

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW 2005-95

A by-law authorizing the signing of a Development Agreement

WHEREAS Harbourview Residences Inc. has proposed the redevelopment of property on Bois Blanc Island for use as a condominium;

AND WHEREAS By-law 2002-08 provided for the execution of a Development Agreement for a condominium on the subject property;

AND WHEREAS the Owner is proposing the reconfiguration of the condominium lands to accommodate changes to the entrance and parking with significant upgrades being proposed to the development;

AND WHEREAS the Owner desires to amend the Development Agreement to provide for the redevelopment of the said lands;

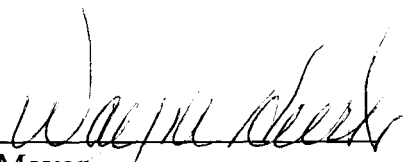
AND WHEREAS the County of Essex has granted the extension of the condominium draft plan approval (File # 37-CD-01003) to October 25, 2006;


AND WHEREAS the Council of the Town of Amherstburg and Owner of the said property have agreed to the terms and conditions of an amending Agreement in the form annexed hereto;

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

1. That By-law No. 2002-08 is hereby amended in accordance with the attached agreement insofar as it relates to the legal description, Schedules, certain servicing issues and the deletion of items no longer applicable.
2. That all other provisions and regulations of By-law 2002-08 will apply.
3. 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 14th day of November, 2005.



Mayor


Clerk

Certified to be a true copy of
By-law 2005-95 passed by the
Amherstburg Municipal Council
on November 14, 2005.

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 16

Properties

PIN 01569 - 0287 LT

Description PT BOIS BLANC ISLAND (BOB-LO ISLAND) MALDEN DESIGNATED AS PT 1
12R22289; AMHERSTBURG

Address AMHERSTBURG

PIN 01569 - 0288 LT

Description PT BOIS BLANC ISLAND (BOB-LO ISLAND) MALDEN DESIGNATED AS PT 3
12R22289; AMHERSTBURG

Address AMHERSTBURG

PIN 01569 - 0279 LT

Description PT BOIS BLANC ISLAND (BOB-LO ISLAND) MALDEN AS PT 4, 12R-22289;
AMHERSTBURG

Address AMHERSTBURG

 Redescription

PIN 01569 - 0293 LT

Description PT BOIS BLANC ISLAND DESIGNATED AS PT 6, PL 12R22289; AMHERSTBURG

Address AMHERSTBURG

PIN 01569 - 0290 LT

Description PT BOIS BLANC ISLAND (BOB-LO ISLAND) MALDEN DESIGNATED AS PT 7
12R22289; 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 271 Sandwich St. S.
Amherstburg, Ontario

I, LORY BRATT, AMCT 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 HARBOURVIEW RESIDENCES INC.

Address for Service 2155 Fasan Dr.
Oldcastle, Ontario
NOR 1LO

I, Dominic Amicone, 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)LT0343274

Signed By

Armando Felice Antonio DeLuca

500-251 Goyeau Street
Windsor N9A 6V2

acting for Applicant(s)

Signed

2005 12 22

Tel 519-258-0615

Fax 5192586833

The applicant(s) hereby applies to the Land Registrar.

Submitted By

MOUSSEAU DELUCA
PHERSON PRINCE

500-251 Goyeau Street
Windsor N9A 6V2

2005 12 22

Tel 519-258-0615

Fax 5192586833

Fees/Taxes/Payment

Statutory Registration Fee \$60.00

Total Paid \$60.00

File Number

Applicant Client File Number : 23074

AMENDING DEVELOPMENT AGREEMENT

Registered _____, 2005.

THIS AGREEMENT made in triplicate this 14th day of November, 2005.

BETWEEN: HARBOURVIEW RESIDENCES INC.

hereinafter called the "OWNER"
OF THE FIRST PART

-and-

THE CORPORATION OF THE TOWN OF
AMHERSTBURG

hereinafter called the "CORPORATION"
OF THE SECOND PART

WHEREAS the lands affected by this Agreement are described in Schedule "A" attached hereto, and are hereinafter referred to as the "said lands";

AND WHEREAS the Owner warrants it is the registered owner of the said lands;

AND WHEREAS in this Agreement the "Owner" includes an individual, an association, a partnership or corporation and, wherever the singular is used therein, it shall be construed as including the plural;

AND WHEREAS the Official Plan in effect in Amherstburg designated parts of the area covered by the Official Plan as a Site Plan Control area;

AND WHEREAS the Corporation passed By-law 2002-08 on January 28, 2002 providing for the execution of a Development Agreement for a condominium on the subject property;

AND WHEREAS the Owner is proposing the reconfiguration of the condominium lands to accommodate changes to the entrance and parking with significant upgrades being proposed to the development;

AND WHEREAS the Owner desires to amend the development agreement to provide for the redevelopment of the said lands;

AND WHEREAS the County of Essex has granted the extension of the condominium draft plan approval (File #37-CD-01003) to October 25, 2006.

