



COMMITTEE OF ADJUSTMENT DECISION

FILE NUMBER: **BN-060/2006**

ROLL NUMBER: **33-10-541-020-02208**

MEETING DATE: August 31st, 2006

APPLICANT: Scholten's Farm Equipment, PO Box 247, RR 2, Courtland ON N0J 1E0

LOCATION: Pt Lot 21, Concession 2 NTR (170 Norfolk County Road 13) (Middleton/Norfolk)

PROPOSAL:

Sever a parcel with a depth of 103.63 m. (340.0 ft.) and having an area of approximately 1,784.7 sq. m. (19,200.0 sq. ft.) and retain a parcel having an area of 15.58 ha. (38.5 ac.) more or less as a boundary adjustment.

762 sq.m (8202 ft²)

DECISION: APPROVED

CONDITIONS:

- ✓1. Receipt of a letter from Norfolk County indicating that their requirements, financial or otherwise have been satisfied including:
 - a) Payment of any outstanding taxes.
- ✓2. Receipt of a letter from the Planning and Economic Development Department indicating that the zoning of the retained lands has been amended.
- ✓3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- ✓4. That the severed parcel becomes part and parcel of the abutting lands presently owned by Aletta Arendina Scholten Roll No. 3310-541-020-02208.
- ✓5. That the solicitor acting in the transfer provide his undertaking in the following manner: "In consideration of the Certificate by the Official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which time it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed".
- ✓6. That a one square foot portion of land presently owned by ~~Scholten's Farm Equipment~~ ^{Aletta Scholten} Roll No. 3310-541-020-02200 be conveyed to the abutting road allowance owned by Norfolk County (registered copy of document for conveyance and reference plan required) for the purposes of consolidating the subject lands with lands owned by 3310-541-020-02208 and that the costs for completing same be at the expense of the applicant.
- ✓7. Receipt of five copies of a registered reference plan and deeds in triplicate of the severed parcel of land.
8. That the above conditions must be fulfilled and the Certificate for consent be issued on or before **August 31st, 2007** after which time the consent will lapse.

REASON:

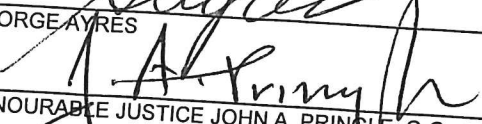
The application complies with the severance policies of the Township of Norfolk Official Plan relating to Boundary Adjustments.

MEMBERS:


MARCEL VANHOOREN

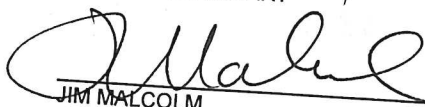

DAN CLONA


GEORGE AYRES


HONOURABLE JUSTICE JOHN A. PRINGLE, Q.C.


JIM WIES


DENNIS TSCHIRHART


JIM MALCOLM

CHAIRMAN:


RICHARD BARKER

I hereby certify this to be a true copy of the Committee of Adjustment and this decision was concurred by a majority of the members who heard the application at a meeting duly held on August 31st, 2006

ACTING SECRETARY-TREASURER:


ANNETTE HELMIG

ADDITIONAL INFORMATION:

If you require additional information regarding the application, please contact Karen Judd, Secretary-Treasurer for Norfolk County Committee of Adjustment, P.O. Box 128, 22 Albert Street, Langton, ON N0E 1G0, (519) 875-4485 extension 235; karen.judd@norfolkcounty.on.ca between 8:30 a.m. and 4:30 p.m.

NOTICE OF CHANGES

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

APPEALS

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice may be filed in the name of an individual who is a member of the association or group.

NOTICE OF LAST DAY FOR FILING OF APPEAL TO THE ONTARIO MUNICIPAL BOARD
(The Planning Act, R.S.O. 1990, as amended, c.p. 13, Section 53(19))

Any person or public body may, not later than twenty days after the giving of a written decision, appeal the decision and/or any condition imposed by Norfolk County, Committee of Adjustment to the Ontario Municipal Board by filing with the Clerk of the Municipality, a notice of appeal setting out reasons for the appeal accompanied by appeal fee (\$125.00) payable to the Minister of Finance on or before the following date:

SEPTEMBER 21ST, 2006



REPORT REGARDING AN APPLICATION TO THE COMMITTEE OF ADJUSTMENT FOR A CONSENT

FILE NO.: BN-060/2006

MEETING DATE:

August 31st, 2006

APPLICANT(S):

Scholten's Farm Equipment, PO Box 247, RR 2, Courtland ON N0J 1E0

AGENT(S):

N/A

LOCATION:

Pt Lot 21, Concession 2 NTR (170 Norfolk County Road 13) (Middleton/Norfolk)

PROPOSAL:

Sever a parcel with a depth of 103.63 m. (340.0 ft.) and having an area of approximately 1,784.7 sq. m. (19,200.0 sq. ft.) and retail a parcel having an area of 15.58 ha. (38.5 ac.) more or less as a boundary adjustment.

