

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2010-32

**Being a by-law to authorize the execution of an
Amending Subdivision Agreement (Forhan Street)**

WHEREAS a Subdivision Agreement was entered into between Fortress Building Group Inc. and the Corporation of the Town of Amherstburg on the 24th day of June, 2005 for the subdivision and servicing of lands within Registered Plan 12M-198 in the Town of Amherstburg;

AND WHEREAS the Developer, 507822 Ontario Inc., has requested an amendment to the Subdivision Agreement;

AND WHEREAS Section 34 of the subject agreement provided for cash-in-lieu of parkland dedication;

AND WHEREAS the Council of the Town of Amherstburg and the Developer of the said property have agreed to the terms and conditions of an Amending Subdivision 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 Corporation of the Town of Amherstburg enter into an Amending Agreement with 507822 Ontario 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 and affix the Corporate Seal thereto.
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 22nd day of March, 2010.



Mayor- Wayne Hurst



Clerk- Brenda Percy

TOWN OF AMHERSTBURG
AMENDING SUBDIVISION AGREEMENT

BETWEEN: 507822 ONTARIO INC.

-AND-

THE CORPORATION OF THE TOWN OF AMHERSTBURG

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

yyyy mm dd Page 1 of 5

Properties

PIN 70554 - 0451 LT
Description LOTS 4 & 5 12M198 DESIGNATED AS PTS 7 TO 10 12R22824 TOWN OF AMHERSTBURG
Address AMHERSTBURG

PIN 70554 - 0438 LT
Description LTS 7 & 8, PL 12M198 DESIGNATED AS PTS 13, 14, 15 & 16, PL 12R22824; AMHERSTBURG
Address AMHERSTBURG

PIN 70554 - 0435 LT
Description LTS 16 & 17, PL 12M198 DESIGNATED AS PTS 31, 32, 33 & 34, PL 12R22824; AMHERSTBURG
Address AMHERSTBURG

PIN 70554 - 0452 LT
Description LOT 10 ON PLAN 12M198 DESIGNATED AS PTS 19 & 37 ON PLAN 12R22824; S/T EASE OVER PT 37 ON 12R22824 AS IN CE302453 TOWN OF AMHERSTBURG
Address AMHERSTBURG

PIN 70554 - 0454 LT
Description LOTS 11 & 12 ON PLAN 12M198 DESIGNATED AS PTS 21 TO 24 (INCL.) ON PLAN 12R22824 TOWN OF 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
 N9V 2A5

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 507822 ONTARIO INC.
Address for Service 3440 Marentette Ave.
 Windsor, On
 N8X 5C2

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 may be deleted by the Land Registrar when the registered instrument, CE159346 registered on 2005/07/21 to which this notice relates is deleted

Schedule: See Schedules

This document relates to registration no.(s)CE159346

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

Signed By

Armando Felice Antonio DeLuca	500-251 Goyeau Street Windsor N9A 6V2	acting for Applicant(s)	First Signed 2010 11 05
Tel 519-258-0615			
Fax 5192586833			

Armando Felice Antonio DeLuca	500-251 Goyeau Street Windsor N9A 6V2	acting for Applicant(s)	Last Signed 2010 11 30
Tel 519-258-0615			
Fax 5192586833			

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

Submitted By

MOUSSEAU DELUCA MCPHERSON PRINCE	500-251 Goyeau Street Windsor N9A 6V2	2010 11 30
Tel 519-258-0615		
Fax 5192586833		

Fees/Taxes/Payment

Statutory Registration Fee	\$60.00
Total Paid	\$60.00

File Number

Applicant Client File Number : 24807

AMENDING SUBDIVISION AGREEMENT

Registered _____, 2010

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

BETWEEN: 507822 ONTARIO INC.

hereinafter called the "DEVELOPER"
OF THE FIRST PART

-and-

**THE CORPORATION OF THE TOWN OF
AMHERSTBURG**

hereinafter called the "THE TOWN"
OF THE SECOND PART

WHEREAS a Subdivision Agreement was entered into between Fortress Building Group Inc. and the Corporation of the Town of Amherstburg on the 27th day of June, 2005 for the subdivision and servicing of lands within Registered Plan 12M-198 in the Town of Amherstburg;

AND WHEREAS Section 34 of the subject agreement provided for cash in lieu of parkland dedication in the amount of \$54,000.00;

AND WHEREAS the Developer, 507822 Ontario Inc., has requested reconsideration of the amount of the cash in lieu based on the value of the land determined as of the day before the day of the approval of the draft plan of subdivision and that an amendment be made to the Subdivision Agreement;

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

NOW THEREFORE THE PARTIES HERETO AGREE TO AMEND THE AGREEMENT DATED JUNE 27, 2005 AS FOLLOW;

1. Section 34 is hereby deleted and replaced with the following:

"34. In satisfaction of the requirement of the Planning Act that the owner convey up to 5% of the land included in the plan to the Town for park purposes, or cash-in-lieu thereof, the Developer covenants and agrees to pay the Town the sum of \$20,350.00 in total with said fee to be paid not later than June 30, 2010."

2. In all other respects the said Subdivision Agreement dated June 27, 2005 shall remain in full force and effect. This agreement shall enure to the benefit of, and be binding upon the parties hereto, and their respective heirs, executors, administrators, successors and assigns.

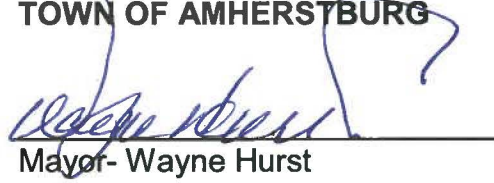
IN WITNESS WHEREOF the Town has hereunto affixed their seals attested by the signature of their proper signing officer and the Developer, has hereunto affixed its seal attested by the signature of its proper signing officer in that regard.

OWNER: **507822 ONTARIO INC.**



President – Ernest Mailloux

**THE CORPORATION OF THE
TOWN OF AMHERSTBURG**



Mayor- Wayne Hurst



Clerk- Brenda Percy

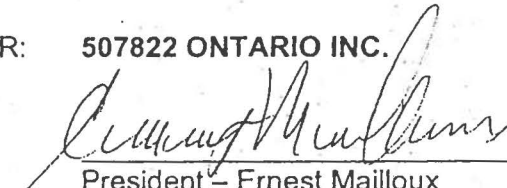
Authorized and approved by By-law No.
2010-32 enacted the 22nd day of March, 2010.

SCHEDULE "A"

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

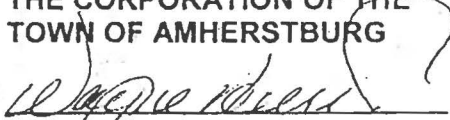
PTS 7,8,9,10,13,14, 15, 16, 31, 32,
33, 34, 19, 37, 21, 22, 23 AND 24
PLAN 12R-22824, TOWN OF AMHERSTBURG
COUNTY OF ESSEX

OWNER: **507822 ONTARIO INC.**

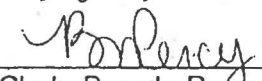


President - Ernest Mailloux

**THE CORPORATION OF THE
TOWN OF AMHERSTBURG**



Mayor- Wayne Hurst



Clerk- Brenda Percy