NOW THEREFORE The Parties Hereto Agree To Amend The Agreement Dated January 28, 2002 As Follows:

1. Section 1 is hereby deleted and replaced with the following:

"The following Schedules, which are identified by the signatures of the parties to this Agreement, and which are attached hereto, are hereby made a part of this Agreement as fully and to all intents and purposes as though recited in full herein:

Schedule "A"	Legal Description of the Said Lands (revised)
Schedule "B"	Site Plan (revised)
Schedule "C"	Grading Plan (revised)
Schedule "D"	Landscape Plan and Plant List (revised)
Schedule "E"	Utilities/Site Servicing Detail
Schedule "F"	Sewage Treatment Plant Mitigative Report
Schedule "G"	Elevation Drawings (revised)"

2. Section 3 is hereby amended by deleting Section 3(e).
3. Section 6(a) is hereby replaced with the following:
"Utilities/Site Servicing Detail."
4. Section 9 is hereby replaced with the following:
"The Owner shall be responsible for consulting with Hydro One and Bell Canada regarding any matters that relate to services provided by Hydro One and Bell Canada, and further any propane installation shall be in compliance with the authority having jurisdiction."
5. Section 11 is hereby replaced with the following:
"All of the exterior walls of the building shall be as per the Elevation Drawings as shown on Schedule G hereto."
6. Section 21 is hereby deleted.
7. Section 34 is hereby deleted.
8. Section 36 is hereby replaced with the following:
"The parties hereto acknowledge and agree that there is a current Certificate of Approval No. 3-0212-97-006, dated September 11, 1997, which provides that the capacity of the current servicing infrastructure is 145 residential units. The Owner and the Corporation acknowledge that 66 building permits for residential units have been issued to date. The parties agree that, in respect of sanitary sewage capacity, building permits for an additional seventy nine (79) residential dwelling units shall be available upon request. In the event that the Owner wishes to construct residential units in excess of the capacity determined by Certificate of Approval No. 3-0212-97-006, the Owner agrees to arrange for additional sanitary sewage capacity at its own expense, subject to the approval of the appropriate authority. Any such further units will be subject to a new development agreement which shall include provisions for development charges in accordance with the Town's Development Charges By-law in affect at the time."
9. Sections 37, 38 and 39 are hereby deleted.
10. The numbering of the Sections is hereby amended commencing where Section 21 is deleted and renumbering from this point and to reflect all of the above noted changes.
11. In all other respects the said Development Agreement dated January 28, 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.

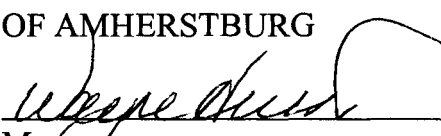
IN WITNESS WHEREOF the Town has hereunto affixed their seals attested by the signatures of their proper signing officers and the Developer has hereunto affixed its seal attested by the signature of its proper signing officer in that regard.

HARBOURVIEW RESIDENCES INC.