PLANNING STAFF RECOMMENDATION:

That Application BN-060/2006 BE APPROVED

REASON:

The application complies with the severance policies of the Township of Norfolk Official Plan relating to Boundary Adjustments.

SITE FEATURES AND LAND USE:

The subject lands front the east side of Norfolk County Road 13, north of Plowman's Line, north of the hamlet of Courtland. The subject lands contain a single detached dwelling and shed located near the eastern edge of the property. A tree line is located on the south edge of the subject lands separating the dwelling and Scholten's Farm Equipment and tracker sales. Several single detached dwellings also front the east side of Norfolk County Road 13 north of the subject lands, while a mixture of residential and general industrial uses are located to the south. Agricultural land is located to the west of the subject lands, and a large woodlot is located to the east.

PERTINENT CIRCULATION COMMENTS:

Building Inspector (Sewage System Review) – No objections.

Finance Department – No development charges required.

Forestry Division – No issues or concerns with this application.

Public Works and Environmental Services – No requirements.

Long Point Region Conservation Authority – Staff have now had an opportunity to review the above noted and offer the following for your consideration. The severed parcels encroach into significant woodland or are located within the adjacent lands of significant woodland. It may therefore be necessary for the County, prior to approving this application, to request that the applicant provide an Environmental Impact Study, which demonstrates that any proposed development will not negatively impact the natural heritage features or ecological functions.

COMMUNITY PLANNING COMMENTS

The applicant proposes to sever a parcel of land as a boundary adjustment from an adjacent wooded parcel and add that parcel of land to an adjacent residential lot that contains an existing house. Boundary adjustments are permitted to address minor boundary issues, easements or right-of-ways, or other purposes that do not create an additional separate lot. The land to be severed has an area of 0.178 hectares (0.44 acres) and is proposed to be added to a lot having an area of 0.33 hectares (0.84 acres) for a total lot area of 0.508 hectares (1.28 acres).

Generally, Planning staff encourage applicant's to maintain an approximate 0.40 hectare (1 acre) lot area for rural residential lots. The purpose of this direction is to ensure that a minimum area is removed from agricultural use in the agricultural area and to minimize the potential conflict between agricultural and non-agricultural uses. In this case, the lands to be severed are not agricultural lands and have not been used for agricultural purposes for many years.

Approval of this application will not remove agricultural land from productions or increase the potential for farm versus non-farm conflict. It will not impact on the lot pattern of the area or result in an inefficient use of the land. Planning staff are of the opinion that an EIS is not required due to the historical use of the subject lands. As it relates to the specifics of this application Section 9.7.1 of the new Norfolk County Official Plan currently under ministry review states:

In circumstances where there is a low likelihood of impact on the natural environmental, and intervening development between the land subject to the planning or building permit application(s) and the feature triggering the EIS requirement, the County, in consultation with the appropriate Conservation Authority, may waive the requirement for the EIS.

As a result, planning staff support the proposal and recommend approval of the application.

The lands to be severed are currently designated 'Agricultural' in the Township of Norfolk Official Plan and zoned 'Rural Commercial'. As a condition of approval of this severance, the zoning of the subject lands should be changed from Rural Commercial to Agricultural to reflect the residential use of the subject lands.

