

**CORPORATION OF THE TOWN OF AMHERSTBURG
BYLAW NO. 2006-67**

**Being a Bylaw to close and sell road allowances
or portions thereof known as
Ouellette Street, Park Avenue, Fraser Street
in the Town of Amherstburg, County of Essex**

WHEREAS it is deemed expedient to close up the whole or parts of unopened road allowances known as Ouellette Street, portion of Park Avenue and Fraser Street north of Brunner Avenue as more particularly described in Schedule A attached hereto;

AND WHEREAS in 1992 the Town of Amherstburg completed the process to formally close Ouellette Street and a portion of Park Avenue (Bylaw 2233);

AND WHEREAS the Council of the Town of Amherstburg has deemed it appropriate and expedient to sell the said road allowances being closed to Petretta Construction to facilitate commercial development;

AND WHEREAS pursuant to Section 34 of the Municipal Act 2001 s.o. 2001 c.25 before passing a bylaw for permanently closing a highway, a municipality shall give public notice of its intention to pass the bylaw;

AND WHEREAS Notice of the Intention of the Council of the Town of Amherstburg was published in local newspapers as follows:

River Town Times -	Aug. 31, 2006
River Town Times -	Sept. 7, 2006
Amherstburg Echo -	Sept. 6, 2006

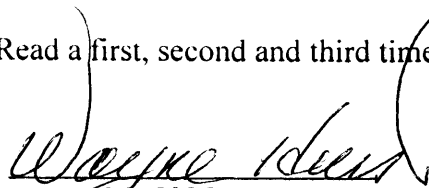
AND WHEREAS Council adopted a report prepared by the Town CAO dated July 20, 2006 from which recommended the said unopened road allowances be declared as surplus property

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

1. That the following road allowances as shown in Schedule A attached be closed and stopped up:

Part 1 – Plan 12R-22760;	Ouellette Street – formerly closed in 1992, Bylaw 2233
Part 2 – Plan 12R-22760;	Portion of Park Avenue—formerly closed in 1992, Bylaw 2233
Part 3 – Plan 12R-22760;	Portion of Park Avenue
Part 4 - Plan 12R-22760;	Portion of Park Avenue
Part 5 – Plan 12R-22760;	Portion of Park Avenue
Part 6 – Plan 12R-22760;	Fraser Street north of Brunner Avenue
2. That parts 1 to 6 on Plan 12R-22760, as shown in Schedule A be declared surplus and sold to Petretta Construction to be added to adjacent property owned by Petretta Construction.
3. That this bylaw shall come into force and take effect after the final passing thereof on the day upon which it is registered in the Registry Office for the Registry Division of Essex (No. 12).
4. That the Mayor and the Clerk of the Corporation be and are hereby authorized to do all acts and sign all documents which will be necessary to sell and convey the said streets so closed as provided herein, and to otherwise carry out the intent of this bylaw.

Read a first, second and third time and finally passed this 11th day of September, 2006.


MAYOR


CLERK

**MOUSSEAU DELUCA
MCPHERSON PRINCE LLP**

LEON Z. MCPHERSON, Q.C. (1934-1989) MAX N. MOUSSEAU, Q.C. (1949-1988)
WALTER H. PRINCE, Q.C., LL.D. (1955-2005) ARMANDO F. DELUCA, Q.C., O.ONT.
RICHARD A. DINHAM, B.COMM., LL.B. THOMAS R. PORTER, B.A., LL.B.
EDWARD J. POSLIFF, B.A.(HON.), LL.B., LL.M.* RICHARD LEE POLLOCK, B.P.A., LL.B.
ILIAS KIRITSIS, LL.B., J.D. CHRISTINE JAHNS MALOTT, B.A.(HON.), LL.B.
NICOLE M. LAMPIER, B.A.(HON.), LL.B. ROBERT AUGER, B.A., B.COMM., LL.B.
RUTH P. ORTON-PERT, LL.B. ERIKA VALVASORI, B.Sc.(HON.), B.Ed., LL.B.
JENNIFER SIMPSON ROOKE, B.A.(HON.), LL.B. *CERTIFIED SPECIALIST (CIVIL LITIGATION)

October 27, 2006

RECEIVED
OCT 30 2006

Frank Pizzuto, CAO
The Corporation of the Town of Amherstburg
271 Sandwich St. S.
Amherstburg, Ontario
N9V 2A5

Dear Frank:

**RE: Town of Amherstburg s/t 1594064 Ontario Limited
Closed Ouellette Street, Park Avenue and Fraser Street, Amherstburg**

This letter serves to confirm that the above captioned transaction closed on today's date. We are pleased to enclose herewith the following:


1. Statement of Adjustments, the contents of which are self-explanatory. *(Please note that our legal costs are added to the sale price, along with the appraisal fee and the surveyor's fee.)*
2. Trust Statement, the contents of which are self-explanatory.
3. Trust cheque in the amount of \$71,660.14.
4. Goods and Services Tax Certificate of Indemnity signed by the purchaser.
5. Undertaking to Readjust the sale price signed by the purchaser.
6. Undertaking to Readjust the sale price signed by all parties.
7. Electronically registered Bylaw 2006-67 registered on October 2nd, 2006.

