

**CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2004-113**

**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 15<sup>th</sup> day of October, 2002 for a residential development known as Big Creek Subdivision;

**AND WHEREAS** an Amending Agreement was passed December 8, 2003.

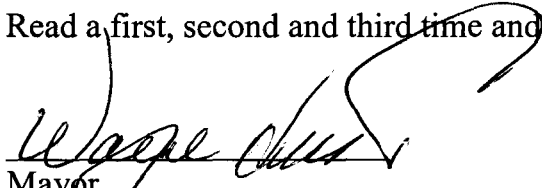
**AND WHEREAS** Big Creek Development Inc. conveyed the subject lands to 1339463 Ontario Ltd.

**AND WHEREAS** the Developer has requested that Section 10(a)(ii) of the Subdivision Agreement regarding the location of model homes within the development be amended;

**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 1339463 Ontario Limited 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 13<sup>th</sup> day of December, 2004.

  
Mayor

  
Clerk

**AMENDING AGREEMENT**

**THIS AGREEMENT** made in triplicate this \_\_\_ day of \_\_\_\_\_, 2004.

**BETWEEN:**

1339463 ONTARIO LIMITED  
hereinafter called "The Developer"

-and-

**OF THE FIRST PART;**

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 15<sup>th</sup> day of October, 2002 for a residential development known as Big Creek Subdivision covering the lands described in Schedule "A" attached.

**AND WHEREAS** an Amending Agreement was passed December 8, 2003.

**AND WHEREAS** Big Creek Development Inc. conveyed the subject lands to 1339463 Ontario Limited;

**AND WHEREAS** the Developer has requested that Section 10(a)(ii) of the Subdivision Agreement regarding the location of model homes within the development be amended;

**AND WHEREAS** it is deemed necessary that the Town and Developer enter into a 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 10(a)(ii) is hereby deleted and replaced with the following:  
"10(a)(ii)  
Nothing herein contained shall preclude an application by the Developer for building permits for the construction of a maximum of two (2) model semi-detached dwellings (a total of 4 units) on Lots 26 and 39 in the subdivision subject to the base coat of asphalt being completed."
2. In all other respects the said Subdivision Agreement dated October 15, 2002 and amended December 8, 2003 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 hereinto affixed their seals attested by the signatures of their proper signing officers and the Developer has hereinto affixed its seal attested by the signature of its proper signing officers in that regard.

1339463 ONTARIO LIMITED  
Per: \_\_\_\_\_  
Remo Valente, President

THE CORPORATION OF THE TOWN OF AMHERSTBURG  
Per: Wayne Dett  
Mayor  
Per: [Signature]  
Clerk

**SCHEDULE "A"**

**Legal Description**