

**CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2003-98**

**Being a by-law to authorize the execution  
of an amending agreement.**

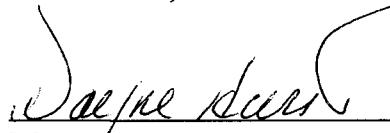
**WHEREAS** a Subdivision Agreement was entered into between Big Creek Development Inc. and the Corporation of the Town of Amherstburg on the 15th day of October, 2002 for a residential development known as Big Creek Subdivision;

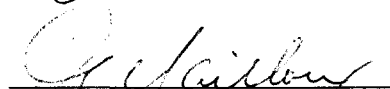
**AND WHEREAS** as a result of a request from the Ministry of Environment the Developer has requested that the agreement be amended to reference the updated stormwater management report dated August, 2003;

**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 Big Creek Development Inc. 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, affix the corporate seal thereto, deliver copies to Big Creek Development Inc. after execution has been completed, and arrange for the registration of the said amending agreement against the title of 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 8th day of December, 2003.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**Properties**

*N* 70570 - 0346 LT *Estate/Qualifier* Fee Simple Absolute  
*Description* PT LOT 14, CONC. 1 PART 1 12R18867; AMHERSTBURG  
*Address* AMHERSTBURG

**Consideration**

*Consideration* \$0.00

**Applicant(s)**

The notice is based on or affects a valid and existing estate, right, interest or equity in land

*Name* THE CORPORATION OF THE TOWN OF AMHERSTBURG  
*Address for Service* Box 159  
 271 Sandwich St. S.  
 Amherstburg, Ontario  
 N9V 2Z3

ORAY BRATT, PLANNING COORDINATOR, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

**Party To(s)***Capacity**Share*

*Name* BIG CREEK DEVELOPMENT INC.  
*Address for Service* 1004-100 Ouellette Ave.  
 Windsor, Ontario

I, J. MURRAY TROUP, PRESIDENT, have the authority to bind the corporation

This document is not authorized under Power of Attorney by this party.

**Statements**

This notice is for an indeterminate period

Schedule: See Schedules

This document relates to registration no.(s)LT0383537

**Signed By**

Armando Felice Antonio DeLuca 500-251 Goyeau Street acting for Applicant(s) Signed 2004 01 16  
 Windsor N9A 6V2

Tel 519-258-0615

Fax 5192586833

**Submitted By**

MOUSSEAU DELUCA 500-251 Goyeau Street 2004 01 16  
 MCPHERSON PRINCE Windsor N9A 6V2

Tel 519-258-0615

Fax 5192586833

**AMENDING AGREEMENT**

**THIS AGREEMENT** made in triplicate this 8<sup>th</sup> day of December, 2003.

**BETWEEN:**

**BIG CREEK DEVELOPMENT INC.**  
hereinafter called "the Developer"

**OF THE FIRST PART;**

- and -

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

**OF THE SECOND PART;**

**WHEREAS** a Subdivision Agreement was entered into between Big Creek Development Inc. and the Corporation of the Town of Amherstburg on the 15th day of October, 2002 for a residential development known as Big Creek Subdivision covering the lands described in Schedule "A" attached;

**AND WHEREAS** as a result of a request from the Ministry of Environment the Developer has requested that the agreement be amended to reference the updated stormwater management report dated August, 2003;

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

**NOW THEREFORE THE PARTIES HERETO AGREE TO AMEND THE AGREEMENT DATED OCTOBER 15, 2002 AS FOLLOWS:**

1. Section 16(a)(i) is hereby modified by adding the words "and further revised August, 2003" after the words "originally submitted May 29, 2002 and revised August 13, 2002".
2. In all other respects the said Subdivision Agreement dated October 15, 2002 shall remain in full force and effect.
3. The agreement shall enure to the benefits 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.

**BIG CREEK DEVELOPMENT INC.**

Per: 

J. Murray Troup - President

**SCHEDULE "A"**

**Legal Description**

Part of Lot 14, Concession 1, former geographic Township  
of Malden now in the Town of Amherstburg, County of  
Essex, being Part 1, 12R-188867.