Prepared By: Rebecca Sinnesael
Reviewed By: Lucy Hives, Planner

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Receipt of a letter from Norfolk County indicating that their requirements, financial or otherwise have been satisfied including:
 - a) ☐ A development charge (amount may be revised from time to time).
 - b) ☐ Cash-in-lieu of parkland dedication be paid in accordance with Section 51.1 of the Planning Act, R.S.O. 1990, c.p. 13 (\$350.00 - amount may be revised from time to time).
 - c) ☒ Payment of any outstanding taxes.
 - d) ☐ Drainage assessment reapportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense (\$ _____).
 - e) ☐ Road widening.
2. ☐ Receipt of a letter from the Building Inspector (Part 8) indicating their requirements have been satisfied.
3. ☐ Receipt of a letter from the County Engineering Department indicating that their requirements have been satisfied concerning an entrance permit.
4. ☐ Receipt of a letter from the Public Works and Environmental Services Department indicating that the applicant has entered into the necessary agreement with the County regarding road construction.
5. ☐ Receipt of a letter from the Planning and Economic Development Department indicating that the applicant has entered into the necessary agreement regarding a comprehensive grading plan to address surface drainage of the property satisfying the Public Works and Environmental Services Department.
6. ☒ Receipt of a letter from the Planning and Economic Development Department indicating that the zoning of the retained lands has been amended.
7. ☐ Receipt of a letter from the Planning and Economic Development Department indicating that a new civic address has been assigned to the severed (or retained) parcel.
8. ☐ That the severance subject of this application not be completed prior to the lands identified by Assessment Roll No. ___ being transferred to ___ and that evidence of this transaction submitted to the Secretary-Treasurer prior to the stamping of the deed.
9. ☒ That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
10. ☒ That the severed parcel becomes part and parcel of the abutting lands presently owned by Aletta Arendina Scholten Roll No. 33 10 541 020 02208.

11. ☒ That the solicitor acting in the transfer provide his undertaking in the following manner: "In consideration of the Certificate by the Official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which time it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed".
12. ☒ That a one square foot portion of land presently owned by Scholten's Farm Equipment (Roll No. 33 10 541 020 02200) be conveyed to the abutting road allowance owned by Norfolk County (registered copy of document for conveyance and reference plan required) for the purposes of consolidating the subject lands with lands owned by 33 10 541 020 02208 and that the costs for completing same be at the expense of the applicant.
13. ☐ Receipt of a letter from the Public Works and Environmental Services Department indicating that water and sewer connections have been installed to the severed and retained parcels.
14. ☐ Subject to approval of the required Minor Variance Application No.____.
15. ☒ Receipt of five copies of a registered reference plan and deeds in triplicate of the severed parcel of land.
16. ☐ That a survey be submitted showing the required front, rear and side yard measurements of all existing buildings on the (severed or retained) parcel.
17. ☒ That the above conditions must be fulfilled and the Certificate for consent be issued on or before **August 31st, 2007** after which time the consent will lapse.



**THE CORPORATION OF NORFOLK COUNTY
COMMITTEE OF ADJUSTMENT**

COMMENT REQUEST FORM

This Committee has received a consent/minor variance application concerning land within your jurisdiction. The proposal is explained on the attached application. If you require further information, please feel free to contact this office.

In order to properly consider this application, the Committee of Adjustment would appreciate your comments or recommendation before the date below:

AUGUST 9TH, 2006

FILE NO.: BN-060/2006

ASSESSMENT ROLL NO.: 33-10-541-020-02208

APPLICANT:

Scholten's Farm Equipment, PO Box 247, RR 2, Courtland ON N0J 1E0

AGENT:

N/A

LOCATION:

Pt Lot 21, Concession 2 NTR (170 Norfolk County Road 13) (Middleton/Norfolk)

PROPOSAL:

Sever a parcel with a depth of 103.63 m. (340.0 ft.) and having an area of approximately 1,784.7 sq. m. (19,200.0 sq. ft.) and retail a parcel having an area of 15.58 ha. (38.5 ac.) more or less as a boundary adjustment.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Conservation Authority | |
| <input checked="" type="checkbox"/> Building Inspector (Sewage System Review) | |
| <input checked="" type="checkbox"/> Forestry Division | |
| <input checked="" type="checkbox"/> Treasury Department | |
| <input checked="" type="checkbox"/> Public Works | NOTE: If an agreement is required please attach the clauses you require in the agreement. |

- | |
|---|
| <input type="checkbox"/> Norfolk Power |
| <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> Railway |
| <input checked="" type="checkbox"/> Building Department |
| <input checked="" type="checkbox"/> GIS Section |

CIRCULATION DATE: July 26th, 2006

PLEASE REPLY BY FAX OR EMAIL DIRECTLY TO:

Lucy Hives, Planner

Norfolk County, 60 Colborne Street, South, Simcoe, ON N3Y 4N5

(519) 426-5870 ext 1234

FAX: (519) 428-3069 EMAIL: lucy.hives@norfolkcounty.on.ca

COMMITTEE OF ADJUSTMENT DECISION:

If you wish to be notified of the Decision of Norfolk County, Committee of Adjustment in respect of the proposed consent, you must make a written request to: Karen Judd, Secretary-Treasurer, P.O. Box 128, 22 Albert Street, Langton ON N0E 1G0 • Phone: (519) 875-4485 ext 235; Fax: (519) 875-4789; Email: karen.judd@norfolkcounty.on.ca

APPEALS TO THE ONTARIO MUNICIPAL BOARD:

If a person or public body that files an appeal of a Decision of Norfolk County Committee of Adjustment in respect of the proposed consent or variance does not make written submission to the Norfolk County Committee of Adjustment, before it gives or refuses to give a provisional consent or variance, the Ontario Municipal Board may dismiss the appeal.

Property Assessment Roll Number:

33-10- 541.020.02208.0000
(to be provided by applicant/agent)

ROLL NUM. SHOULD BE

331054102002200



Office Use

File No.

BN-60106

Date Submitted

June 26/06

Date Received

June 26/06

Sign Issued

June 26/06

...PLICATION FOR CONSENT

NOTE: This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application may not be accepted and could result in processing delays.

A. APPLICANT INFORMATION

1. Name of Owner Schotten's Farm Equipment Phone No. (519) 688-1011
Address P.O. Box 247 RR#2 Fax No. (519) 688-2542
Courtland Ontario Postal Code N0S 1E0
E-mail lakehurst@jordanlist.ca

2. Agent (if any) _____ Phone No. _____
Address _____ Fax No. _____
_____ Postal Code _____
_____ E-mail _____

Please specify to whom all communications be sent:

☒ Owner

☐ Agent

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A

4. Are there any restrictive covenants affecting the property?

☐ Yes

☒ No

If yes, describe the easement or covenant and its effect:

B. LOCATION/LEGAL DESCRIPTION OF PROPERTY

1. Geographic Township Norfolk
Urban Area or Hamlet Courtland
Concession Number Mid. Con 2 NTR Lot Number PT Lot 21
Registered Plan Number _____ Lot(s)/Block(s) N/A
Reference Plan Number N/A Part Number(s) N/A
Civic Address 170 Regional Rd 13 RR#2 Courtland ON N0S 1E6

C. PURPOSE OF APPLICATION

1. Type and purpose of proposed transaction: (check appropriate box)

Transfer: ☐ Creation of a new lot Other: ☐ a charge
☒ Boundary Adjustment ☐ a lease
☐ an easement/right-of-way ☐ a correction of title

2. Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged (if known):

Aletta Arendina Scholten

3. If a boundary adjustment, identify the Assessment Roll No. and property owner of the lands to which the parcel will be added.

Roll No.: 33-10-541.020.02208.0000 Name: Aletta Arendina Scholten.

4. If the application involves a residential lot in the rural/agricultural area, please complete Form 1 which is available upon request.
5. If the application proposes to divide a farm into two smaller agricultural parcels, please complete Form 2 which is available upon request.

D. PROPERTY, SERVICING AND ACCESS INFORMATION

1. Description of land intended to be SEVERED:

BOUNDARY ADJUSTMENTFrontage: 0 m.Depth: 103.63 m. ft.340' ft.Width: 12.19 m.Area: 1784 m².40 ft.19200 ft²Existing use VACANTProposed Use: RESIDENTIAL
(ADDITION TO)Number and type of buildings and structures existing on the land to be severed:NONENumber and type of buildings and structures proposed on the land to be severed:NONE

2. Description of land intended to be RETAINED:

Frontage: 163.5 m.Depth: 497. m.536.5 ft.1630 ft.Width: 1501 m.Area: 15.58 HA1644 ft.38.5 ACRESExisting use AGRICULTURAL FARM
MACHINERY REPAIR & SALESProposed Use: Same.Number and type of buildings and structures existing on the land to be retained:1 STORAGE Building 1 AGRICULTURAL SAKS buildingNumber and type of buildings and structures proposed on the land to be retained:NONE AT THIS TIME

3. Existing or proposed access to land intended to be SEVERED:

☐ Unopened Road☐ Municipal Road☐ Provincial Highway☐ Other (Specify)Name of Road/Street NO FRONTAGE ONLY AN
ADDITION TO EXISTING LOT

4. Existing or proposed access to land intended to be RETAINED:

- ☐ Unopened Road ☐ Municipal Road ☐ Provincial Highway
☐ Other (Specify)

Name of Road/Street COUNTY RD #13

5. Servicing:

Indicate what services are available or proposed:

Water Supply

- Piped Water ☐
Individual Wells ☒
Other (describe) ☐

PRIVATESewage Treatment

- Sewers ☐
Communal System ☐
Septic Tank & Tile Bed ☒
Other (describe) ☐

Storm Drainage*

- Storm Sewers ☐
Open Ditches ☒
Other (describe) ☐

* Have you consulted with Public Works & Environmental Services concerning stormwater management?