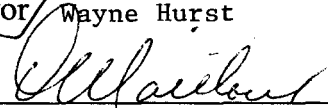


Dominic Amicone

THE CORPORATION OF THE TOWN
OF AMHERSTBURG



Mayor Wayne Hurst



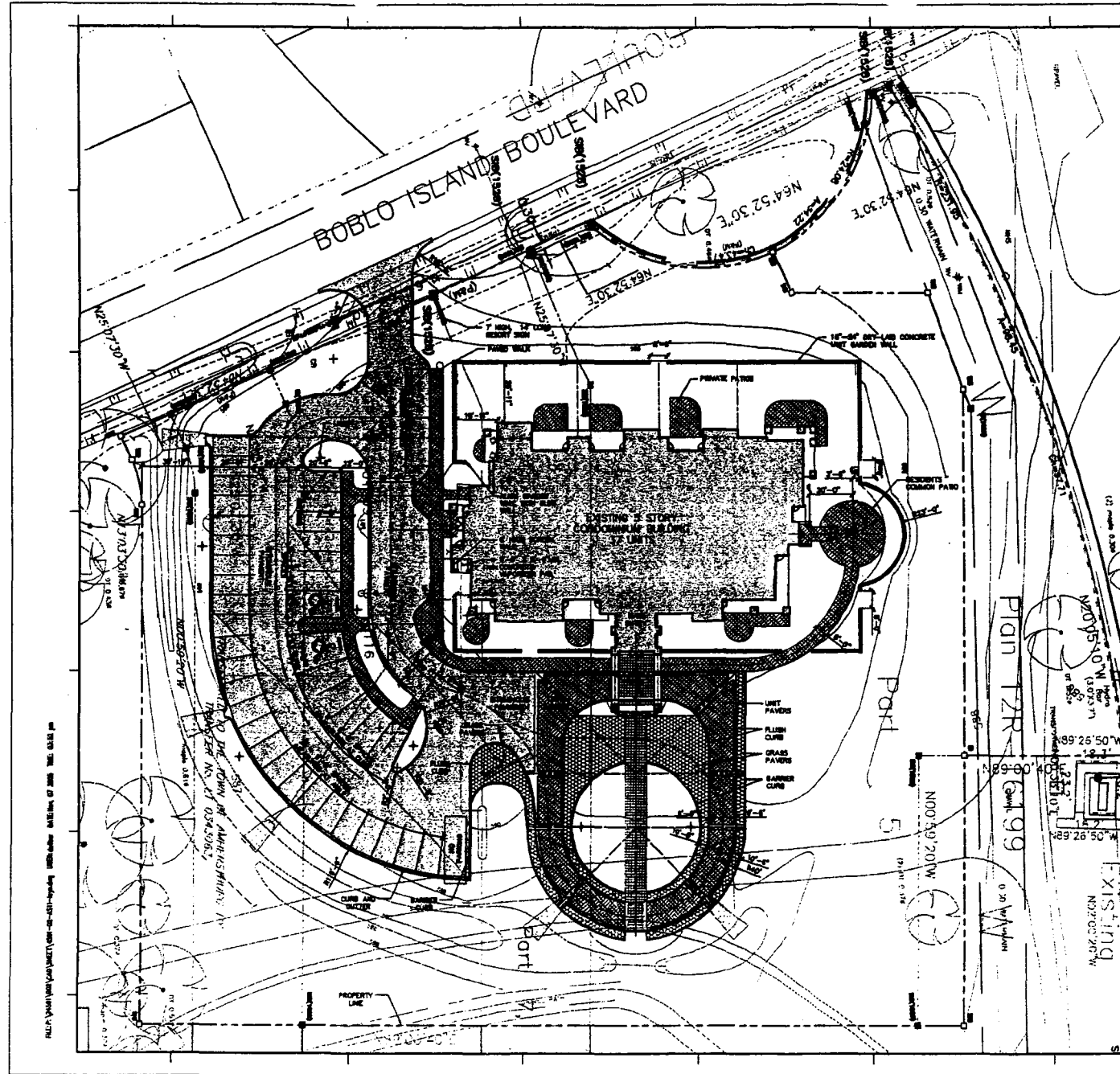
Clerk David Mailloux

Authorized and approved by By-law
No. 2005-95 enacted the 14th day of
November, 2005.

SCHEDULE "A"

The following is a description of the land to which this instrument applies.

Parts 1, 3, 4, 6 and 7 on Plan 12R-22289
Part of Bois Blanc Island
Geographic Township of Malden,
in the Town of Amherstburg,
in the County of Essex



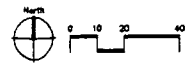
SCHEDULE "B" TO BY-LAW 2005-95
 HARBOURVIEW RESIDENCES INC.
 DOMINIC AMICONE
 THE TOWN OF AMHERSTBURG
W. James Stewart
 MAYOR
Ch. Wilton
 CLERK

BOB-LO
 HARBOURVIEW CONSULTANTS
 Amherstburg, Ontario

EUGENE G. HOPIGNS, F.A.S.A.
 110 MILLER AVENUE
 4000 AMHERST, ONTARIO L9M 4K6
 734.768.8444 T 734.768.0999 F

JJR
 JAMES J. ROY
 110 MILLER AVENUE
 4000 AMHERST, ONTARIO L9M 4K6
 734.768.8444 T 734.768.0999 F
 www.jjr.ca

- LAYOUT LEGEND**
- MOUNTABLE CURB
 - BARRIER CURB
 - CURB AND CUTLER
 - CUTLER SPILL
 - GARDEN WALL
 - ROAD OR LAYOUT CENTERLINE
 - BITUMINOUS PAVEMENT
 - PAVERS
 - GEOTEXTILE GRAVEL PAVERS
 - LIGHT



