

THE CORPORATION OF THE TOWN OF AMHERSTBURG

By-law 2011-11

A By-law to authorize the signing of an agreement

WHEREAS the Committee of Adjustment for the Town of Amherstburg granted severance application B/15/10 on the 16th day of December, 2010, subject to conditions;

AND WHEREAS the subject property owned by S. Funtig & Associates Inc., Trustee in Bankruptcy in the Estate of General Chemical Canada Ltd., is described as Lots 3 to 8, Concession 1, in the Town of Amherstburg;

AND WHEREAS for purposes of this By-law the subject property will be referred to as the "Marina and Dock Lands";

AND WHEREAS S. Funtig & Associates Inc., Trustee in Bankruptcy in the Estate of General Chemical Canada Ltd., applied to the Committee of Adjustment to sever the Marina and Dock Lands into separate parcels;

AND WHEREAS S. Funtig & Associates Inc., Trustee in Bankruptcy in the Estate of General Chemical Canada Ltd., also owns lands in the Town of Amherstburg which for purposes of this By-law will be referred to as the "Main Plant Lands";

AND WHEREAS one of the conditions of decision of the Committee of Adjustment is that the Dock Lands retain common ownership with the Main Plant Lands and that this requirement be registered on the title of the property;

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

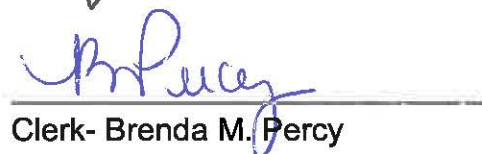
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:

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. This By-law shall come into force and effect upon the date of final passage hereof.

Read a first, second and third time and finally passed this 24th day of January, 2011.



Mayor- Wayne Hurst



Clerk- Brenda M. Percy

THIS AGREEMENT made in triplicate this 24th day of January, 2011.

BETWEEN:

THE CORPORATION OF THE TOWN OF AMHERSTBURG

Hereinafter called "Town of Amherstburg"

-and-

**S. FUNTIG & ASSOCIATES INC., TRUSTEE IN BANKRUPTCY IN THE ESTATE OF
GENERAL CHEMICAL CANADA LTD.**

Hereinafter called "General Chemical"

WHEREAS:

- 1 General Chemical is the owner of property legally described as Part of Lots 3 to 8, Concession 1, in the Town of Amherstburg, as more particularly described in Schedule "A", which lands and premises will be referred to as the "Marina and Dock Lands";
- 2 General Chemical has applied to the Committee of Adjustment for the Town of Amherstburg for a consent to sever the Marina and Dock Lands into separate parcels being the "Marina Lands" and the "Dock Lands", as more particularly described in Schedule "A";
- 3 General Chemical will be selling the Dock Lands;
- 4 General Chemical also owns lands in the Town of Amherstburg which are more particularly described as set out in Schedule "A" and which will be referred to as the "Main Plant Lands";
- 5 The Committee of Adjustment for the Town of Amherstburg has determined to grant the severance application on the condition that this agreement be entered into whereby the Dock Lands retain common ownership with the Main Plant Lands.

NOW THEREFORE in consideration of the premises and other good and valuable consideration in the sum of two (\$2.00) dollars, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

- 1 The parties hereto acknowledge and agree that it is their mutual intention that the burden of this agreement shall be binding upon the Main Plant Lands and the Dock Lands and shall enure to the benefit and liability of the registered owners on title, from time to time, of the Main Plant Lands and the Dock Lands;
- 2 General Chemical, its successors and assigns covenant and agree with the Town of Amherstburg that the registered owner of the Main Plant Lands shall be one and the same legal entity as the registered owner of the Dock Lands, and vice versa, and that in the event of General Chemical, its successors and assigns, selling, conveying or transferring title to the Main Plant Lands, it shall also simultaneously sell, convey or transfer title to the Dock Lands, or vice versa;

- 3 The parties hereto agree that this agreement shall not in any way prevent General Chemical, its successors and assigns or any other party authorized to act on its behalf, from making a further application to the Committee of Adjustment for the Town of Amherstburg for any further consent of severance or minor variance or any other remedy available under the Planning Act, as amended, in regard to the Main Plant Lands and/or the Dock Lands but that this agreement shall be considered and subject to any further granting of consent of severance or minor variance or other remedy, as the case may be.

IN WITNESS WHEREOF the parties hereto have set their hand this 24th day of January, 2011.

