

**THIS GRANT OF RIGHT-OF-WAY** made as of this 29<sup>th</sup> day of November, 2012.

**BETWEEN:**

**Twin Lakes Development Limited**, a body corporate

(hereinafter called the "Grantor")

**OF THE FIRST PART**

- and -

**Halifax Regional Municipality**

(hereinafter called the "Grantee")

**OF THE SECOND PART**

**WHEREAS:**

1. the Grantor is the owner of certain lands and premises situate at Prince Albert Road, Halifax Regional Municipality, County of Halifax, Province of Nova Scotia, being more particularly described in Schedule "A" attached hereto (hereinafter called the "Servient Tenement");
2. the Grantee is the owner of certain lands and premises situate at 2 Penhorn Drive, Halifax Regional Municipality, County of Halifax, Province of Nova Scotia, being more particularly described in Schedule "B" attached hereto (hereinafter called the "Dominant Tenement");
3. the Grantee has conveyed a portion of the Servient Tenement to the Grantor partly in consideration of a grant of right of way to be granted over the Servient Tenement for the purposes of a new walking path running between Prince Albert Road and the school grounds on the Dominant Tenement (the "Walkway Easement to be Deeded Back to HRM") in the location more or less shown on the sketch shown in Schedule "C" attached hereto (the "Sketch");
4. the Grantor and Grantee intend to establish and grant the Walkway Easement to be Deeded Back to HRM once the Grantee has completed its intended development of the Servient Tenement and the Walkway Easement to be Deeded Back to HRM is properly surveyed or otherwise described, but in the interim wish to continue to allow use of an existing walking path being shown on the Sketch as "Existing Walkway" and running from Prince Albert Road along Bartlin Road and then to the westerly boundary of the Dominant Tenement (the "Existing Walkway"); and

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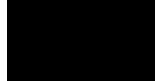
5. the Grantor and Grantee have therefore agreed to establish the grant of the Existing Walkway by this Grant of Right of Way and shall grant the Walkway Easement to be Deeded Back to HRM at such time when the new walkway is constructed and an as built survey can be completed.

**NOW THEREFORE THIS INDENTURE WITNESSETH** as follows:

1. In consideration of the sum of One Dollar (\$1.00) and further good and valuable consideration now paid by the Grantee to the Grantor (the receipt whereof the Grantor hereby acknowledges), the Grantor hereby grants unto the Grantee full right and liberty for the Grantee and its successors in title, the owners and occupiers of the Dominant Tenement or any portion thereof and their respective servants, tenants, employees, guests, licensees, and the general public to cross over at all times hereafter by day or night by foot or non-motorized vehicle (with the exception of snow removal vehicles) for purposes of travel between the Dominant Tenement and Prince Albert Road over the portion of the Servient Tenement comprised of the Existing Walkway.
2. The Grantor covenants with the Grantee that they shall have quiet enjoyment of the Right-of-Way granted herein, that the Grantor has a good title in fee simple to the Servient Tenement and the right to grant the Right-of-Way as hereby conveyed, and that the Grantor will procure such further assurances as may be reasonably required.
3. This Grant of Right of Way shall enure to the benefit of and be binding upon the Grantor and Grantee, their heirs, executors, administrators, successors, and assigns, the owners from time to time of the Dominant Tenement and the Servient Tenement and shall be to the benefit of the Dominant Tenement.
4. In this Grant of Right of Way the singular includes the plural and the masculine includes the feminine, with the intent that this Grant of Right of Way shall be read with all appropriate changes in number and gender.
5. The Grantor hereby agrees to grant a Right of Way for the Walkway Easement to be Deeded Back to HRM forthwith after such walkway has been constructed and as built survey has been completed.

**IN WITNESS WHEREOF** the Grantor has executed this Grant of Right of Way on the date first noted above.

Signed, Sealed and Delivered  
in the presence of



Witness - Ian B. Bilek

Twin Lakes Development Limited



Per: Robert Yuille, President

**PROVINCE OF NOVA SCOTIA )**

**I HEREBY CERTIFY** that on this 29<sup>th</sup> day of November, 2012, Twin Lakes, the grantor in the foregoing Grant of Right of Way signed and delivered the same in my presence by the hand of its duly authorized officer, Robert Yuille.