Issued To	For	Date
Amherst Public Works	Site Plan	05/27/05
Public Works	Site Plan	06/16/05
Planning Dept	Site Plan	06/21/05
Engineering Dept	Site Plan	06/21/05
City Council	Site Plan	06/21/05
Amherst Council	Site Plan	06/21/05

NOT FOR CONSTRUCTION

ARCHITECTURAL
 SITE PLAN
 LAYOUT
 1" = 20'-0"

AS1.1

BOB-LO

Professional Consulting
Architectural, Civil
Engineering

EUGENE C. BOYKINS, F.A.S.C.
100 MILL AVENUE
AMHERST, MASSACHUSETTS 01002
TEL: 413/253-1111 FAX: 413/253-1112

JJR

100 MILL AVENUE
AMHERST, MASSACHUSETTS 01002
TEL: 413/253-1111 FAX: 413/253-1112

NO. 1	DATE	DESCRIPTION
1	10/1/05	ISSUED FOR PERMITTING
2	10/1/05	ISSUED FOR PERMITTING
3	10/1/05	ISSUED FOR PERMITTING
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50	10/1/05	ISSUED FOR PERMITTING

NOT FOR
CONSTRUCTION

ARCHITECTURAL
SITE PLAN
GRADING
1" = 20'-0"

AS1.2

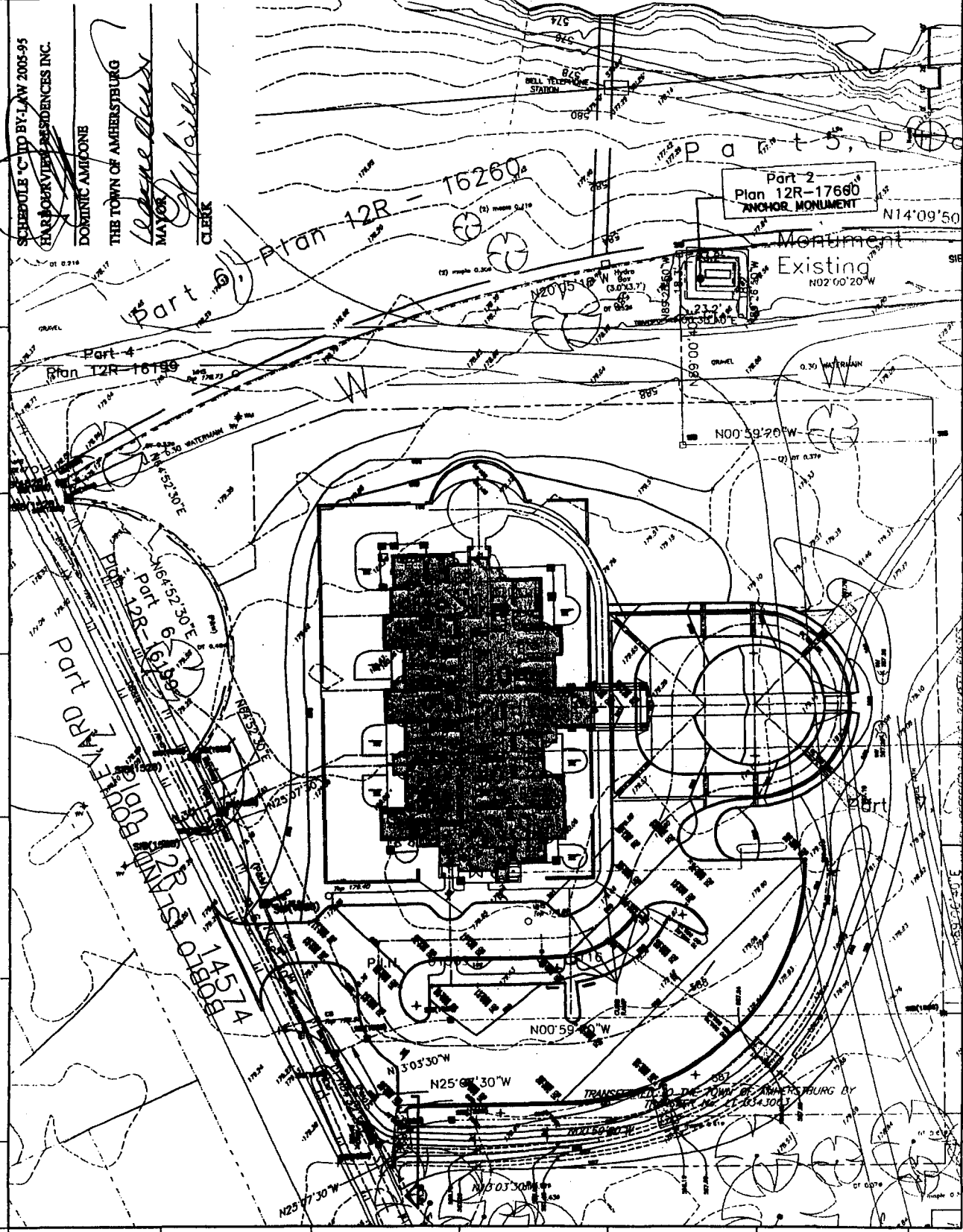
SCHEDULE "C" ID BY-LAW 2005-95
BARBORVILLE RESIDENCES INC.

