

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2015-127**

**By-law to authorize the execution of an Amending Development Agreement
between 1741163 Ontario Ltd.
and of the Corporation of the Town of Amherstburg
7067 Smith Industrial Drive, 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 1486047 Ontario Ltd. developed property being Part Lot 12, Concession 7, Lot 12, 12M-237, municipally known as 7067 Smith Industrial Drive for use as a machining/stamping plant;

AND WHEREAS the Corporation passed By-law 2005-31 on March 14, 2005 providing for the execution of a Development Agreement for a machining/stamping plant;

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

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 2005-31 is hereby amended in accordance with the attached agreement;
2. THAT all other provisions and regulations of By-law 2005-31 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 December, 2015.



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER

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

Properties

PIN 01551 - 0044 LT
Description PCL 12-1 SEC 12M-237; LT 12 PL 12M237; AMHERSTBURG
Address 7067 SMITH INDUSTRIAL ROAD
AMHERSTBURG

Consideration

Consideration \$ 1.00

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 Box 159
271 Sandwich Street South
Amherstburg, Ontario
N9V 2Z3

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation REBECCA BELANGER, MCIP, RPP, Manager of Planning Services for the Corporation of the Town of Amherstburg..

Party To(s) *Capacity* *Share*

Name 1741163 ONTARIO LTD.
Address for Service c/o 7067 Smith Industrial Drive
Amherstburg, Ontario

This document is being authorized by a municipal corporation REBECCA BELANGER, MCIP, RPP, Manager of Planning Services for the Corporation of the Town of Amherstburg..

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 is for an indeterminate period

Schedule: See Schedules

This document relates to registration no.(s)CE156575

Signed By

Thomas Robert Porter 500-251 Goyeau Street acting for Signed 2016 03 30
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 2016 03 30
Windsor
N9A 6V2
Tel 519-258-0615
Fax 5192586833

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

Fees/Taxes/Payment

<i>Statutory Registration Fee</i>	\$62.85
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<i>Total Paid</i>	\$62.85
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AMENDING DEVELOPMENT AGREEMENT

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

BETWEEN:

1741163 ONTARIO LTD.

(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 2005-31 on March 14, 2005 providing for the execution of a Development Agreement for a machining/stamping plant on the subject property;

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

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" - Elevations

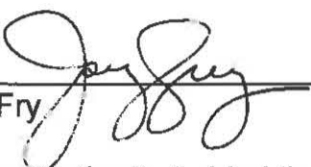
2. In all other respects the said Development Agreement dated March 14, 2005 shall remain in full force and effect.

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: 1741163 ONTARIO LTD.

Per  _____
Brian Fry

Per  _____
Joyce Fry

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. 2015-127 enacted the 14th day of
December, 2015.

