

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2010-36**

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

**WHEREAS** a Subdivision Agreement was entered into between 1078217 Ontario Limited and the Corporation of the Town of Amherstburg on the 25<sup>th</sup> day of September, 2006 for the subdivision and servicing of lands within Part Lot 12 and 13, Concession 1, Town of Amherstburg;

**AND WHEREAS** one phase of the development (22 lots) received final plan approval;

**AND WHEREAS** draft approval on the balance of the lands lapsed on June 13, 2009;

**AND WHEREAS** the Developer made application to re-instate draft plan approval on the remaining lands;

**AND WHEREAS** the County of Essex issued a Notice of Decision on the remaining lands on March 16, 2010 with conditions of draft plan approval;

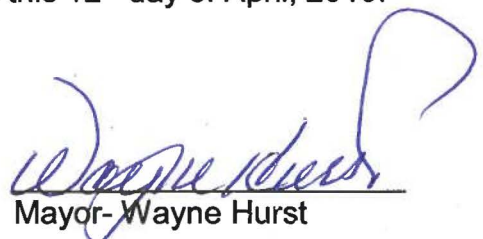
**AND WHEREAS** at the request of the Town a condition has been added to provide for the drain to be enclosed at the easterly limit of the subdivision commencing from the north limit of Welsh Avenue to the north limit of Lot 53;

**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 1078217 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 12<sup>th</sup> day of April, 2010.

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

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

**TOWN OF AMHERSTBURG**

**AMENDING SUBDIVISION AGREEMENT**

**BETWEEN:**

**1078217 ONTARIO LIMITED**

**-AND-**

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**AMENDING SUBDIVISION AGREEMENT**

Registered June 1, 2010

THIS AGREEMENT made in triplicate this 12<sup>th</sup> day of April, 2010.

**BETWEEN: 1078217 ONTARIO LIMITED**

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 1078217 Ontario Limited and the Corporation of the Town of Amherstburg on the 25<sup>th</sup> day of September, 2006;

**AND WHEREAS** Section 19 of the subject agreement addresses stormwater management issues;

**AND WHEREAS** the Town has requested that the agreement be amended to provide for a drain to be enclosed at the easterly limit of the subdivision;

**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 SEPTEMBER 25, 2006 AS FOLLOWS;**

1. Section 19 is hereby amended by adding 19(e) as follows:

"19(e) That the drain located at the easterly limit of the subdivision be enclosed to the satisfaction of the Town commencing from the north limit of Welsh Avenue to the north limit of Lot 53."

2. In all other respects the said Subdivision Agreement dated September 25, 2006 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.

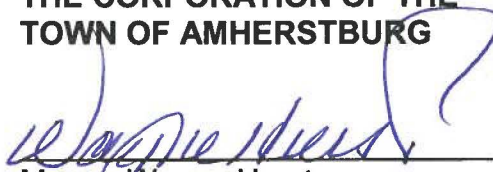
**IN WITNESS WHEREOF** the Town has hereunto affixed their seals attested by the signature of their proper signing officer and the Developer, has hereunto affixed its seal attested by the signature of its proper signing officer in that regard.


**OWNER: 1078217 ONTARIO LIMITED**

  
\_\_\_\_\_  
President – William G. Docherty

  
\_\_\_\_\_  
Secretary – Michael R. Dunn

**THE CORPORATION OF THE  
TOWN OF AMHERSTBURG**

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

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

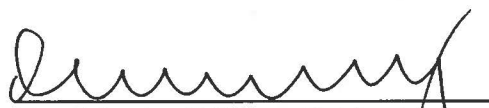
Authorized and approved by By-law No.  
2010-36 enacted the 12<sup>th</sup> day of April, 2010.

**SCHEDULE "A"**

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

Part of Lots 12 and 13, Concession 1,  
Being shown as Parts 1, 2 and 3, Plan 12R-22744  
Save and except Registered Plan 12M-549  
Geographic Township of Anderdon  
Town of Amherstburg  
County of Essex  
Province of Ontario

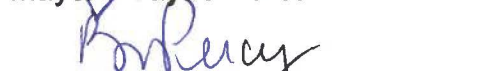
**OWNER: 1078217 ONTARIO LIMITED**

  
\_\_\_\_\_  
President – William G. Docherty

  
\_\_\_\_\_  
Secretary – Michael R. Dunn

**THE CORPORATION OF THE  
TOWN OF AMHERSTBURG**

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

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

**Properties**

PIN 01545 - 1651 LT  Redescription  
 Description PART LOTS 12 & 13 CON 1 ANDERDON DESIGNATED AS PTS 1,2, AND 3, PLAN 12R-22744; SAVE AND EXCEPT 12M549; AMHERSTBURG S/T R454240  
 Address AMHERSTBURG

**Applicant(s)**

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 1078217 ONTARIO LIMITED  
 Address for Service 472 Blanchard Park  
 Tecumseh, On  
 N8N 2L9

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**

Schedule: See Schedules

This document relates to registration no.(s)CE250243

**Signed By**

Armando Felice Antonio DeLuca 500-251 Goyeau Street acting for Signed 2010 06 01  
 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**

MOUSSEAU DELUCA MCPHERSON PRINCE 500-251 Goyeau Street 2010 06 01  
 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 : 24794

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

yyyy mm dd Page 2 of 6

**File Number**

Party To Client File Number : 24794