

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW 1998-14

A by-law to amend By-law 96-4 being a by-law to enter into a Development Agreement pertaining to Boblo Island between 1078385 Ontario Limited and the former Corporation of the Township of Malden and the former Malden Public Utilities Commission.

WHEREAS 1078385 Ontario Limited, the former Corporation of the Township of Malden and the former Malden Public Utilities Commission have entered into a Development Agreement dated January 8, 1996;

AND WHEREAS the parties to the above noted Agreement entered into Agreements to amend the Development Agreement, which Amending Agreements are dated April 25, 1996; November 25, 1996; February 24, 1997; April 9, 1997; July 14, 1997; October 27, 1997 and November 17, 1997 respectively;


AND WHEREAS the Council of the Corporation of the Town of Amherstburg deems it desirable to enter into a further Amending Agreement;

NOW THEREFORE THE COUNCIL OF THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:

That the Mayor and the Clerk be directed to affix their signatures on behalf of the Corporation of the Town of Amherstburg to Schedule "A" attached hereto and forming part of this by-law for the purpose of executing the amendment to the Development Agreement as set out in By-law 96-4.

Read a first and second time this 26th day of January, 1998.

Read a third time and finally passed this **26th** day of **January, 1998**.



Mayor



Clerk

SCHEDULE "A" TO BY-LAW 1998-14

**EIGHTH AMENDING DEVELOPMENT AGREEMENT
FOR BOIS BLANC ("BOBLO ISLAND")**

THIS AMENDING AGREEMENT made this 26th day of January, 1998

BETWEEN:

1078385 ONTARIO LIMITED, a corporation duly incorporated under the laws of the Province of Ontario, with its head office in the Town of Amherstburg, in the County of Essex and the Province of Ontario,

Hereinafter called the "Owner"

OF THE FIRST PART

-and-

**THE CORPORATION OF THE TOWN OF
AMHERSTBURG,**

Hereinafter called the "Town"

OF THE SECOND PART

WHEREAS the Owner and Town are parties to a Development Agreement (the "Development Agreement") dated January 8, 1996;

AND WHEREAS the Owner and Town are parties to amending agreements amending the Development Agreement dated April 25, 1996; November 25, 1996; February 24, 1997; April 9, 1997; July 14, 1997; October 27, 1997 and November 17, 1997;

AND WHEREAS the "Owners" are defined as the property owners who own building lots described as Parts 1 to 52 and 59 on Plan 12R14224;

AND WHEREAS the Owner desires that parts previously conveyed to the Town be reconveyed to the Owners who will provide the Town with easements over the reconveyed parts;

AND WHEREAS the Owner accepts responsibility to ensure that the Town is provided with easements over the reconveyed parts from the Owners;

AND WHEREAS the Town is in agreement with this request;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the terms, covenants and conditions contained herein and in consideration of the sum of One Dollar (\$1.00) now paid by the Owner to the Town (the receipt, sufficiency and adequacy of which is acknowledged) the parties hereto covenant and agree one with the other as follows:

1.1 Conveyance of Road Allowances and Easements

- (a) The Town agrees to convey to the Owners Part 37 on Plan 12R14574.
- (b) The Owners agree to grant an easement to the Town over Part 37 on Plan 12R14574.

1.2 Successors and Assigns

This Agreement will enure to the benefit of and shall be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESSETH WHEREOF each of the parties hereto has executed this agreement under its seal.

*Bollo
Signature*

) **1078385 Ontario Limited**
)
) per: _____
)
) **THE CORPORATION OF THE**
) **TOWN OF AMHERSTBURG**
) *Wayne Duss*
) Mayor
)
) *D. Dailly*
) Clerk