

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2006-85

**A by-law to authorize the signing
of an Agreement.**

WHEREAS the Council of the Corporation of the Town of Amherstburg passed By-law 2006-45 on the 23rd day of May, 2006 being a by-law to authorize the signing of a Development Agreement for property described as Part Lot 5, Concession 1 (Malden) designated as Part 1, Plan 12R-22400 for use as a retirement home facility;

AND WHEREAS the said Development Agreement provided for the construction of a storm sewer manhole and its pipe outlet to the Detroit River subject to a mutually agreed upon cost sharing agreement to be entered into by separate agreement and approved by municipal by-law;

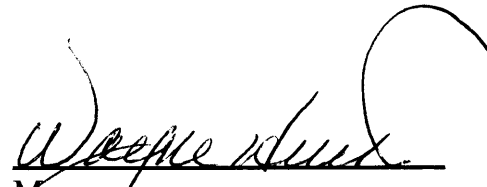
AND WHEREAS the Agreement requires that the owner provide an easement through its lands for the Corporation for purposes of servicing and maintenance of the subject sewer;

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


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

1. That the Mayor and Clerk be and they are hereby authorized to execute the original and copies of the agreement in the form annexed hereto and affix the Corporate Seal thereto.
2. That 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 27th day of November, 2006.



Mayor



Clerk

Certified to be a true copy of By-Law
No. 2006-85 passed by the Amherstburg
Municipal Council on November 27, 2006.

Properties

PIN 70570 - 0243 LT Redescription
 Description PT LT 5 CON 1 MALDEN DESIGNATED AS PART 1 PLAN 12R-22781;
 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, On

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 MALDEN PROPERTIES INC.
 Address for Service 2155 Fasan Dr.
 RR#1
 Oldcastle, On
 NOR 1LO

I, DOMINIC AMICONE, Pres., 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

Signed By

Armando Felice Antonio DeLuca 500-251 Goyeau Street acting for Applicant(s) Signed 2007 01 10
 Windsor N9A 6V2
 Tel 519-258-0615
 Fax 5192586833

Submitted By

MOUSSEAU DELUCA 500-251 Goyeau Street 2007 01 10
 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 : 23311

Party To Client File Number : 23311

AGREEMENT

THIS AGREEMENT made in triplicate this 27th day of November, 2006.

BETWEEN:

MALDEN PROPERTIES INC.
hereinafter called "the Owner"

OF THE FIRST PART;

-and-

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

OF THE SECOND PART;

RECITALS

WHEREAS the Council of the Corporation of the Town of Amherstburg passed By-law 2006-45 on the 23rd day of May, 2006 being a by-law to authorize the signing of a Development Agreement for property described as Part Lot 5, Concession 1 (Malden) designated as Part 1, Plan 12R-22400 for use as a retirement home facility;

AND WHEREAS the said Development Agreement provided for the construction of a storm sewer manhole and its pipe outlet to the Detroit River subject to a mutually agreed upon cost sharing agreement to be entered into by separate agreement and approved by municipal by-law.

AND WHEREAS the Agreement required that the Owner provide an easement through its lands for the Corporation for purposes of servicing and maintenance of the subject sewer.

NOW THEREFORE IN CONSIDERATION of the premises and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The foregoing Recitals are true in substance and in fact and are hereby incorporated herein by reference.
2. The Owner and Corporation agree that the Corporation's share for the construction of storm manhole #1 and its pipe outlet to the Detroit River including engineering and legal fees will be \$21,350.00 plus G.S.T.
3. The registration of the transfer of easement for Part 1 on Plan 12R-22781 is the responsibility of the Owner.
4. This Agreement shall be registered against the land to which it applies as described on Schedule "A" of this agreement at the shared expense of the Owner and the Corporation.