Yes ☐ No ☒

* Has the existing drainage on the subject land been altered?

Yes ☐ No ☒

* Does a legal and adequate outlet for storm drainage exist?

Yes ☒ No ☐ Unknown ☐**E. LAND USE**

1. What is the existing Official Plan designation(s) of the subject land: Agriculture
2. What is the existing Zoning of the subject lands: Rural Commercial
(If required, assistance is available for questions 1 and 2 above.)

F. PROVINCIAL POLICY

1. Are any of the following uses or features located on the subject land or within 500 metres (1640 ft.) of the subject land? Please check the appropriate boxes, if any apply. (Assistance is available to complete this table).

Use or Feature	On the Subject Land	Within 500 Metres (1,640 feet) of subject land (indicate distance)
A livestock facility or stockyard (see F.2)	No	No
A Wooded area	No - windbreak	
A Municipal Landfill	No	No
A Sewage Treatment Plant or Waste Stabilization Plant		
A Provincially Significant Wetland (Class 1, 2 or 3 wetland) or other environmental feature		
Floodplain		
A Rehabilitated Mine Site		
A Non-Operating Mine Site within 1 Kilometre		
An Active Mine Site		
An Industrial or commercial use (specify the use(s))		
An Active Railway Line		
Seasonal Wetness of Land		
Erosion		
Abandoned Gas Wells		

2. If there are any livestock operations within 500 metres (1640 ft) of the subject land, please complete Form 3, which is available upon request.

G. STATUS OF OTHER PLANNING APPLICATIONS

1. Has the owner previously severed any land from this land holding or any other land the owner has interest in since August 24, 1978?

Yes ☒ No ☐

If the answer to the above question is YES, File No.: ERNIE SCHULTEN
BOUNDARY ADJUSTMENT

How many separate parcels have been created? 1 Boundary Adjustment

Date(s) these parcels were created: 2006

The name of the transferee for each parcel: Ernie Scholten

What uses were the parcels severed for? Addition To Residential Prop.

2. If this application proposes to sever a dwelling made surplus through farm amalgamation, when were the farm properties amalgamated? _____

3. Date of construction of the dwelling proposed to be severed: _____

4. Has this property ever been part of an application for approval for a plan of subdivision or consent under the Planning Act?

Yes ☐ No ☒ Unknown ☐

If yes, provide the file number, if known, and the decision made on the application.

File No. _____ Decision: _____

5. Date of purchase of subject land. 1973

6. How many years has the owner farmed? None

Outside this municipality but in Ontario? _____ In this municipality? _____

Other (please specify) _____

H. CURRENT APPLICATION

1. Is this property the subject of an application for an Official Plan Amendment that has been submitted for approval?

Yes ☐ No ☒ Unknown ☐

If Yes, File No. _____ Status: _____

2. Is this property the subject of an application for a Zoning By-law Amendment, Minister's Zoning Order Amendment, Minor Variance, Consent or Plan of Subdivision?

