

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2010-33**

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

**WHEREAS** a Subdivision Agreement was entered into between Lou Harris Realty Limited and the Corporation of the Town of Amherstburg on the 22<sup>nd</sup> day of January, 2007 for the subdivision and servicing of lands within Block 9, Plan 12M-322, Part of Lot 4, Concession 1, Part 1, Plan 12R-20640, Town of Amherstburg;

**AND WHEREAS** the Developer, 507822 Ontario Inc. and 494112 Ontario Limited, has requested an amendment to the Subdivision Agreement;

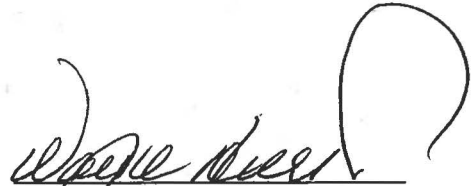
**AND WHEREAS** Section 12(c)(ii) provided for the construction of a retaining wall;

**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. and 494112 Ontario Limited, 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 22<sup>nd</sup> day of March, 2010.

  
\_\_\_\_\_  
Mayor- Wayne Hurst

  
\_\_\_\_\_  
Clerk- Brenda Percy

**TOWN OF AMHERSTBURG**

**AMENDING SUBDIVISION AGREEMENT**

**BETWEEN:**

**507822 ONTARIO INC.  
494112 ONTARIO LIMITED**

**-AND-**

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

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

**Properties**

- PIN* 70566 - 0340 LT  
*Description* PART BLOCK 2 PL 12M550 DESIGNATED AS PARTS 1 & 6 PL 12R23280;  
AMHERSTBURG S/T EASE AS IN CE300537, S/T & TOG/W EASE AS IN CE313793  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0322 LT  
*Description* BLOCK 3, PLAN 12M550, AMHERSTBURG; S/T EASEMENT AS IN CE300537  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0323 LT  
*Description* BLOCK 4, PLAN 12M550, AMHERSTBURG; S/T EASEMENT AS IN CE300537  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0324 LT  
*Description* BLOCK 5, PLAN 12M550, AMHERSTBURG; S/T EASEMENT AS IN CE300537  
SUBJECT TO AN EASEMENT IN GROSS OVER PT 1 ON PL 12R24476 AS IN  
CE449518  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0325 LT  
*Description* BLOCK 6, PLAN 12M550, AMHERSTBURG; S/T EASEMENT AS IN CE300537  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0326 LT  
*Description* BLOCK 7, PLAN 12M550, AMHERSTBURG; S/T EASEMENT AS IN CE300537  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0327 LT  
*Description* BLOCK 8, PLAN 12M550, AMHERSTBURG; S/T EASEMENT AS IN CE300537  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0328 LT  
*Description* BLOCK 9, PLAN 12M550, AMHERSTBURG; S/T EASEMENT AS IN CE300537  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0329 LT  
*Description* BLOCK 10, PLAN 12M550, AMHERSTBURG; S/T EASEMENT AS IN CE300537  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0330 LT  
*Description* BLOCK 11, PLAN 12M550, AMHERSTBURG; S/T EASEMENT AS IN CE300537  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0332 LT  
*Description* BLOCK 13 (0.30 RESERVES) PLAN 12M550; AMHERSTBURG; S/T EASEMENT AS IN  
CE300537  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0333 LT  
*Description* BLOCK 14 (0.30 RESERVE) PLAN 12M550; AMHERSTBURG; S/T EASEMENT AS IN  
CE300537  
*Address* AMHERSTBURG
  
- PIN* 70566 - 0334 LT  
*Description* BLOCK 15 (0.30 RESERVE) PLAN 12M550; AMHERSTBURG  
*Address* AMHERSTBURG

**Consideration**

*Consideration* \$ 1.00

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

yyyy mm dd Page 2 of 6

**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 507822 ONTARIO INC.  
 Address for Service 3440 Marentette Ave.  
 Windsor, 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.