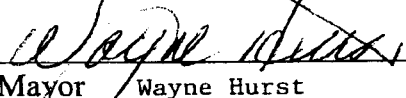
5. This Agreement shall enure to the benefit of, and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

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

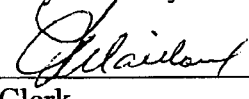

MALDEN PROPERTIES INC.

Dominic Amicone, President

**THE CORPORATION OF THE
TOWN OF AMHERSTBURG**



Mayor Wayne Hurst



Clerk David Mailloux

SCHEDULE "A"

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

Part of Lot 5, Concession 1
designated as Part 1, Plan 12R-22781
geographic Township of Malden
now in the
Town of Amherstburg,
County of Essex,
Province of Ontario

Amherst Retirement 2006-85
Cost sharing agent - Mousseau

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

yyyy mm dd Page 1 of 4

Properties

PIN 70570 - 0243 LT Redescription
Description PT LT 5 CON 1 MALDEN DESIGNATED AS PART 1 PLAN 12R-22781;
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, On

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	MALDEN PROPERTIES INC.	
Address for Service	2155 Fasan Dr. RR#1 Oldcastle, On NOR 1LO	

I, DOMINIC AMICONE, Pres., 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

Signed By

Armando Felice Antonio DeLuca	500-251 Goyeau Street Windsor N9A 6V2	acting for Applicant(s)	Signed	2007 01 10
Tel	519-258-0615			
Fax	5192586833			

Submitted By

MOUSSEAU DELUCA MCPHERSON PRINCE	500-251 Goyeau Street Windsor N9A 6V2			2007 01 10
Tel	519-258-0615			
Fax	5192586833			

Fees/Taxes/Payment

Statutory Registration Fee	\$60.00
Total Paid	\$60.00

File Number

Applicant Client File Number : 23311
Party To Client File Number : 23311

AGREEMENT

THIS AGREEMENT made in triplicate this 27th day of November, 2006.

BETWEEN:

MALDEN PROPERTIES INC.
hereinafter called "the Owner"

OF THE FIRST PART;

-and-

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

OF THE SECOND PART;

RECITALS

WHEREAS the Council of the Corporation of the Town of Amherstburg passed By-law 2006-45 on the 23rd day of May, 2006 being a by-law to authorize the signing of a Development Agreement for property described as Part Lot 5, Concession 1 (Malden) designated as Part 1, Plan 12R-22400 for use as a retirement home facility;

AND WHEREAS the said Development Agreement provided for the construction of a storm sewer manhole and its pipe outlet to the Detroit River subject to a mutually agreed upon cost sharing agreement to be entered into by separate agreement and approved by municipal by-law.

AND WHEREAS the Agreement required that the Owner provide an easement through its lands for the Corporation for purposes of servicing and maintenance of the subject sewer.


NOW THEREFORE IN CONSIDERATION of the premises and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The foregoing Recitals are true in substance and in fact and are hereby incorporated herein by reference.
2. The Owner and Corporation agree that the Corporation's share for the construction of storm manhole #1 and its pipe outlet to the Detroit River including engineering and legal fees will be \$21,350.00 plus G.S.T.
3. The registration of the transfer of easement for Part 1 on Plan 12R-22781 is the responsibility of the Owner.
4. This Agreement shall be registered against the land to which it applies as described on Schedule "A" of this agreement at the shared expense of the Owner and the Corporation.

5. This Agreement shall enure 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 Owner has hereunto affixed its seal attested by the signature of its proper signing officer in that regard.

MALDEN PROPERTIES INC.

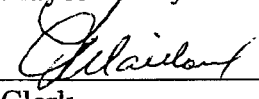


Dominic Amicone, President

**THE CORPORATION OF THE
TOWN OF AMHERSTBURG**



Mayor Wayne Hurst



Clerk David Mailloux

SCHEDULE "A"

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

Part of Lot 5, Concession 1
designated as Part 1, Plan 12R-22781
geographic Township of Malden
now in the
Town of Amherstburg,
County of Essex,
Province of Ontario