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Ian B. Bilek

A Barrister of the Supreme Court  
Of Nova Scotia

**Ian B. Bilek**  
A Barrister of the Supreme Court  
of Nova Scotia

**Schedule "A"**

**Legal Description of  
LOT TL-1  
Prince Albert Road and Curley Drive  
Dartmouth, Halifax County, Nova Scotia**

**ALL THAT CERTAIN** lot of land situated on the southeastern side of Prince Albert Road and the southern side of Curley Drive, Dartmouth, Halifax County, Nova Scotia, shown as **LOT TL-1** on a Plan of Survey of Lots TL-1 and AS-2, resulting from a subdivision and consolidation of portions of Lot 1-2-3-D & Lot 4, Lands of John Chisholm, Trevor Chisholm & Robert Clifford Yuille; Lot A2 & Lot B, lands of Robert Yuille; and Parcels BR-1 & AS1, lands of Halifax Regional Municipality, certified by Joseph R. Alcorn, N.S.L.S., dated October 26, 2012 and filed as Aldemey Surveys Limited Drawing No. 076387-1, being more particularly described as follows:

**BEGINNING** at a point on the southeastern boundary of Prince Albert Road. Said point being the most northerly corner of Lot A1, lands of the Association of Nova Scotia Land Surveyors and being South 01 degrees 27 minutes 29 seconds East, a distance of 21.79 feet from Nova Scotia Coordinate Monument Number 5481, as shown on the above mentioned plan;

**THENCE** North 54 degrees 44 minutes 37 seconds East, a distance of 40.06 feet along said southeastern boundary of Prince Albert Road to the most westerly corner of Lot 7-8-9-10A, lands of Robert Yuille & R & R Real Estate;

**THENCE** South 38 degrees 23 minutes 02 seconds East, a distance of 199.11 feet along a southwestern boundary of said Lot 7-8-9-10A to a point;

**THENCE** North 50 degrees 51 minutes 44 seconds East, a distance of 2.86 feet along a southeastern boundary of Lot 7-8-9-10A to a point;

**THENCE** South 39 degrees 14 minutes 50 seconds East, a distance of 20.19 feet along a southwestern boundary of Lot 7-8-9-10A to the most southerly corner thereof;

**THENCE** North 50 degrees 51 minutes 46 seconds East, a distance of 165.62 feet along the southeastern boundary of Lot 7-8-9-10A and a portion of the southeastern boundary of Lot 5-XY-B-C, lands of Caryn Grace Breed and Perley Stephen Breed to the most northern corner of Lot 4, lands of John Chisholm, Trevor Chisholm & Robert Clifford Yuille;

**THENCE** North 50 degrees 51 minutes 46 seconds East, a distance of 15.91 feet along a portion of the southeastern boundary of Lot 5-XY-B-C, lands of Caryn Grace Breed and Perley Stephen Breed to the most eastern corner thereof;

**THENCE** North 32 degrees 32 minutes 04 seconds West, a distance of 210.50 feet along the northeastern boundary of Lot 5-XY-B-C, lands of Caryn Grace Breed and Perley Stephen Breed to its intersection with a curved southeastern boundary of Prince Albert Road;

**THENCE** northeasterly, following a curve to the right having a radius of 1309.60 feet, an arc distance of 53.18 feet along said curved southeastern boundary of Prince Albert Road to its

intersection with the southwestern boundary of Lot C-8X, lands of Tawaak Housing Association (chord bearing and distance being North 49 degrees 13 minutes 01 seconds East and 53.18 feet, respectively);

**THENCE** South 50 degrees 13 minutes 01 seconds East, a distance of 299.54 feet along said southwestern boundary of Lot C-8X, lands of Tawaak Housing Association and the southwestern boundary of Lot C-7BX, lands of Warren Parsons & Jean Parsons to the most southern corner thereof;

**THENCE** North 50 degrees 25 minutes 00 seconds East, a distance of 2.27 feet along a southeastern boundary of said Lot C-7BX to a point;