We are pleased to have been of service to you and trust that this matter has been handled to your satisfaction.

If we have any further questions in connection with this matter, please do not hesitate to contact the writer.

Yours truly,

MOUSSEAU, DELUCA, MCPHERSON, PRINCE, LLP

per 
Armando F. DeLuca, Q.C.

AFD/lw
encls.

RE: TOWN OF AMHERSTBURG S/T 1594064 ONTARIO LIMITED

File #23265

TRUST STATEMENT

Received balance on closing from Floro Culmone, in trust		\$75,558.14
Paid fees and disbursements (paid by purchaser as per statement of adjustments)	\$ 3,898.00	
Paid balance to The Corporation of the Town of Amherstburg	\$71,660.14	-----
	\$75,558.14	\$75,558.14

e. & o.e.



STATEMENT OF ADJUSTMENTS

Vendor: Town of Amherstburg

Purchaser: 1594064 Ontario Limited

Property: closed Ouellette Ave., Park Ave. and Fraser St., Amhers

Adjusted as of: October 26, 2006

	Credit Purchaser	Credit Vendor
<u>SALE PRICE</u>		\$68,500.00
<u>LEGAL COSTS</u>		
Credit Vendor:		3,898.00
<u>APPRAISAL FEE</u>		
Credit Vendor:		1,060.00
<u>REFERENCE PLAN</u>		
Credit Vendor:		2,100.14
<u>BALANCE DUE ON CLOSING</u>		
payable to Mousseau,DeLuca,McPherson,Prince, in trust or as further directed	\$75,558.14	
	\$75,558.14	\$75,558.14

E.&O.E.

Prepared using REadjust by Do Process Software Ltd.

SUMMARY OF STATEMENT OF ADJUSTMENTS

Vendor: Town of Amherstburg

Purchaser: 1594064 Ontario Limited

Property: closed Ouellette Ave., Park Ave. and Fraser St., Amhers

Adjusted as of: October 26, 2006

The Statement of Adjustments sets out closing adjustments between you and the purchaser, calculated as at October 26, 2006.

The Statement reflects a credit to you in the amount of \$68,500.00, being the sale price of the property.

LEGAL COSTS - You received credit with the sum of \$3,898.00 in this regard.

APPRAISAL FEE - You received credit with the sum of \$1,060.00 in this regard.

REFERENCE PLAN - You received credit with the sum of \$2,100.14 in this regard.

BALANCE DUE ON CLOSING - After accounting for the foregoing adjustments, the purchaser was required to pay the balance due on closing in the amount of \$75,558.14.

UNDERTAKING TO READJUST

VENDOR: The Corporation of the Town of Amherstburg

PURCHASER: 1594064 Ontario Limited

PROPERTY: Part of Ouellette Street, Fraser Street and Park Avenue, Plan 960, Anderdon, in the Town of Amherstburg, County of Essex and Province of Ontario, being Parts 1, 2, 3, 4, 5 and 6 on Plan 12R22760

The undersigned hereby undertake to readjust the Sale Price set out on the Statement of Adjustments in the above-noted transaction. The adjusted Sale Price shall be determined by an accredited Real Estate Appraiser and such appraisal report shall include the fact of the existence of a fence, berm and open drain which is situated over that portion of the subject lands known as Parts 3, 4 and 5 on Plan 12R22760.

DATED at Windsor, Ontario this 26 day of October, 2006.

SIGNED, SEALED AND DELIVERED)
in the presence of:)

THE CORPORATION OF THE TOWN OF AMHERSTBURG

Per: *Wayne Hurst*
Name: WAYNE HURST
Position: MAYOR.

Per: *David Mailloux*
Name: DAVID MAILLOUX
Position: CLERK.

1594064 ONTARIO LIMITED

Per: *Richard Miller*
Name: Richard Miller
Position: President

UNDERTAKING TO READJUST

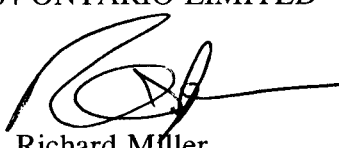
VENDOR: The Corporation of the Town of Amherstburg

PURCHASER: 1594064 Ontario Limited

PROPERTY: Part of Ouellette Street, Fraser Street and Park Avenue,
Plan 960, Anderdon, in the Town of Amherstburg,
County of Essex and Province of Ontario, being
Parts 1, 2, 3, 4, 5 and 6 on Plan 12R22760

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DATED at Windsor, Ontario this day of October, 2006.