DOMINIC AMOONE

THE TOWN OF AMHERSTBURG

Clare O'Leary
MAYOR

John Bailey
CLERK



THIS PLAN IS THE PROPERTY OF THE TOWN OF AMHERSTBURG AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE TOWN OF AMHERSTBURG.



Professional Seal
Architect/Engineer
No. 000000000

EUGENE C. HOPKINS, F.A.S.
ARCHITECT
15 MILL AVE. SUITE 100
MILWAUKEE, WISCONSIN 53212
TEL: 778-5544 FAX: 778-5544

JJR
ARCHITECT
15 MILL AVE. SUITE 100
MILWAUKEE, WISCONSIN 53212
TEL: 778-5544 FAX: 778-5544

NO.	DATE	DESCRIPTION
1	03.12.01	PRELIMINARY
2	04.15.01	REVISED
3	05.10.01	REVISED
4	06.05.01	REVISED
5	07.01.01	REVISED
6	08.01.01	REVISED
7	09.01.01	REVISED
8	10.01.01	REVISED
9	11.01.01	REVISED
10	12.01.01	REVISED

NOT FOR CONSTRUCTION

ARCHITECTURAL
SITE PLAN
PLANNING
1" = 30'-0"

AS1.4

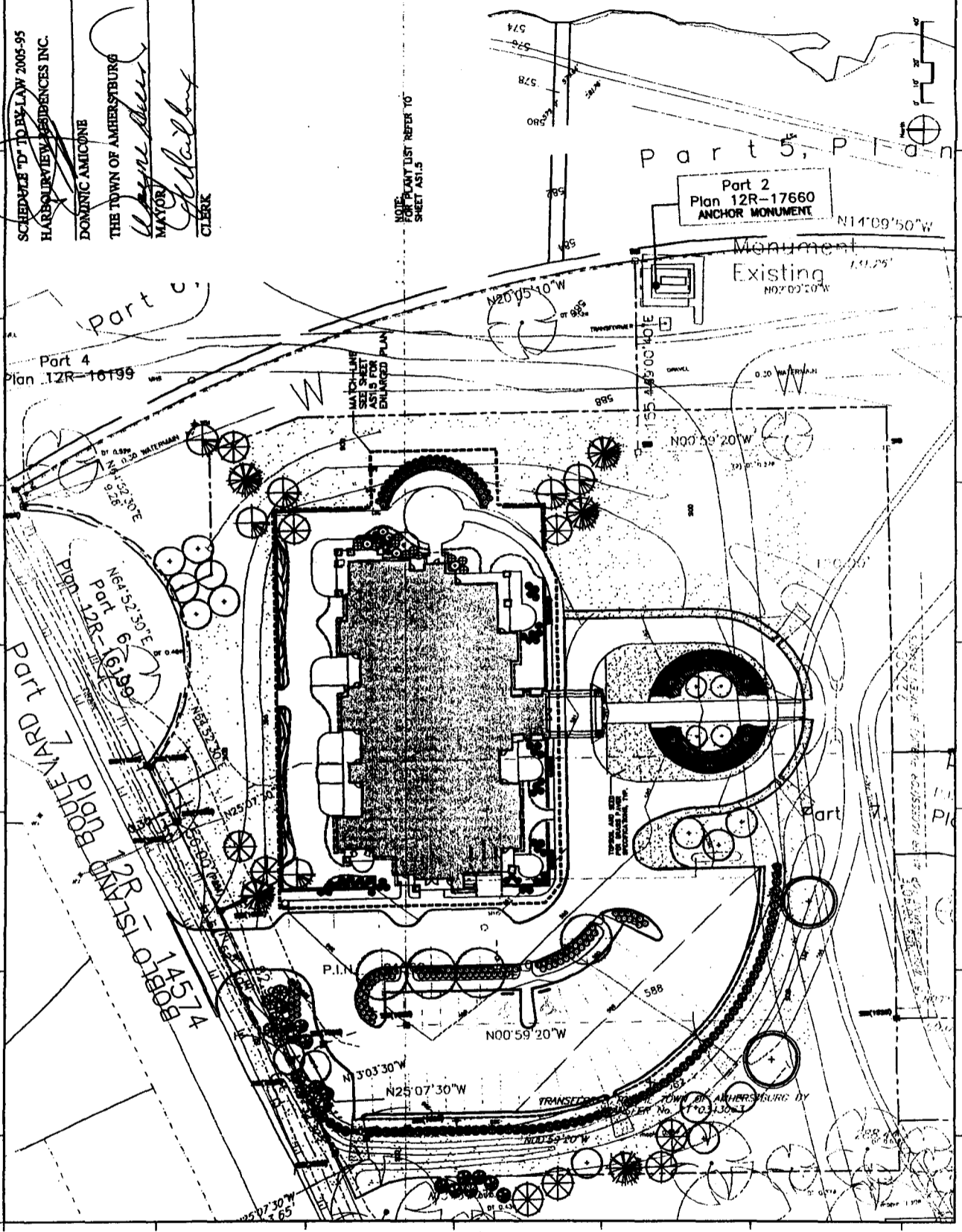
SCHEDULE "D" TO BY-LAW 2005-95
HARBORTOWN RESIDENCES INC.