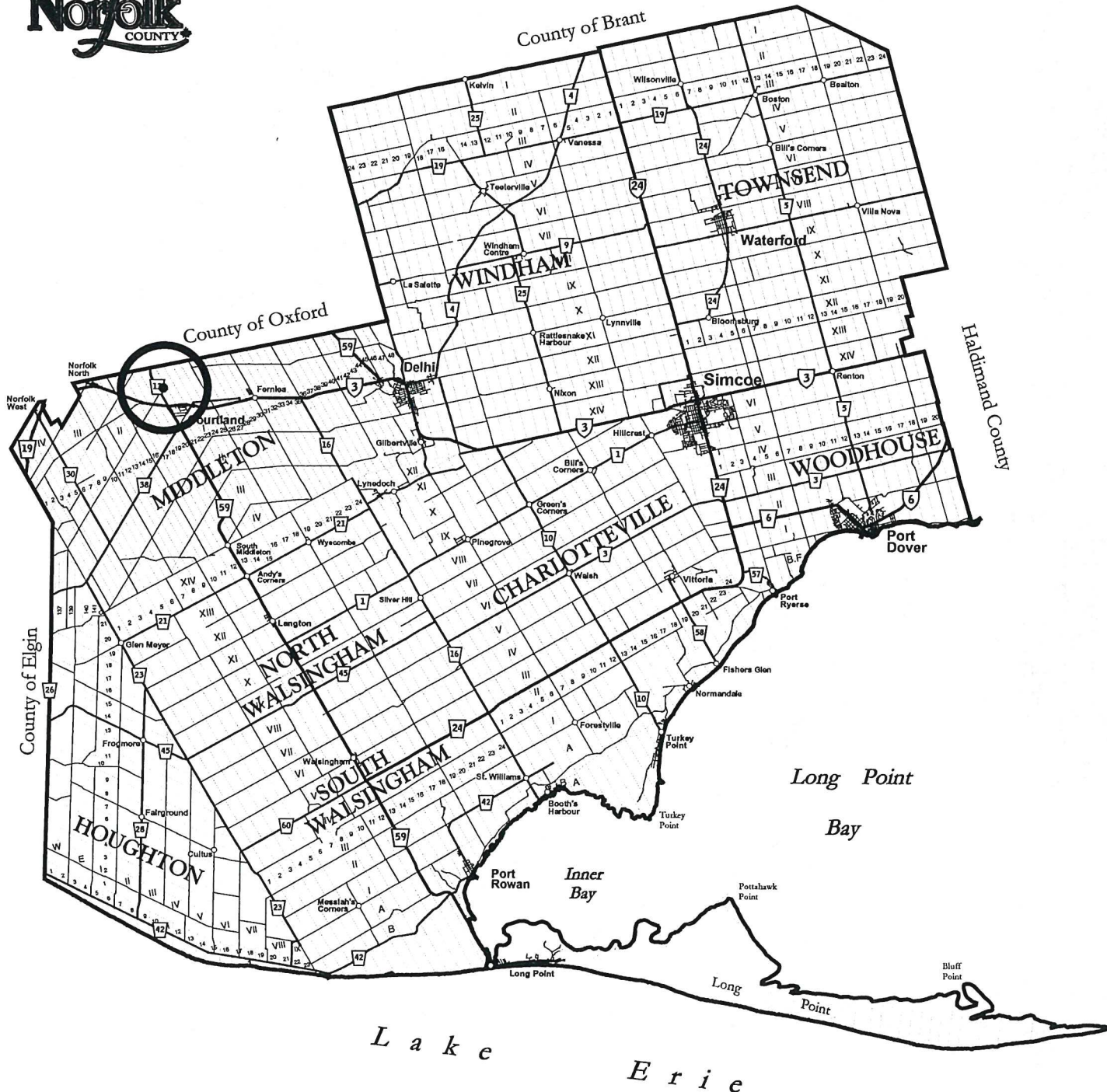
Yes ☒ No ☐ Unknown ☐

If Yes, File No. _____ Status: _____

MAP 1

File Number: BN-060/2006

Geographic Township of MIDDLETON



MAP 2

File Number: BN-060/2006

Geographic Township of MIDDLETON



50 0 50 100 150 200 METERS

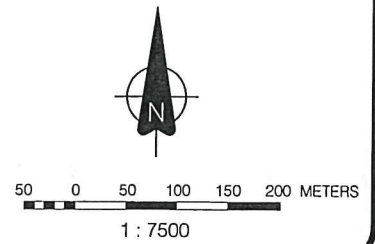
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MAP 3

File Number: BN-060/2006

Geographic Township of MIDDLETON



A

**SUBJECT
LANDS**

BN-018/2006

C R

97-NO-89
(32.12)

As Revised

A

LOT 22

A

CON. II N.T.R.

PLOWMAN'S LINE

NORFOLK COUNTY ROAD

A

510-NO-99

292-NO-94-S.P.

291-NO-94

(32.13)

MG

533-NO-00

534-NO-00 S.P.

