

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2002-39

Being a By-law to authorize the execution of a Subdivision Agreement (Golfview Park Estates Inc.).

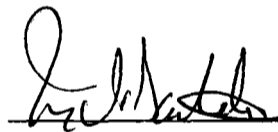
WHEREAS Golfview Park Estates Inc. has proposed the subdivision and servicing of lands owned by it within Part of Lots 19 and 20, Concession 1, Town of Amherstburg;

AND WHEREAS the Corporation of the Town of Amherstburg have settled with Golfview Park Estates Inc. the requirements for the provisions of Municipal Services within the area to be subdivided, which requirements are set out in the agreement hereto annexed, and which agreement is ratified and adopted by Golfview Park Estates Inc.

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

1. That the Corporation of the Town of Amherstburg enter into a Subdivision Agreement with Golfview Park Estates Inc. in the form annexed hereto, and the Mayor and Clerk be and they are hereby authorized to sign the original and copies thereof and affix the Corporate Seal thereto.
2. This By-law shall come into force and effect on the date of final passage hereof.

Read a first, second and third time and finally passed this **23rd** day of **September, 2002**.



Mayor



Clerk

FOR OFFICE USE ONLY

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CERTIFICATE OF RECEIPT
IN
ESSEX COUNTY REGISTRY

'02 DEC 9 AM 10 31

(1) Registry Land Titles (2) Page 1 of 6 pages

(3) Property Identifier(s) Block 01546 Property 0597 Additional: See Schedule

(4) Nature of Document *NOTICE OF*
Application to Register Amending Agreement

(5) Consideration
Dollars \$

(6) Description
Lots 135 to 165 inclusive, Plan 12M-394
Town of Amherstburg, County of Essex

New Property Identifiers Additional: See Schedule

Executions Additional: See Schedule

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch (b) Schedule for: Description Additional Parties Other

(8) This Document provides as follows:
The Corporation of the Town of Amherstburg has an unregistered estate, right, interest or equity in the above land of which Golfview Park Estates Inc. is the registered owner and hereby apply to have Amending Agreement dated September 23rd, 2002, made between the The Corporation of the Town of Amherstburg and Golfview Park Estates Inc., entered on the Parcel Register.

Continued on Schedule

(9) This Document relates to instrument number(s) *69 222519*

(10) Party(ies) (Set out Status or Interest) Name(s)	Signature(s)	Date of Signature Y M D
THE CORPORATION OF THE TOWN OF AMHERSTBURG (Applicant) by its solicitor	<i>Armando F. DeLuca</i> Armando F. DeLuca, Q.C.	2002 12 06

(11) Address for Service: 500-251 Goyeau St., Windsor, Ontario N9A 6V2

(12) Party(ies) (Set out Status or Interest) Name(s)	Signature(s)	Date of Signature Y M D
GOLFVIEW PARK ESTATES INC. (owner)		

(13) Address for Service

(14) Municipal Address of Property
vacant land
Amherstburg, Ontario

(15) Document Prepared by:
ARMANDO F. DELUCA, Q.C.
MOUSSEAU, DELUCA, MCPHERSON,
PRINCE, LLP
500-251 GOYEAU ST.
WINDSOR, ONTARIO
N9A 6V2

Fees and Tax	
Registration Fee	
Total	60

Additional Property Identifier(s) and/or Other Information

(3) PROPERTY IDENTIFIER(S):

Block	Property
01546	0598
01546	0599
01546	0600
01546	0601
01546	0602
01546	0603
01546	0604
01546	0605
01546	0606
01546	0607
01546	0608
01546	0609
01546	0610
01546	0611
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01546	0625
01546	0626
01546	0627

AMENDING AGREEMENT

This Agreement made in triplicate this 23 day of September, 2002.

BETWEEN:

GOLFVIEW PARK ESTATES INC.
hereinafter called the "Developer"

OF THE FIRST PART

- AND -

CORPORATION OF THE TOWN OF AMHERSTBURG
hereinafter called the "Town"

OF THE SECOND PART

WHEREAS a Subdivision Agreement was entered into between 957501 Ontario Limited and the Corporation of the Township of Anderdon, now forming part of the Corporation of the Town of Amherstburg, on the 22nd day of August, 1997 for a residential development known as Golfview Park Estates covering the lands described in Schedule "A" attached;

AND WHEREAS the owners of the lands affected by the August 22, 1997 agreement wish to undertake additional development on lands they own to the east and have applied to the Ministry of Municipal Affairs and Housing for draft plan approval and for which there is no immediate available sewage capacity;

AND WHEREAS the developers of the lands affected by the August 22, 1997 agreement were granted approval for 165 lots and are willing to freeze 31 of those lots for which sewage allocation had been granted in exchange for approval of 34 townhouse units within the lands to the east;

AND WHEREAS the lots affected by this agreement are described in Schedule "B" attached hereto;

AND WHEREAS it is deemed necessary that the Town and Developer enter into the written agreement in order to amend certain provisions contained within the said Subdivision Agreement;

NOW THEREFORE THE PARTIES HERETO AGREE TO AMEND THE AGREEMENT DATED AUGUST 22, 1997 AS FOLLOWS:

1. Section 12.14 is hereby modified by deleting the words "the last phase consisting of 42 lots" and replacing it with "the last phase consisting of 11 lots" and further adding the following: "The Developer agrees to amend the zoning on Lots 135 to 165 inclusive from R1A to a holding provision to restrict development until such time as additional sewage allocation can be found. It is understood that the 31 lots that are not to be developed at this time have had their sewage allocation applied to 34 townhouse units to be developed on lands located to the east for which a plan of subdivision is being processed by the Ministry of Municipal Affairs and for which a further subdivision agreement will be entered into with the Town of Amherstburg."
2. In all other respects the said Subdivision Agreement dated August 22, 1997 shall remain in full force and effect.

3. This agreement shall inure to the benefit of, and be binding upon the parties hereto, and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Town has hereunto affixed their seals attested by the signatures of their proper signing officers and the Developer has hereunto affixed its seal attested by the signature of its proper signing officer in that regard.

GOLFVIEW PARK ESTATES INC.

Per: 

Domenic Amicone-Pres.

I have authority to bind the corporation

THE CORPORATION OF THE TOWN
OF AMHERSTBURG

Per: 

Mayor Tony DiBartolomeo

Per: 

Clerk David Mailloux

SCHEDULE "A" TO BY-LAW 2002-38

Part of Lots 19 and 20, Concession 1, Town of Amherstburg,
County of Essex, designated as Parts 1, 2 and 3 on
Reference Plan 12R-15617.

SCHEDULE "B" TO BY-LAW 2002-38

Lots 135 to 165 Inclusive, Plan 12M-394,
Town of Amherstburg, County of Essex