DOMINIC AMICONE
THE TOWN OF AMHERSTBURG

Mayor
MAYOR

Clerk
CLERK

NOTE: FOR PLANT LIST REFER TO SHEET AS1.5



PLAN No. 12R-17660 AS1.4
DATE: 08/15/01
SCALE: 1" = 30'-0"

BOB-10

Hubertson Construction
Architectural Office

EUGENE C. HOPKINS F.A.S.
REGISTERED ARCHITECT
100 MILL AVENUE
AND APART, NEWTON, MASS.
TELEPHONE 774-752-1100

JJR

ALL LINES
TO BE LAYED OUT
AND CONSTRUCTION
TO BE ACCORDING TO
THESE PLANS

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NOT FOR CONSTRUCTION

ARCHITECTURAL
SITE PLAN
UTILITIES
1" = 30'-0"

AS1.3A

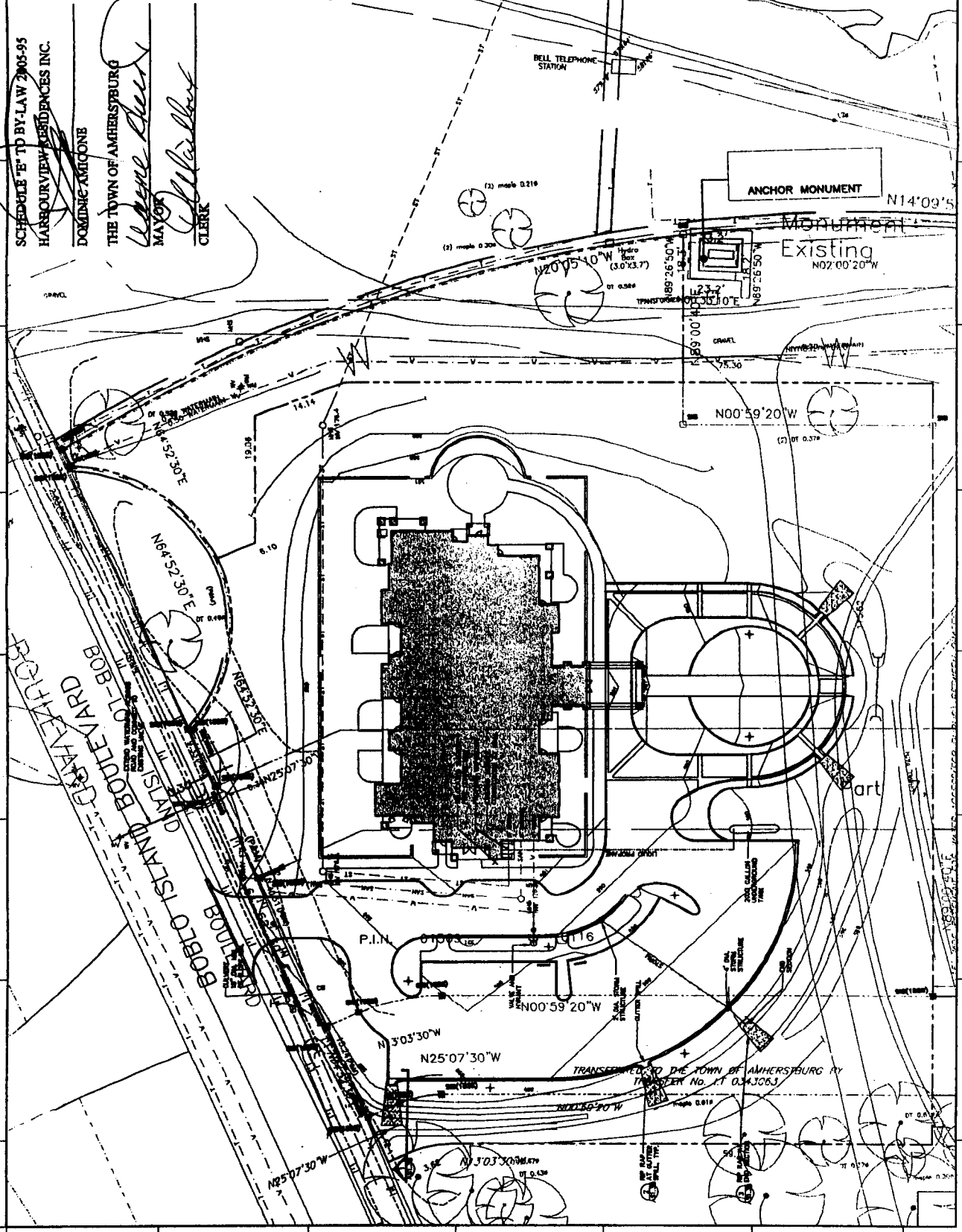
SCHEDULE "B" TO BY-LAW 2-05-95
HARBORVIEW RESIDENCES INC.

