

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2010-19

A by-law to authorize the signing of a Consent /Development Agreement.

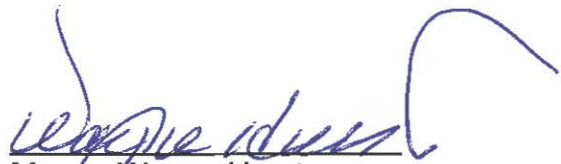
WHEREAS 1352120 Ontario Limited has proposed the subdivision of property within Part of Lot 23, Concession 2;

AND WHEREAS the Council of the Town of Amherstburg and owners of the said property have agreed to the terms and conditions of a Consent/Development 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 a Consent/Development Agreement in the form annexed hereto and affix the Corporate Seal thereto.
2. 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 22nd day of February, 2010.



Mayor- Wayne Hurst



Clerk- Brenda Percy

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

Properties

PIN 70558 - 0348 LT
Description PT LT 23 CON 2 (AKA LT 3 RANGE 1) MALDEN DESIGNATED AS PART 1 PL 12R23956 TOWN OF AMHERSTBURG
Address 440 SIMCOË STREET
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

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

This document is being authorized by a municipal corporation Lory Bratt, AMCT, Planning Coordinator.

Party To(s)

Capacity

Share

Name 1352120 ONTARIO LIMITED
Address for Service c/o 271 Sandwich St. S.
Amherstburg, On

This document is being authorized by a municipal corporation Lory Bratt, AMCT, Planning Coordinator.

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

Statements

This notice is pursuant to Section 71 of the Land Titles Act.

This notice is for an indeterminate period

Schedule: See Schedules

Signed By

Armando Felice Antonio DeLuca 500-251 Goyeau Street acting for Signed 2010 03 19
Windsor Applicant(s)
N9A 6V2
Tel 519-258-0615
Fax 5192586833

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

MARIE-ANNE S. SIEAU DELUCA MCPHERSON PRINCE 500-251 Goyeau Street 2010 03 19
Windsor
N9A 6V2
Tel 519-258-0615
Fax 5192586833

Fees/Taxes/Payment

Statutory Registration Fee \$60.00
Total Paid \$60.00

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

yyyy mm dd

File Number

Applicant Client File Number : 24785

TOWN OF AMHERSTBURG

**CONSENT/DEVELOPMENT AGREEMENT
(SUBDIVISION AGREEMENT)**

BETWEEN:

1352120 ONTARIO LIMITED

-AND-

THE CORPORATION OF THE TOWN OF AMHERSTBURG

**CONSENT /DEVELOPMENT AGREEMENT
(SUBDIVISION AGREEMENT)**

Registered _____, 2010.

THIS AGREEMENT made in triplicate this 22nd day of February, 2010.

BETWEEN: 1352120 ONTARIO LIMITED

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 Owner proposed the subdivision of lands within Part of Lot 23, Concession 2 also known as Part of Park Lot 3, Range 1 in the geographic Township of Malden now in the Town of Amherstburg, County of Essex, which lands are more particularly described in Schedule "A" annexed hereto;

AND WHEREAS the Amherstburg Committee of Adjustment granted consent on September 30, 2008 (File B/29/08) for the subdivision of lands to create a multiple residential building lot, subject to conditions imposed for both the severed and retained parcel including a provision that the Owner agrees in writing to satisfy all of the requirements of the Town concerning environmental issues and other matters;

AND WHEREAS the Owner represents and warrants to the Town that it is now the registered owner of all the lands described in Schedule "A" annexed hereto and that all of the right, title and interest of its predecessors in title and all right and authority to complete the subdivision and to develop the lands is rested in it.

AND WHEREAS reports were prepared by Golder Associates dated July 2009 and March 26, 2008;

NOW THEREFORE in consideration of the premises and of the Town certifying to the Committee of Adjustment that the requirements of the Town have been met, the parties hereto agree as follows:

1. 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

2. The Owner and Corporation hereby acknowledge Report #08-1134-024-0-R02 dated July 2009 prepared by Golder Associates on the Supplemental Soil and Groundwater Quality Assessment and Limited Soil Lead Impact Delineation for the property described as Part of Lot 23, Concession 2, Part of Park Lot 3, Range 1, designated as Parts 1 and 2, Plan 12R-23956 together with the Phase 1 ESA dated March 26, 2008 reference number 08-1134-024-0. These reports will form the basis for the environmental information and will be used in conjunction with any future development on the entire site.

3. This Agreement shall be registered against the land to which it applies, at the expense of the Owner, and the Corporation shall be entitled, subject to the provisions of The Registry Act and The Land Titles Act, to enforce its provisions against the Owner named herein and any and all subsequent owners of the land.

IN WITNESS WHEREOF the Owner executed this Agreement.

OWNER: 1352120 Ontario Limited



President- Jason Laframboise



Secretary/Treasurer- Norbert Bolger

**THE CORPORATION OF THE
TOWN OF AMHERSTBURG**



Mayor- Wayne Hurst



Clerk- Brenda Percy

Authorized and approved by By-law No. 2010-19
enacted the 22nd day of February, 2010.


SCHEDULE "A"

Part of Lot 23, Concession 2
also known as Part of Park Lot 3, Range 1
being Part 1 on Reference Plan 12R-23956
in the Geographic Township of Malden
now in the Town of Amherstburg
County of Essex
Province of Ontario

OWNER: 1352120 Ontario Limited



President- Jason Laframboise



Secretary/Treasurer- Norbert Bolger

**THE CORPORATION OF THE
TOWN OF AMHERSTBURG**



Mayor- Wayne Hurst



Clerk- Brenda Percy