

1989 APR 10 07 3

EC083186

RECEIVED
LAND TITLE OFFICE
VICTORIA

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 \$ 35.00

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:

City of Nanaimo
455 Wallace Street
Nanaimo, B.C. V9R 5J6
(604)-754-4251

PID #:000-504-157

WILSON STAPLES McDANNOLD & CO.
Barristers & Solicitors, 2nd Floor, 837 Burdett
Victoria, British Columbia V8W 1B3
380-7744

Col Stewart

Signature of Applicant, or Solicitor, or Authorized Agent

THIS AGREEMENT made the 10th day of April, A.D. 1989.

BETWEEN: CALEDONIAN HOLDINGS LTD.
Box 591
Nanaimo, B.C.
V9R 5L5

(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.

MEMORANDUM OF REGISTRATION
Registered on application received on
the day and time written hereon
K. JACQUES, Registrar
Victoria Land Title Office

-2-

- A. The Grantor, Caledonian Holdings Ltd. is the registered owner in fee simple of

Lot A, Plan 41197, District Lot 25, Wellington District

- B. The Grantor applied to the Grantee to have the land rezoned to Limited Commercial 2 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:

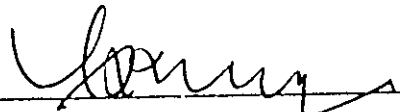
1. The Grantors agree that the property shall be used solely for the purpose of medical offices, with optional drug dispensary facilities and lab facilities.
2. The Grantee shall consider the Grantors' application to rezone the land pursuant to the procedure set out in the Municipal Act.
3. The Grantors 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.
4. 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.
5. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
6. 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.

-3-

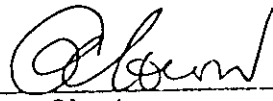
IN WITNESS WHEREOF the parties have hereunto set their respective hands and seal the day and year first before written.

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

(SEAL)



Mayor



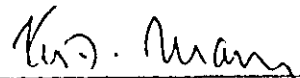
City Clerk

~~SIGNED, SEALED AND DELIVERED~~
in the presence of:

Witness

Address

THE CORPORATE SEAL of
CALEDONIAN HOLDINGS LTS.
was affixed hereto in the
presence of:



Authorized Signatory



Authorized Signatory

4

EC 83186

LAND TITLE ACT
Form 6
(Section 46)

PROOF OF EXECUTION BY CORPORATION

I CERTIFY that on the 10th day of April, 1989, at Nanaimo
_____ in British Columbia, _____

Kenneth F. Mann

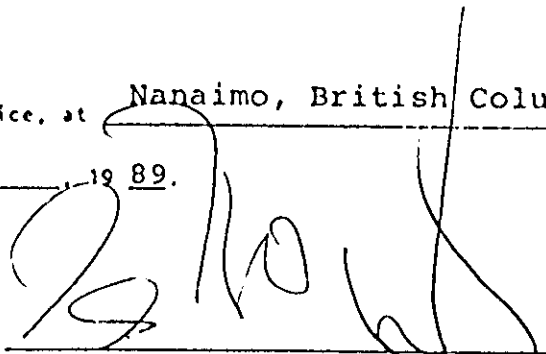
~~(whose identity has been proved by the evidence on oath of _____~~

who is) personally known to me, appeared before me and acknowledged to me that he~~s~~ is the
authorized signatory of CALEDONIAN HOLDINGS LTD.

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, British Columbia
this 10th day of April, 1989.

... 
A Commissioner for Taking Affidavits for British
Columbia
*PETER GIOVANDO
Barrister & Solicitor
1 - 345 Campbell Street
Nanaimo, B.C.*

*Where the person making the acknowledgement 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.