DOMINIC AMICONE

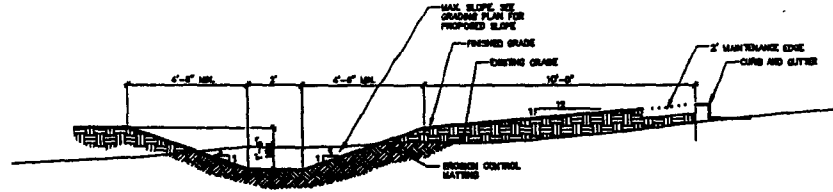
THE TOWN OF AMHERSTBURG

Dominic Amicone
MAYOR

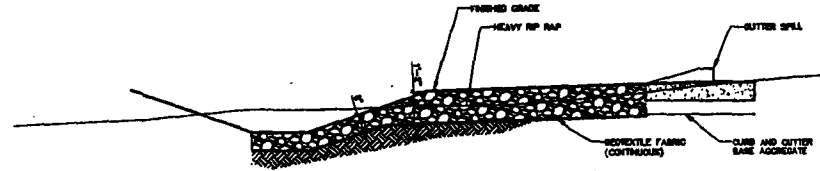
John J. Reilly
CLERK



FILED IN THE OFFICE OF THE TOWN ENGINEER, TOWN OF AMHERSTBURG, MASSACHUSETTS, ON 03/11/95 AT 10:00 AM.

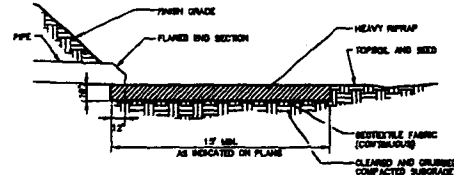


TYPICAL SWALE SECTION
SECTION
SCALE: 1/2" = 1'-0"

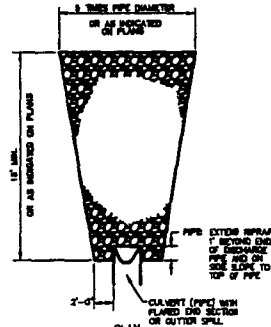


RIP RAP AT GUTTER SPILL
SECTION
NOT TO SCALE

FOR PLAN LAYOUT,
REFER TO DETAIL 1,
THIS SHEET.



RIP RAP AT END SECTION
SECTION AND PLAN
NOT TO SCALE



Hastings Construction
Architectural Details

EUGENE C. HOPKINS, F.A.S.A.
REGISTERED CIVIL ENGINEER
170 HILL AVENUE
ANN ARBOR, MICHIGAN 48104
734.763.3444 T 734.763.2839 F

JJR
JIR, LLC
170 HILL AVENUE
ANN ARBOR, MICHIGAN 48104
734.763.4477 T 734.763.2839 F
www.jjr.com

NO.	REV.	DATE	BY	CHK'D

NOT FOR
CONSTRUCTION

ARCHITECTURAL
SITE PLAN
DETAILS
AS NOTED

Golder Associates Ltd.