**S. FUNTIG & ASSOCIATES INC., TRUSTEE IN
BANKRUPTCY IN THE ESTATE OF GENERAL
CHEMICAL CANADA LTD.**




Per Stephen Funtig, Authorized Signing Officer

I have authority to bind the corporation.

**THE CORPORATION OF THE TOWN OF
AMHERSTBURG**



Mayor- Wayne Hurst



Clerk- Brenda M. Percy

We have authority to bind the corporation.

SCHEDULE "A"

LEGAL DESCRIPTION FOR "MARINA AND DOCK LANDS"

Firstly: PIN 01544-1617 (LT)

Part of Lots 3, 4, 5, 6, 7 and 8, Concession 1, Part Water Lots in Front of Lots 3 to 5 and Part of Water Lots in Front of Lots 6 to 8, Town of Amherstburg (formerly Township of Anderdon), County of Essex, designated as Parts 1, 4, 5 and 8 on Plan 12R-5344, together with a right-of-way as in R320327.

Secondly: PIN 01544-1570 (LT)

Part of Lot 7, Concession 1, and Part of Water Lot in Front of Lot 7, Concession 1, Town of Amherstburg (formerly Township of Anderdon), County of Essex, designated as Part 2 on Plan 12R-5344.

Thirdly: PIN 01544-1571 (LT)

Part of Lot 7, Concession 1, Town of Amherstburg (formerly Township of Anderdon), County of Essex, designated as Part 3 on Plan 12R-5344.

LEGAL DESCRIPTION FOR "MARINA LANDS"

PART OF PIN 01544-1617 (LT)

Part of Lots 3, 4 and 5, Concession 1, Part Water Lots in Front of Lots 3, 4 and 5, Concession 1, Town of Amherstburg (formerly Township of Anderdon), County of Essex, designated as Part 8 on Plan 12R-5344 and Part 2 on Plan 12R-22496, together with a right-of-way as in R320327 over Part 4 on Plan 12R-22496.

LEGAL DESCRIPTION FOR "DOCK LANDS"

Firstly: PART OF PIN 01544-1617 (LT)

Part of Lots 6, 7, and 8, Concession 1, Part Water Lots in Front of Lots 6, 7 and 8, Concession 1, Town of Amherstburg (formerly Township of Anderdon), County of Essex, designated as Parts 1 and 4 on Plan 12R-5344 and Part 1 on Plan 12R-22496.

Secondly: PIN 01544-1570 (LT)

Part of Lot 7, Concession 1, and Part of Water Lot in Front of Lot 7, Concession 1, Town of Amherstburg (formerly Township of Anderdon), County of Essex, designated as Part 2 on Plan 12R-5344.

Thirdly: PIN 01544-1571 (LT)

Part of Lot 7, Concession 1, Town of Amherstburg (formerly Township of Anderdon), County of Essex, designated as Part 3 on Plan 12R-5344.

LEGAL DESCRIPTION FOR "MAIN PLANT LANDS"

PART OF PIN 01544-1690(R)

Part of Farm Lots 5, 6, 7 and 8 and Part of the Indian Stone Quarry Reserve, Concession 1, Lot 1 and Part of Lot 2, Block "C", Registered Plan 14, in the Town of Amherstburg (formerly the Township of Anderdon), County of Essex, designated as Part 1 on Plan 12R-9123, save and except that Part of Farm Lot 7, Concession 1, designated as Parts 1 and 2 on Plan 12R-9165;

Together with a reservation of easement over Part of Farm Lot 2 and Part of the Indian Shore Quarry Reserve, Concession 2, in the said Town, designated as Parts 8 and 9 on Plan 12R-9123, as described in Instrument R1045812;

Together with a reservation of easement over Part of Farm Lot 7, Concession 1, in the said Town, designated as Parts 1 and 2 on Plan 12R-9165, as described in Instrument R1051248;

Schedule "A" cont'd.

Together with reservation of easements over Part of Farm Lots 3, 5, 6, 7 and 8 and Part of the Indian Stone Quarry Reserve, Concession 1, Lots 7, 8, 9, Part of Lots 1 to 6 (inclusive) and Part of Block "A", Registered Plan 16, Lots 15 and 16 and Part of Lots 8 to 14 (inclusive), Registered Plan 590 in the said Town, designated as Parts 6 and 7 Plan 12R-9123, as described in Instrument R1051249;

Together with reservation of easements over Part of Farm Lots 7 and 8, Concession 1, Part of Lot 2, Lots 3 to 13 (inclusive), Ashwell Street, Francis Street, O'Flynn Street, Block "C", Registered Plan 14, in the said Town, designated as Parts 2, 3, 4 and 5 on Plan 12R-9123, as described in Instrument R1051250;