SIGNED, SEALED AND DELIVERED)	THE CORPORATION OF THE
in the presence of:	)	TOWN OF AMHERSTBURG
)	
)	
	)	<u>Per:</u>
	)	Name:
	)	Position:
)	
)	
	)	<u>Per:</u>
	)	Name:
	)	Position:
)	
	)	1594064 ONTARIO LIMITED
)	
)	
	)	<u>Per:</u> 
	)	Name: Richard Miller
	)	Position: President

GOODS AND SERVICES TAX

CERTIFICATE OF INDEMNITY

TO: The Corporation of The Town of Amherstburg

AND TO: Mousseau, DeLuca, McPherson LLP
Barristers and Solicitors

RE: 1594064 Ontario Limited purchase from The Corporation of the Town of Amherstburg
Closed Ouellette Street, Park Avenue and Fraser Street, Amherstburg

1. The purchaser is the registered pursuant to the Excise Tax Act (Canada), as amended, for purposes of paying the goods and services tax by registration number: 86849 6209 RT0001.
2. The purchaser will remit directly to the Receiver General of Canada the goods and services tax payable and file the prescribed form GST 60 pursuant to subsection 228(4) of the Excise Tax Act (Canada), in connection with the purchase of the Real Property.
3. The purchaser will indemnify and save harmless **The Corporation of the Town of Amherstburg** from any goods and services tax, penalty, interest or other amounts which may be payable by or be assessed against **The Corporation of the Town of Amherstburg** for failure to collect and remit any goods and services tax applicable on the sale and conveyance of the Real Property to **1594064 Ontario Limited**.
4. The Real Property:
 - (a) is being purchased by the purchaser as principal for their own account and is not being purchased by the purchaser as an agent, trustee or otherwise on behalf of or for another person or corporation;
 - (b) does not constitute a supply of a residential complex made to an individual for the purposes of paragraph 221(2)(b) of the Excise Tax Act (Canada).

Dated at Windsor, Ontario this day of October, 2006.

1594064 ONTARIO LIMITED



Per: Richard Miller
Title: President

I have authority to bind the Corporation

PURCHASER'S UNDERTAKING
(ELA e-reg user's group approved Sept. 2003)

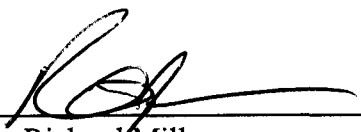
Check here if this document has been modified from the standard form: []
All modifications must be clearly indicated.

VENDOR: The Corporation of the Town of Amherstburg
PURCHASER: 1594064 Ontario Limited
PROPERTY: Closed Ouellette Street, Park Avenue, and Fraser Street, Amherstburg,
Ontario
Firstly: Ouellette Street, Plan 960, btn Brunner Av & S of the Wly Ext of
N Limit of Lt 292, Plan 960
Secondly: Park Av, Plan 960, Park Av, Plan 960
Thirdly: Fraser St., Plan 960, being Part 6 on 12R-9960
Town of Amherstburg

If the Statement of Adjustments delivered in the noted transaction is inaccurate or incomplete, I
UNDERTAKE to the Vendor and the Vendor's Solicitor to re-adjust forthwith.

DATED at Windsor, Ontario on the ^{13th}~~29th~~ day of ^{October}~~September~~, 2006.

1594064 ONTARIO LIMITED

Per: 
Name: Richard Miller
Title: President

Properties

<i>PIN</i>	01544 - 1310 LT	<input checked="" type="checkbox"/> Redescription
<i>Description</i>	QUELLETTE ST. PL 960 ANDERDON; AMHERSTBURG; DESIGNATED AS PART 1 ON 12R-22760	
<i>Address</i>	AMHERSTBURG	
<i>PIN</i>	01544 - 1311 LT	<input checked="" type="checkbox"/> Redescription
<i>Description</i>	PT PARK AV PL 960 ANDERDON; AMHERSTBURG; DESIGNATED AS PARTS 2, 3, 4, 5 ON 125-22760	
<i>Address</i>	AMHERSTBURG	
<i>PIN</i>	01544 - 1312 LT	<input checked="" type="checkbox"/> Redescription
<i>Description</i>	PT FRASER ST PL 960 ANDERDON; AMHERSTBURG DESIGNATED AS PART 6 ON 12R-22760	
<i>Address</i>	AMHERSTBURG	

Applicant(s)

This Order/By-law affects the selected PINs.

Name THE CORPORATION OF THE TOWN OF AMHERSTBURG
Address for Service 271 Sandwich St. S.
 Amherstburg, Ontario

This document is being authorized by a municipal corporation DAVID MAILLOUX, CLERK.

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

Statements

This application is based on the Municipality By-Law No. 2006-67 dated 2006/09/11.

Schedule: See Schedules

Signed By

Armando Felice Antonio DeLuca 500-251 Goyeau Street acting for Applicant(s) Signed 2006 10 02
 Windsor N9A 6V2
 Tel 519-258-0615
 Fax 5192586833

Submitted By

MOUSSEAU DELUCA 500-251 Goyeau Street 2006 10 02
 MCPHERSON PRINCE Windsor N9A 6V2
 Tel 519-258-0615
 Fax 5192586833

Fees/Taxes/Payment

Statutory Registration Fee \$60.00
Total Paid \$60.00

File Number

Applicant Client File Number : 23265-AMHERSTBURG