2445 McDougall Street, Suite 100
Windsor, Ontario, Canada N9K 3M7
Telephone (519) 250-3733
Fax (519) 250-4482



September 7, 2001

011-4540

Bob-Lo Island Resort Community
1078386 Ontario Limited
340 Dalhousie Street
Amherstburg, Ontario
N9V 1X3

COPY

Attention: Mr. John Oram

RE: SEWAGE TREATMENT PLANT MITIGATIVE REPORT

Dear Sirs:

The sewage treatment plant installed on Bob-Lo Island is a Rototank system with a primary settling tank, rotating biological contactor, and biological settling tank. Treated effluent from the plant is discharged through an underwater pipeline to the Detroit River. The plant is built into the ground with the roof of the chamber approximately one foot above grade. It is Golder's opinion that odour or noise from the sewage treatment plant, at its current capacity, will not likely affect the residents of the proposed condominium development.

At present and projected volumes of sewage to this plant, odour is unlikely to become a problem. Despite this expectation, currently unforeseen upset conditions may result in odour generation at higher and potentially problematic air concentrations. In the event of an upset condition, there are three potential odour sources in the sewage treatment process:

- the primary settling tank,
- the biological contactor,
- the biological settling tank.



OFFICES ACROSS NORTH AMERICA, SOUTH AMERICA, EUROPE, ASIA AND AUSTRALIA

SCHEDULE "F" TO BY-LAW 2005-95
HARBOUR VIEW RESIDENCES INC.

DOMINIC AMICONE

THE TOWN OF AMHERSTBURG

[Signature]
MAYOR

[Signature]
CLERK

Odours from these sources may become a problem requiring mitigation. There are a number of mitigation strategies that could be employed to resolve residents' concerns. The strategy selected would depend on the source of odour.

If an odour problem occurs, a generic control approach would require the collection and treatment of odorous air contaminants. Several recognized approaches are available for controlling organic-based odours. These include:

- Gas scrubbing
- Carbon adsorption
- Biodegradation

The air collection system would be common to all three treatment approaches and would comprise local exhaust hoods connected to a common header duct. An induced draft fan would draw the air from "critical" process components (primary settling tank, biological contactor, and biological settling tank) and direct it to the selected treatment module.

For gas scrubbing, the odorous exhaust stream is brought into contact with a liquid - typically by spraying it with the liquid, although there are other means to effect the required contact. Odorous components in the exhaust air are removed by absorption into the liquid stream.

Carbon adsorption may be a more effective approach to odour removal. This technology introduces the odorous air to enclosed vessels packed with activated carbon. The odorous organic components in the air stream adhere to the surface of the highly porous adsorbent while the cleaned air passes through the vessel and is released to atmosphere. Adsorption is highly suited to the removal of trace organic constituents from air streams whereas wet scrubbers are generally more efficient with higher contaminant concentrations in the exhaust.

Bio-degradation of odorous air contaminants requires a system similar in concept to the existing rotary biological contactor. In this case, the exhaust air stream would be introduced to a porous, wetted bed of natural organic materials (for example wood chips, sawdust, corn husks, peat moss and similar substrates) inoculated with suitable micro-organisms. Odorous organic contaminants would be removed through assimilation by the micro-organisms as a food source.

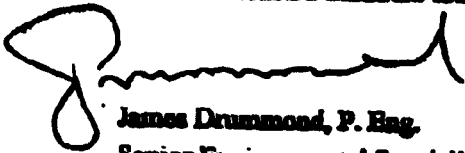
Goldar Associates

It is Golder's opinion that, at current and projected volumes of sewage to be treated at this plant, there is limited likelihood of odours. However, if odours do become a problem the mitigative strategies described in this report would be expected to minimize or eliminate the problem. Also, as odour abatement methods continue to evolve, other strategies may become available over time to treat potential odour generation.

If you or anyone has any questions regarding this report please do not hesitate to contact the undersigned.

Yours very truly,

GOLDER ASSOCIATES LTD.



James Drummond, P. Eng.
Senior Environmental Specialist

ID/JWR:uk

REPORT

Golder Associates

SCHEDULE "G" TO BY-LAW 2005-95
HARBORVIEW RESIDENCES INC.

Dominic Amicone
DOMINIC AMICONE

THE TOWN OF AMHERSTBURG

Wayne Deen
MAYOR

Shelley
CLERK