(32.124)

55-Z-2004

MG

(32.35)

PARCELS

443-NO-98-H

(32.124)

108-NO-92

NO-92-SP

92

2

LOT 21

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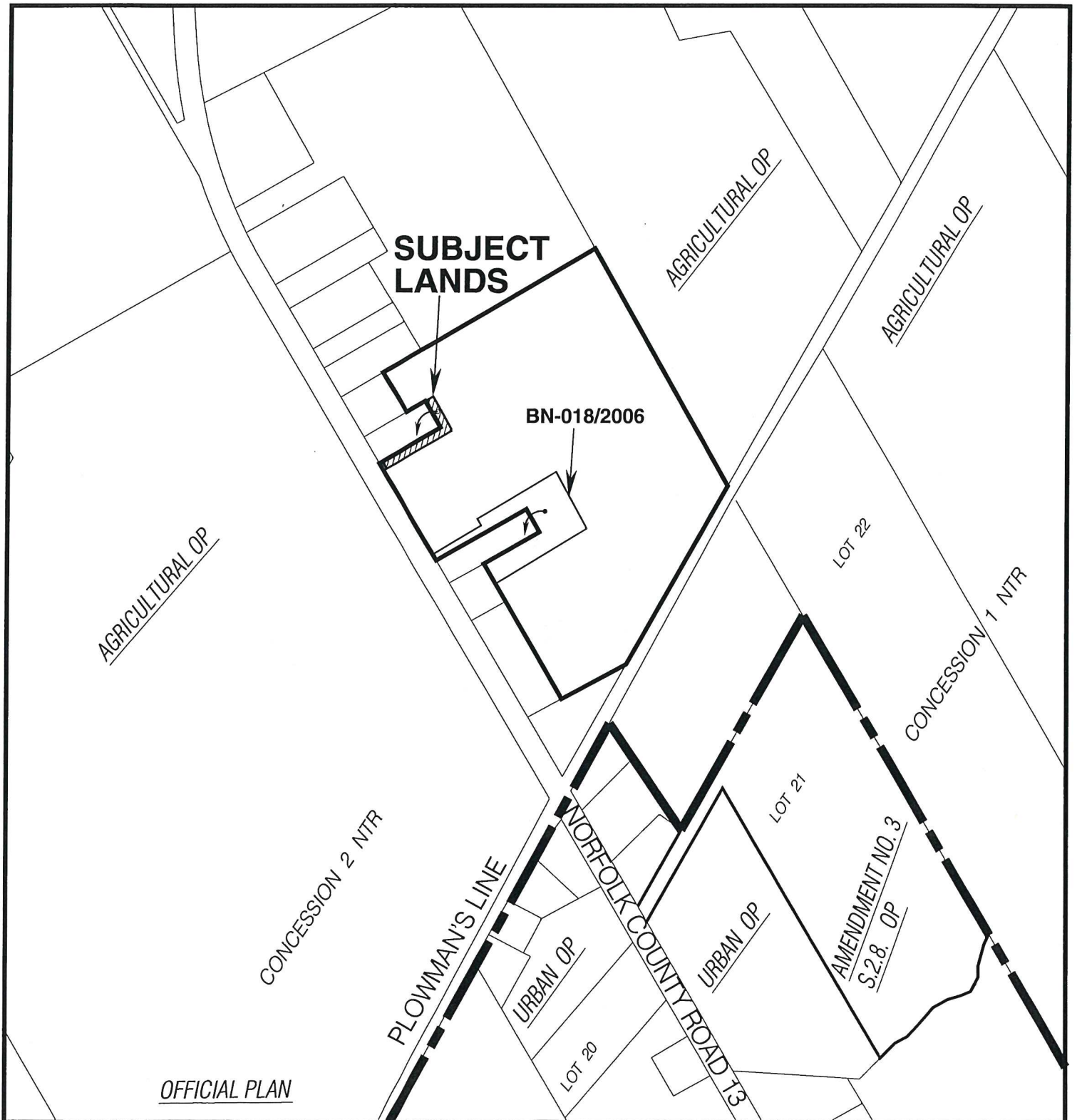
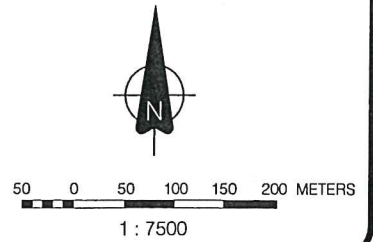
LOT -260

LOT -261

LOT -262

MAP 4

File Number: BN-060/2006
Geographic Township of MIDDLETON



MAP 5

File Number: BN-060/2006
Geographic Township of MIDDLETON

