and concrete foundation.

4. The terms of this Agreement shall run with Piquette and Thomson's land and shall bind the County's land. Either party shall be at liberty to register this Agreement by way of Caveat or otherwise to protect their interest under the terms of this Agreement. Any such Caveat or registration shall lapse and shall forthwith be discharged upon the termination of the rights granted by this Agreement.

5. This Agreement shall enure to the benefit of and be binding upon the heirs, executors, administrators, assigns and successors in title of the parties hereto and the covenants and benefits herein contained shall pass with any transfer of the said lands owned by the parties hereto.

IN WITNESS WHEREOF the Parties hereto have set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED)
in the presence of:

as to the signatures of
Damien Rene Joseph Piquette
& Alexandra Joanne Thomson

} _____
DAMIEN RENE JOSEPH PIQUETTE
}
} _____
ALEXANDRA JOANNE THOMSON
}

COUNTY OF ST. PAUL NO. 19
Per:

Per:

Head office:
18941-111 Avenue NW
Edmonton, AB
T5S 2X4
Toll Free: 1-866-936-1805

EXPLORE
SURVEYS INC.

Branch office:
5117-50 Avenue
St. Paul, AB
T0A 3A0
Phone: (780) 645-3399

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

OUR FILE: X029215
YOUR FILE: R27800B-15 RH/aw

TO: RICHARD R. HOLETON PROF. CORP.
4405 - 50th AVENUE
ST. PAUL, AB
T0A 3A3

RE: LOT 9
BLOCK 4
PLAN 152 1299
COUNTY OF ST. PAUL NO. 19, AB

DATE OF SURVEY: APRIL 1, 2015

CERTIFICATE OF TITLE: 152 080 275
(A copy of the title is attached)
DATE OF TITLE SEARCH: MARCH 31, 2015

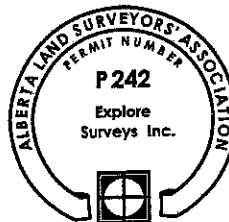
Alberta Land Surveyor's Certification:
I hereby certify that this Report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Alberta Land Surveyors' Association's Manual of Standard Practice and supplements thereto. Accordingly, within those standards and as of the date of this Report, I am of the opinion that:

1. the plan illustrates the boundaries of the Property, the improvements as defined in Part D, Section 8.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, and registered easements and rights-of-way affecting the extent of the title to the Property;
2. the improvements are entirely within the boundaries of the Property;
Except for the encroachment shown on page 2.
3. no visible encroachments exist on the Property from any improvements situated on an adjoining property;
4. no visible encroachments exist on registered easements or rights-of-way affecting the extent of the Property;
5. eaves are measured to line of fascia;
6. distances shown to the buildings are to the greatest extent of the building;
7. title as subject to the following encumbrances:
UTILITY RIGHT OF WAY # 802 022 455, 802 271 388, 822 257 902, 042 395 741, 042 395 742.

Purpose of Report:

This Report and attached plan have been prepared for the benefit of the Property owner, subsequent owners, and any of their agents for the purpose of (a land conveyance, support of a subdivision application, a mortgage application, a submittal to the municipality for a compliance certificate, etc.) Copying is permitted only for the benefit of these parties, and only if the plan remains attached. Where applicable, registered easements and utility rights-of-way affecting the extent of the Property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been placed during the survey for this Report. The attached plan should not be used to establish boundaries because of the risk of misinterpretation or measurement error by the user. The information shown on this Report reflects the status of this Property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

Dated at St. Paul, Alberta
APRIL 6, 2015



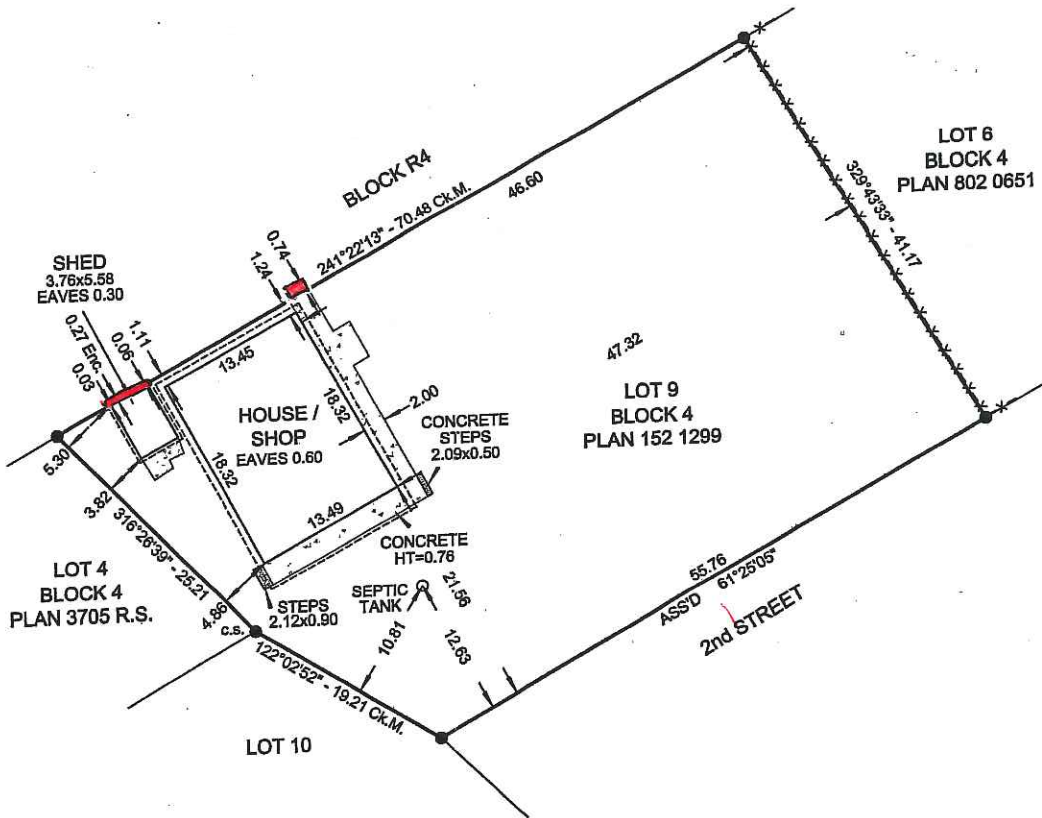
A. Rachynski

A. Rachynski, A.L.S. © 2015

This document is not valid unless it bears an original signature (in blue ink) and a (survey company) permit stamp (in red ink).

ABBREVIATIONS

| | |
|--------|----------------|
| Fd. | FOUND |
| c.s. | COUNTER SUNK |
| ASS'D | ASSUMED |
| Ck. M. | CHECK MEASURED |
| HT | HEIGHT |
| Enc. | ENCROACHMENT |



NOTE:
1. SHED EAVE ENCROACHES ONTO BLOCK R4
GREATEST EXTENT IS 0.27m.

SCALE 1:500

THIS IS PAGE 2 OF 2 OF A REAL PROPERTY REPORT, AND IS INEFFECTIVE IF DETACHED FROM PAGE 1

DISTANCES ARE SHOWN IN METERS AND DECIMALS THEREOF
STATUTORY IRON POST FOUND SHOWN THUS●
CONCRETE SHOWN THUS ————
FENCES ARE SHOWN THUS -X-X-, AND ARE WITHIN 0.20m
OF PROPERTY LINE UNLESS SHOWN OTHERWISE

EXPLORE
SURVEYS INC.

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Drawn By: F.M.

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Calcd By: F.M. File No. X029215