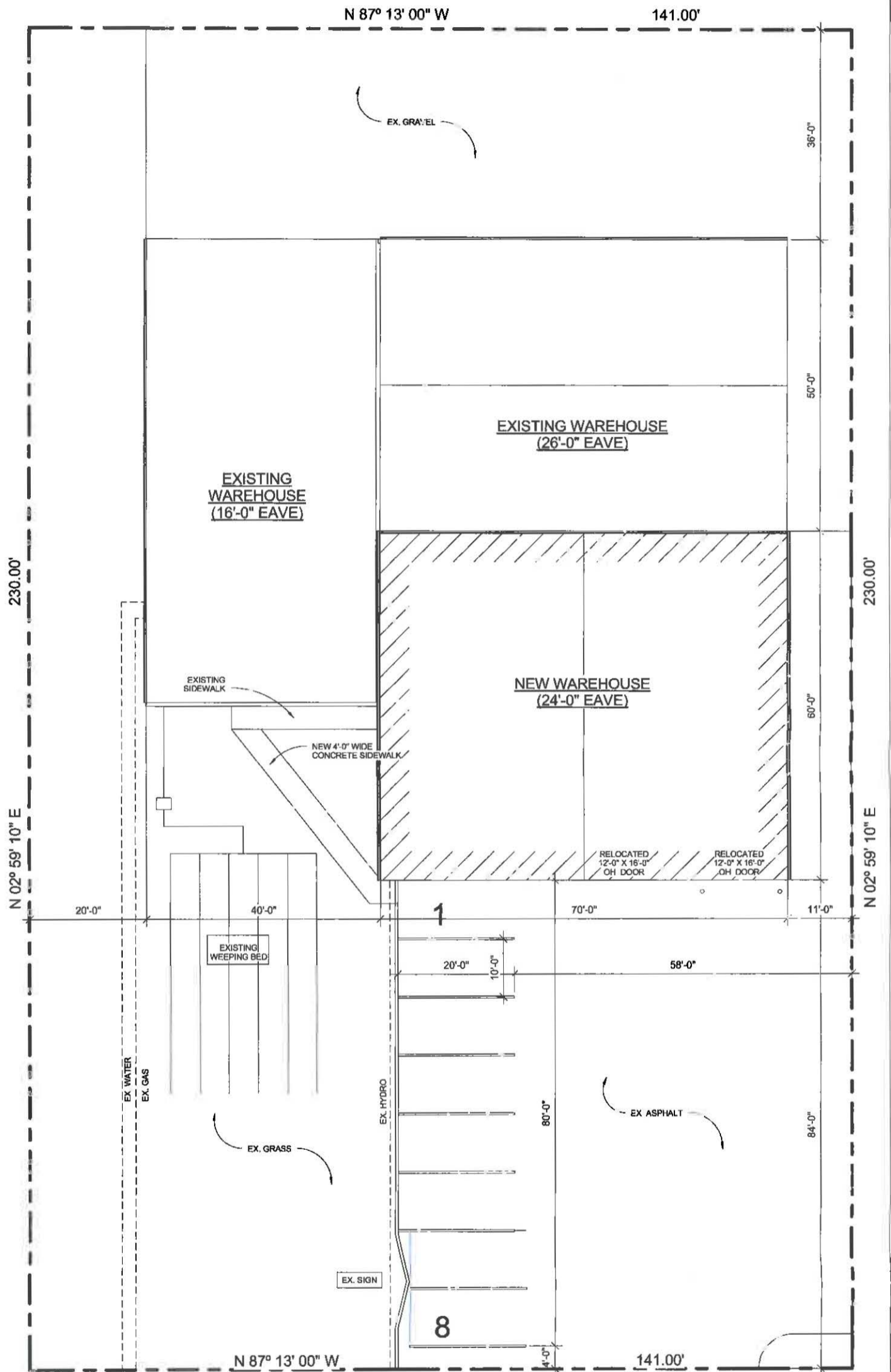
SCHEDULE "A"

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

Part of Lot 12, Concession 7,
designated as Lot 12, Plan 12M-237,
Town of Amherstburg,
County of Essex,
Province of Ontario,
PIN 01551-0044

SITE DATA		
LOT AREA	32 430 sf	
EXISTING BUILDING AREA	6 700 sf.	
PROPOSED BUILDING AREA	4 200 sf.	
TOTAL BUILDING AREA	10 900 sf	33.61%
PROPOSED GREEN SPACE	9 515 sf.	29.34%

SCHEDULE "D" TO BY-LAW 2015-127
 1741163 ONTARIO LTD.
 Joyce Fry
 Mayor, AMHERSTBURG
 Mayor, Aldo DiCarlo
 Clerk, Paula Parker



7067 SMITH INDUSTRIAL ROAD
 PART OF LOT 12
 REGISTERED PLAN 12M-237
 AMHERSTBURG, ONTARIO

SMITH INDUSTRIAL ROAD

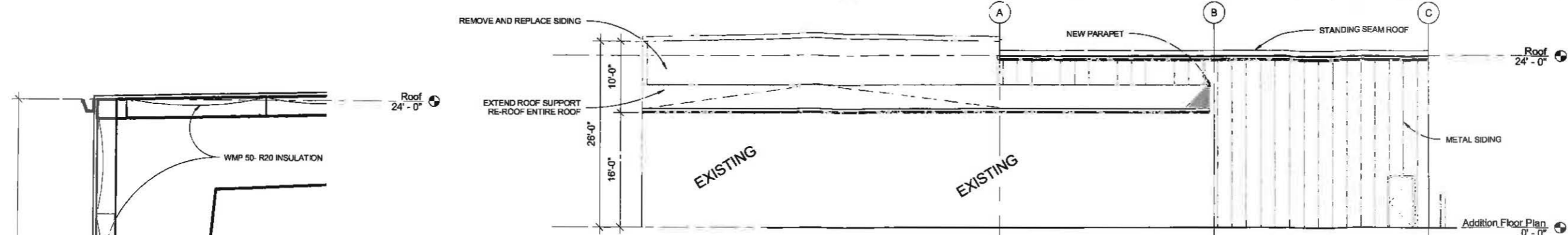
BUILDING CLASSIFICATION
 GROUP F, DIVISION 3
 ONE STOREY, LOW FIRE
 LOAD OCCUPANCY