Name 494112 ONTARIO LIMITED  
 Address for Service 3440 Marentette Ave.  
 Windsor, 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 may be deleted by the Land Registrar when the registered instrument, CE260341 registered on 2007/02/19 to which this notice relates is deleted

Schedule: See Schedules

This document relates to registration no.(s)CE260341

**Signed By**

Armando Felice Antonio DeLuca	500-251 Goyeau Street Windsor N9A 6V2	acting for Applicant(s)	Signed	2010 12 02
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 12 02
Tel 519-258-0615		
Fax 5192586833		

**Fees/Taxes/Payment**

Statutory Registration Fee	\$60.00
Total Paid	\$60.00

**File Number**

Applicant Client File Number : 24806

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

yyyy mm dd Page 3 of 6

**File Number**

Party To Client File Number : 24806

**AMENDING SUBDIVISION AGREEMENT**

Registered \_\_\_\_\_, 2010

THIS AGREEMENT made in triplicate this 22<sup>nd</sup> day of March, 2010.

**BETWEEN:           507822 ONTARIO INC.  
                          494112 ONTARIO LIMITED**

hereinafter called "THE DEVELOPER"  
OF THE FIRST PART

-and-

**THE CORPORATION OF THE TOWN OF  
AMHERSTBURG**

hereinafter called "THE TOWN"  
OF THE SECOND PART

**WHEREAS** a Subdivision Agreement was entered into between Lou Harris Realty Limited and the Corporation of the Town of Amherstburg on the 22<sup>nd</sup> day of January, 2007 for the subdivision and servicing of lands within Block 9, Plan 12M-322, Part of Lot 4, Concession 1, Part 1, Plan 12R-20640, Town of Amherstburg;

**AND WHEREAS** Section 12(c)(ii) provided for the construction of a retaining wall around the perimeter of the subdivision;

**AND WHEREAS** the Developer, 507822 Ontario Inc. and 494112 Ontario Limited has requested an amendment 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 JANUARY 22, 2007 AS FOLLOWS;**

1. Section 12(c)(ii) is hereby deleted and replaced with the following:

"12(c)(ii) On the westerly side of Blocks 2 to 7 the proposed retaining wall will be deleted and replaced with sloped earth grading with minimum side slope of 2 units horizontal to one unit vertical. On the easterly side from Block 7 to 11 and Block 1 the retaining wall will be deleted and will be replaced with a 1.5 metre high wooden fence, good two side, as approved by the Manager of Public Services."

2. In all other respects the said Subdivision Agreement dated January 22, 2007 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.

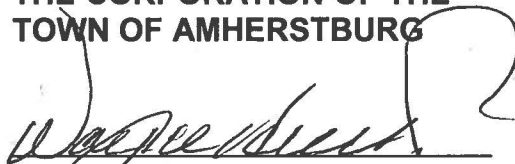
OWNER: **507822 ONTARIO INC.**


  
\_\_\_\_\_  
President – Ernest Mailloux

**494112 ONTARIO LIMITED**

  
\_\_\_\_\_  
President – Craig Lanoue

**THE CORPORATION OF THE  
TOWN OF AMHERSTBURG**

  
\_\_\_\_\_  
Mayor- Wayne Hurst

  
\_\_\_\_\_  
Clerk- Brenda Percy

Authorized and approved by By-law No.  
2010-33 enacted the 22<sup>nd</sup> day of March, 2010.

**SCHEDULE "A"**

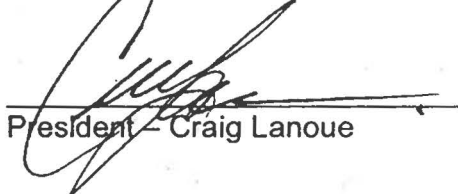
The following is a description of the land to which this instrument applies:

Block 9, Plan 12M-322  
Part Lot 4, Concession 1  
Part 1, Plan 12R-20640  
Town of Amherstburg  
County of Essex  
Province of Ontario  
NOW DESCRIBED AS PART 1 QNR12R-23091  
PLAN 12M-550; AMHERSTBURG

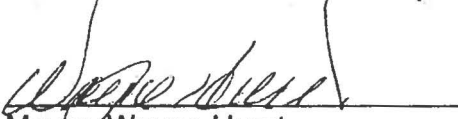
OWNER: **507822 ONTARIO INC.**

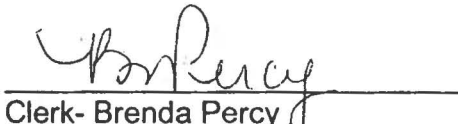
  
\_\_\_\_\_  
President - Ernest Mailloux

**494112 ONTARIO LIMITED**

  
\_\_\_\_\_  
President - Craig Lanoue

**THE CORPORATION OF THE  
TOWN OF AMHERSTBURG**

  
\_\_\_\_\_  
Mayor - Wayne Hurst

  
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Clerk - Brenda Percy