**THENCE** North 35 degrees 41 minutes 06 seconds East, a distance of 1.24 feet along a southeastern boundary of said Lot C-7BX to its intersection with the southern boundary of Curley Drive;

**THENCE** South 51 degrees 15 minutes 56 seconds East, a distance of 20.00 feet along said southern boundary of Curley Drive to the most northern corner of Lot AS-2;

**THENCE** South 17 degrees 10 minutes 47 seconds West, a distance of 149.32 feet along a western boundary of said Lot AS-2 to a point;

**THENCE** South 29 degrees 22 minutes 59 seconds West, a distance of 90.25 feet along another western boundary of Lot AS-2 to a point;

**THENCE** South 38 degrees 37 minutes 54 seconds West, a distance of 152.90 feet along another western boundary of Lot AS-2 to the most westerly corner thereof;

**THENCE** North 51 degrees 22 minutes 58 seconds West, a distance of 343.45 feet along a portion of the northeastern boundary of Lot 5, lands of East Coast Equity Ltd., Eastern Management Limited and J. Douglas Havill, the northeastern boundary of Lot 4, lands of East Coast Equity Ltd., the northeastern boundary of Lot 3, lands of John Douglas Havill to the most southerly corner of Lot B, lands of Robert Yuille and a northeastern boundary of Lot 2, lands of J. Douglas Havill and East Coast Equity Ltd. to the most southern corner of Lot A2, lands of Robert Yuille;

**THENCE** North 50 degrees 37 minutes 07 seconds West, a distance of 83.77 feet along the southwestern boundary of said Lot A2, lands of Robert Yuille to the most western corner thereof. Said point also being the most southern corner of the aforementioned Lot A1, lands of the Association of Nova Scotia Land Surveyors;

**THENCE** North 54 degrees 36 minutes 21 seconds East, a distance of 82.21 feet along the southeastern boundary of said Lot A1, lands of the Association of Nova Scotia Land Surveyors to the most eastern corner thereof;

**THENCE** North 38 degrees 23 minutes 02 seconds West, a distance of 60.44 feet along the northeastern boundary of Lot A1, lands of the Association of Nova Scotia Land Surveyors to the PLACE OF BEGINNING.

**CONTAINING** 112,696 square feet.

**SUBJECT TO** Easement SE-1, a sewer easement in favour of Halifax Regional Municipality, as shown and mathematically delineated on the above mentioned plan.

**SUBJECT TO** an 18- foot wide easement along the northwestern boundary of Lot B, lands of Robert Yuille, as described in a deed in Book 3111 at Page 899 and as shown and mathematically delineated on the above mentioned plan.

**BEARINGS** are Grid, based on the Nova Scotia 3-Degree Modified Transverse Mercator Projection, ATS 77 Datum, Zone 5, Central Meridian 64 degrees 30 minutes West Longitude.

**Schedule "B"**

**Legal Description of  
LOT AS-2**

**Penhorn Drive and Curley Drive  
Dartmouth, Halifax County, Nova Scotia**

**ALL THAT CERTAIN** lot of land situated on the southern side of Penhorn Drive and the southern side of Curley Drive, Dartmouth, Halifax County, Nova Scotia, shown as **LOT AS-2** on a Plan of Survey of Lots TL-1 and AS-2, resulting from a subdivision and consolidation of portions of Lot 1-2-3-D & Lot 4, Lands of John Chisholm, Trevor Chisholm & Robert Clifford Yuille; Lot A2 & Lot B, lands of Robert Yuille; and Parcels BR-1 & AS1, lands of Halifax Regional Municipality, certified by Joseph R. Alcorn, N.S.L.S., dated October 26, 2012 and filed as Alderney Surveys Limited Drawing No. 076387-1, being more particularly described as follows:

**BEGINNING** at a point on the southern boundary of Penhorn Drive. Said point being the northwestern corner of Lot 11, lands conveyed to Michael Kevin Puddifant and June Marie Puddifant by deed recorded at the Halifax County Land Registration Office on July 27, 2009 as Document Number 93895333, as shown on the above mentioned plan;

