

**CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW 2003-55**

**Being a by-law to authorize the execution of an  
Amending Agreement (Golfview Park Estates Inc.)**

**WHEREAS** a Subdivision Agreement was entered into between Golfview Park Estates Inc. and the Corporation of the Town of Amherstburg on the 23rd day of September, 2002 for property within Part of Lots 19 and 20, Concession 1, Town of Amherstburg;

**AND WHEREAS** Section 44 of the subject agreement provided that Phase One of this development would be limited to 34 units;

**AND WHEREAS** the Ministry of Municipal Affairs and Housing will not grant final approval of the draft plan for Phase 2 which includes the lands for the townhome site for which the proposed transfer of sewage allocation from Phase 1 was intended;

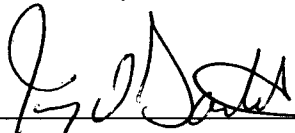
**AND WHEREAS** the Developer has requested to continue with the development of Phase 1, Plan 12M-394;


**AND WHEREAS** the Developer agrees that the Phase 2 development shall be phased based on approved sewage allocations and that the lands shall remain in a holding provision of the zoning by-law until such time as sewage capacity is available for this development;

**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 an Amending Agreement with Golfview Park Estates in the form hereto annexed, and the Mayor and Clerk be and they are hereby authorized and directed to sign the original and copies thereof, deliver copies to Golfview Park Estates Inc. after execution has been completed, and arrange for the registration of the said amending agreement against the title to the lands more particularly set out therein.
2. That this By-law shall come into force and take effect on the date of final passage hereof.

Read a first, second and third time and finally passed this 14th day of July, 2003.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

FOR OFFICE USE ONLY

**CE**  
**CERTIFICATE OF RECEIPT**  
**RECEPTE**  
**ESSEX (12) WINDSOR**  
**AUG 14 2003 11:40**  
**LAND REGISTRAR/REGISTRATEUR**

(1) Registry <input type="checkbox"/>	Land Titles <input checked="" type="checkbox"/>	(2) Page 1 of <u>3</u> pages
(3) Property Identifier(s)	Block <u>01546</u>	Property <u>0247</u>
Additional: See Schedule <input type="checkbox"/>		
(4) Nature of Document <b>Application to Register Notice of Amending Agreement</b>		
(5) Consideration  Dollars \$		
(6) Description <b>Part of Lots 19 and 20, Concession 1 designated as Part 3 on Plan 12R-15617</b>  <b>Town of Amherstburg, County of Essex</b>		
(7) This Document Contains:	(a) Redescription New Easement Plan/Sketch <input type="checkbox"/>	(b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>

New Property Identifiers Additional: See Schedule

Executions Additional: See Schedule

(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 applies to have Amendment Agreement dated July 14th, 2003, made between 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)

(10) Party(ies) (Set out Status or Interest) Name(s)	Signature(s)	Date of Signature Y M D
<u>THE CORPORATION OF THE TOWN OF AMHERSTBURG (Applicant) by its solicitor</u>	 <u>Armando F. DeLuca, Q.C.</u>	<u>2003 08 13</u>

(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
<u>GOLFVIEW PARK ESTATES INC. (owner)</u>		

(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	<u>\$ 70.00</u>
<b>Total</b>	<b><u>\$ 70.00</u></b>

AMENDING AGREEMENT

This Agreement made in triplicate this 14th day of July, 2003.

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 Golfview Park Estates Inc. and the Corporation of the Town of Amherstburg on the 23rd day of September, 2002 for property within Part of Lots 19 and 20, Concession 1, Town of Amherstburg;

**AND WHEREAS** Section 44 of the subject Agreement provided that Phase One of this development would be limited to 34 units;

**AND WHEREAS** the Ministry of Municipal Affairs and Housing will not grant final approval of the draft plan for Phase 2 which includes the lands for the townhome site for which the proposed transfer of sewage allocation from Phase 1 was intended;

**AND WHEREAS** the Developer has requested to continue with the development of Phase 1, Plan 12M-394;

**AND WHEREAS** the Developer agrees that the Phase 2 development shall be phased based on approved sewage allocations and that the lands shall remain in a holding provision of the zoning by-law until such time as sewage capacity is available for this development.


**NOW THEREFORE THE PARTIES HERETO AGREE TO AMEND THE AGREEMENT DATED SEPTEMBER 23, 2002 AS FOLLOWS:**

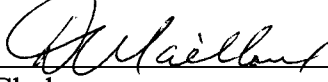
- Section 44 is hereby deleted and replaced with the following:  
"Notwithstanding the servicing sections of this agreement, the Developer hereby agrees that the development shall be phased based on approved sewage allocations and that the lands shall remain in a holding provision of the zoning by-law until such time as sewage capacity is available for this development."
- In all other respects the said Subdivision Agreement dated September 23, 2002 shall remain in full force and effect. 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 WITNESSETH 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

I have authority to bind the corporation  
THE CORPORATION OF THE TOWN  
OF AMHERSTBURG

Per:   
Mayor Tony DiBartolomeo

Per:   
Clerk David Mailloux