

**Appendix “A”  
Terms and Conditions of Offer to Purchase**

- Subject Property: A portion of the Public Lane at the rear of 3 Kimberley Avenue (the “Lane”).
- Legal Description: Part of PIN 21012-0414(LT)  
Part of Lane, Plan 1186, abutting Lots 19 to 25, Block 13, Plan 635, Toronto, and shown as Part 1 on Sketch No. PS-2007-218.
- Purchaser: Robert Frank Mayer and Teresa Marie Funnell  
(the “Purchaser”)
- Purchase Price: \$25,000.00
- Balance: Cash or certified cheque on closing
- Deposit: \$2,500.00
- Irrevocable Date: November 18, 2008
- Closing Date: 45 days following enactment of the by-law permanently closing the Lane as a public lane. In the event that **(i)** Council has not enacted the closing by-law on or before December 31, 2009; or **(ii)** prior to December 31, 2009, Council has considered the proposed closing by-law and has decided not to enact it, the Agreement of Purchase and Sale shall be at an end and the deposit returned to Purchaser.
- Lane Closing Requirements and Sale Conditions:
1. Purchaser to represent and warrant that it is the sole registered owner of the lands abutting the Lane and that it shall be the sole registered owner of such lands on closing, failing which the agreement of purchase and sale shall be at an end;
  2. Purchaser shall accept the Lane in “as is” condition and, on closing shall execute and deliver a release in favour of the City, in a form satisfactory to the City Solicitor, in respect of all loss, costs, damages, liability or actions relating to the environmental condition of the Lane;
  3. Purchaser shall indemnify the City against all loss, costs, damages or actions including injurious affection claims, resulting from the closure of the

Lane as a public lane;

4. Purchaser shall pay all out-of-pocket expenses that may be incurred by the City as a result of the closure and sale of the Lane and Purchaser shall pay the cost of registering the closing by-law and any other documents necessary or incidental to the closure and sale;
5. Purchaser shall obtain and deposit in the appropriate Land Registry Office, at its sole cost and expense, a reference plan of survey integrated with the Ontario Co-ordinate System, satisfactory to the City Surveyor, which delineates the boundaries of the Lane as one or more separate Parts thereon;
6. Purchaser shall comply with such other terms and conditions as the City Solicitor and the General Manager of Transportation Services may deem advisable to protect the City's interests.