

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2015-103**

**By-law to authorize the execution of an Amending Development Agreement
between Timberwolf Trading Inc.
and of the Corporation of the Town of Amherstburg
7781 Howard Ave, Amherstburg**

WHEREAS under Section 8 of the Municipal Act 2001, S.O., 2001, c. 25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

AND WHEREAS under Section 9. (1) (a) and (b) of the Municipal Act 2001, S.O., 2001, c. 25, as amended, Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Timberwolf Trading Inc. developed property being Part Lot 11, Concession 7, Part 1, 12R-17827, municipally known as 7781 Howard Avenue for use as a pallet manufacturing/recycling facility;

AND WHEREAS the Corporation passed By-law 2000-11 on February 28, 2000 providing for the execution of a Development Agreement for a transport terminal;

AND WHEREAS the Corporation passed By-law 2009-76 on October 26, 2009 providing for the execution of an Amending Development Agreement for a pallet manufacturing/recycling facility;

AND WHEREAS the Owner is requesting to amend the Amending Development Agreement to allow for a warehouse addition for a bottling facility;

AND WHEREAS the Corporation of the Town of Amherstburg and owners of said property have agreed to the terms and conditions of an Amending Development Agreement in the form annexed hereto;

NOW THEREFORE the Corporation of the Town of Amherstburg enacts as follows:

1. THAT By-law 2009-76 is hereby amended in accordance with the attached agreement;
2. THAT all other provisions and regulations of By-law 2009-76 will apply;
3. THAT this By-law shall come into force and take effect immediately upon the final passing thereof at which time all by-laws that are inconsistent with the provisions of this by-law and the same are hereby amended insofar as it is necessary to give effect to the provisions of this by-law.

Read a first, second and third time and finally passed this 14th day of September, 2015.



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER

AMENDING DEVELOPMENT AGREEMENT

THIS AGREEMENT made in quadruplicate this 14th day of September, 2015.

BETWEEN:

TIMBERWOLF TRADING INC.

(hereinafter collectively called "**Owner**")

OF THE FIRST PART;

- and -

THE CORPORATION OF THE TOWN OF AMHERSTBURG

(hereinafter called the "**Corporation**")

OF THE SECOND PART;

Hereinafter collectively referred to as the "**Parties**"

WHEREAS the lands affected by this Agreement are described in Schedule "A" attached hereto, and are hereinafter referred to as the "**Lands**";

AND WHEREAS the Owner warrants it is the registered owner of the Lands;

AND WHEREAS, in this Agreement, the "**Owner**" includes an individual, an association, a partnership or corporation and, wherever the singular is used therein, it shall be construed as including the plural;

AND WHEREAS, the Official Plan in effect in the Town of Amherstburg designated parts of the area covered by the Official Plan, including the Lands, as a Site Plan Control area;

AND WHEREAS the Corporation passed Bylaw 2000-11 on February 28, 2000 providing for the execution of a Development Agreement for a transport terminal on the subject property;

AND WHEREAS the Corporation passed By-law 2009-76 on October 26, 2009 providing for the execution of an Amending Development Agreement for a pallet manufacturing/recycling facility and to construct a warehousing building on the subject property;

AND WHEREAS the Owner is requesting to amend the Amending Development Agreement to allow for a warehouse addition including an area to provide a bottling facility, tasting room and distillery area;

AND WHEREAS the Corporation as a condition of redevelopment of the said lands requires the Owner to enter into an Amending Development Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, along with the sum of FIVE (\$5.00) DOLLARS of lawful money of Canada, now paid by each of the Parties hereto to each of the other parties hereto, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby covenants and agrees with the Corporation as follows:

1. Section 1 is hereby amended by adding the following additional schedules:

Schedule "D" - Site Plan
Schedule "E"- Floor Plan
Schedule "F"- Elevations

2. In all other respects the said Amending Development Agreement dated October 26, 2009 shall remain in full force and effect.
3. This agreement shall inure to the benefit of, and be binding upon the parties hereto, and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Parties have executed this Agreement, as of the date set out above, under the hands and seals of their respective and duly-authorized signing officers.

OWNER: TIMBERWOLF TRADING INC.

Per 

President/Director – Thomas Manherz


Per ~~_____
Vice President/Director – Kevin Murray~~

Per 

Secretary/Treasurer – Susan Manherz

We have authority to bind the Corporation

**THE CORPORATION OF THE
TOWN OF AMHERSTBURG**



Per Aldo DiCarlo, Mayor



Per Paula Parker, Clerk

We have authority to bind the Corporation

Authorized and approved by By-law
No. 2015-103 enacted the 14th day of
September, 2015.