Together with a grant of easement from Church & Dwight Ltd. over Part of Lot 5, Concession 1 in the said Town, designated as Part 1 on 12R11479, as set out in Instrument R1163199;

Subject to an easement in favour of Church & Dwight Limited over Part of Lots 6, 7 and 8, Concession 1, in the said Town, designated as Part 1 on Plan 12R-1578, as described in Instrument R617977;

Subject to easements in favour of Allied Chemicals Canada Inc. Produits Chimiques Allied Canada Inc. as described in Instruments R1045812, R1051248, R1051249 and R1051250;

Subject to an easement in favour of Union Gas Limited over Part of Lot 7, Concession 1, in the said Town, designated as Parts 1, 3, 5 and 7 on Plan 12R-9783, as described in Instrument R1082817.

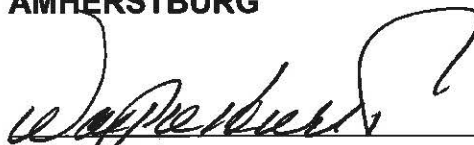
**S. FUNTIG & ASSOCIATES INC., TRUSTEE IN
BANKRUPTCY IN THE ESTATE OF GENERAL
CHEMICAL CANADA LTD.**




Per Stephen Funtig, Authorized Signing Officer

I have authority to bind the corporation.

**THE CORPORATION OF THE TOWN OF
AMHERSTBURG**



Mayor, Wayne Hurst



Clerk- Brenda M. Percy

We have authority to bind the corporation.

FOR OFFICE USE ONLY

CE 464200
CERTIFICATE OF RECEIPT
RECEPTE
ESSEX (12) WINDSOR
MAR 28 2011 15:41
LAND REGISTRAR/REGISTRATEUR

(1) Registry Land Titles (2) Page 1 of 7 pages

(3) Property Identifier(s) Block Part 01544 Property of 1617 Additional: See Schedule

(4) Nature of Document
APPLICATION TO ENTER NOTICE OF AGREEMENT

(5) Consideration
ONE Dollars \$ **1.00**

(6) Description
Part Lot 3, Concession 1
IN THE CITY OF WINDSOR
COUNTY OF ESSEX AND PROVINCE OF ONTARIO
SEE SCHEDULE 'A1' ATTACHED.

New Property Identifiers Additional: See Schedule


Executions Additional: See Schedule

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch (b) Schedule for: Description Additional Parties Other

(8) This Document provides as follows:
I, Steven Funtig, President of Funtig & Associates, Trustee, having a legal interest in the above land, of which General Chemical Canada Ltd. is the Registered owner, Apply under Section 71 of the Land Titles Act for the entry of the Notice of Agreement in the register for the said parcel

Continued on Schedule

(9) This Document relates to Instrument number(s)

(10) Party(ies) (Set out Status or Interest)
 Name(s) Signature(s) Date of Signature
S. FUNTIG & ASSOCIATES INC. TRUSTEE IN BANKRUPTCY
IN THE ESTATE OF GENERAL CHEMICAL CANADA LTD.
by its Solicitor

MARY-ANN KEEFNER
 2011 03 28

(11) Address for Service
484 Pellissier Street, Windsor, Ontario N9A 4K9

(12) Party(ies) (Set out Status or Interest)
 Name(s) Signature(s) Date of Signature

(13) Address for Service

(14) Municipal Address of Property
MULTIPLE

(15) Document Prepared by:
MARY-ANN KEEFNER
Miller, Canfield, Paddock and Stone, LLP
443 Ouellette Avenue
Windsor, Ontario N9A 6R4
file no. 120158-3

Fees and Tax	
Registration Fee	70
Total	70

BOX 3 ADDITIONAL PROPERTY IDENTIFIERS

01544 - 1570 (LT)

01544 - 1571 (LT)

01544 - 1690 (R)

.18,900,102.1\120158-00003
03/15/11 3:59 PM

SCHEDULE "A1"

DESCRIPTION OF LANDS continued

LEGAL DESCRIPTION FOR "DOCK LANDS"

Firstly: PART OF PIN 01544-1617 (LT)

Part of Lots 6, 7, and 8, Concession 1, Part Water Lots in Front of Lots 6, 7 and 8, Concession 1, Town of Amherstburg (formerly Township of Anderdon), County of Essex, designated as Parts 1 and 4 on Plan 12R-5344 and Part 1 on Plan 12R-22496.

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