**THENCE** South 38 degrees 44 minutes 04 seconds West, a distance of 380.07 feet along the western boundary of said Lot 11 and in continuation thereof along the western boundaries of Lots 12, 13, 14 and 15 to the southwestern corner of said Lot 15. Said point being on the northern boundary of Lot 9A, lands of Killam Investments Inc.;

**THENCE** North 51 degrees 22 minutes 58 seconds West, a distance of 374.22 feet along a portion of said northern boundary of Lot 9A, lands of Killam Investments Inc. and in continuation thereof along the northern boundaries of Lot 8A and Lot 6A and a portion of the northern boundary of Lot 5 to the most southerly corner of Lot TL-1;

**THENCE** North 38 degrees 37 minutes 54 seconds East, a distance of 152.90 feet along an eastern boundary of said Lot TL-1 to a point;

**THENCE** North 29 degrees 22 minutes 59 seconds East, a distance of 90.25 feet along another eastern boundary of Lot TL-1 to a point;

**THENCE** North 17 degrees 10 minutes 47 seconds East, a distance of 149.32 feet along another eastern boundary of Lot TL-1 to its intersection with the aforementioned southern boundary of Curley Drive;

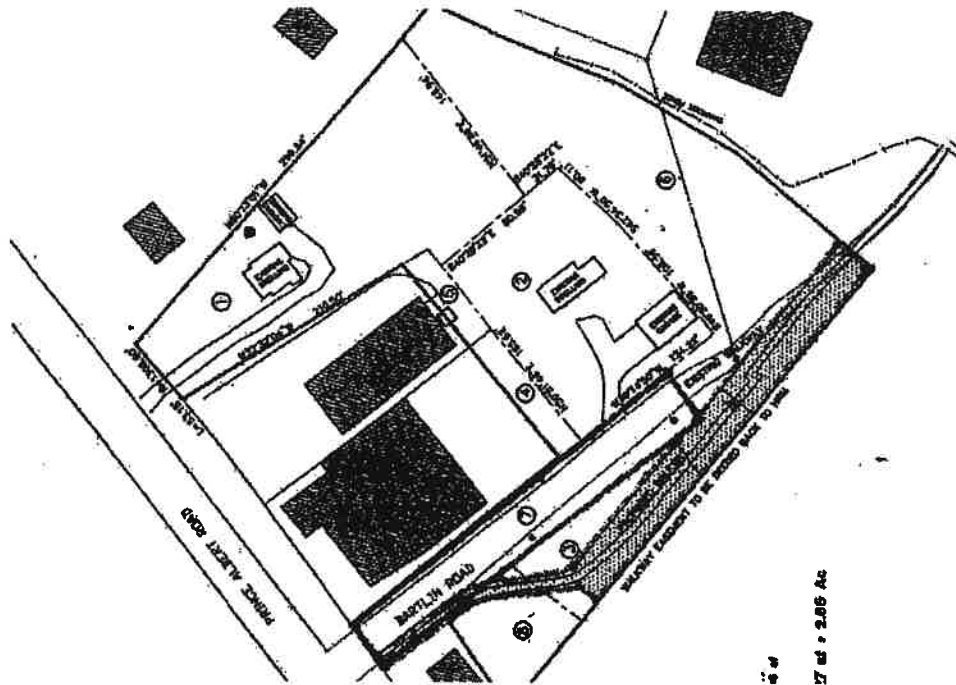
**THENCE** South 51 degrees 15 minutes 56 seconds East, a distance of 444.02 feet along said southern boundary of Curley Drive and in continuation thereof along the aforementioned southern boundary of Penhorn Drive to the PLACE OF BEGINNING.

**CONTAINING** 148,955 square feet.

**BEARINGS** are Grid, based on the Nova Scotia 3-Degree Modified Transverse Mercator Projection, ATS 77 Datum, Zone 5, Central Meridian 64 degrees 30 minutes West Longitude.

### Schedule "C"

The Right of Way granted herein consists of the area shown on the sketch below as "Existing Walkway" and running over the Servient Tenement between Prince Albert Road and the westerly boundary of the Dominant Tenement.



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17 of 2,000 Acs