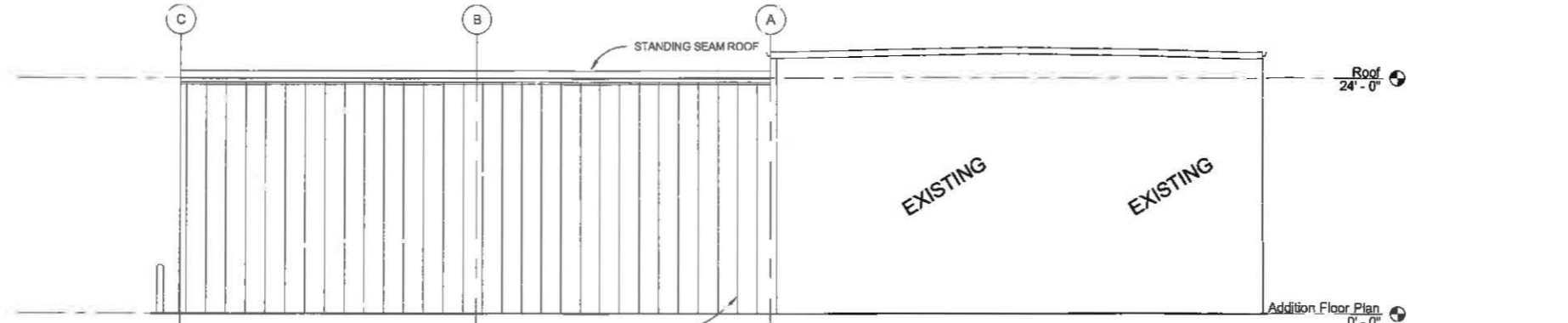
FRYER INDUSTRIES
 7067 SMITH INDUSTRIAL ROAD, AMHERSTBURG
 4200 sf. ADDITION

No.	Description	Date
1	RE-QUOTE	11/02/15
2	ENGINEERING	11/18/15

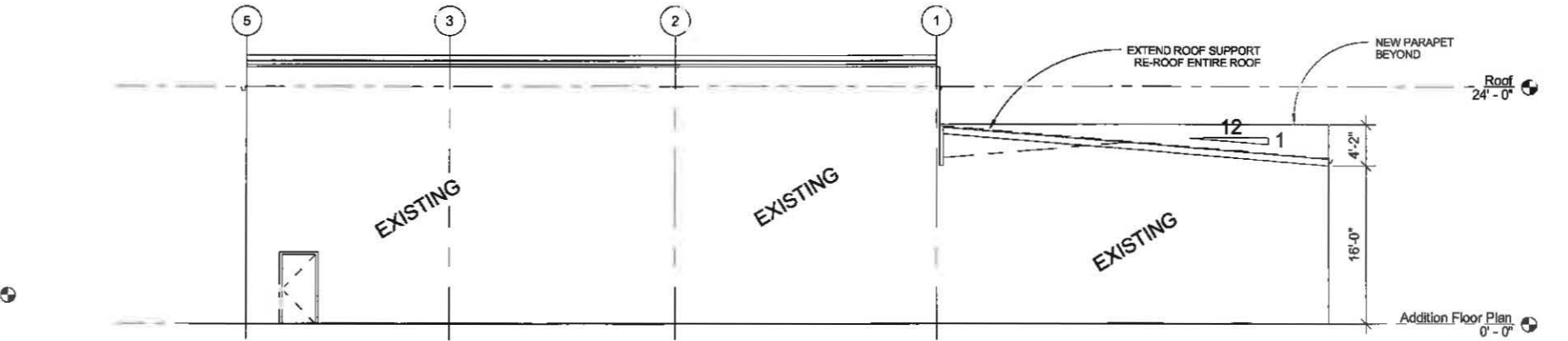
Site Plan		C1
Project number	5815	
Date	Oct. 15/15	
Drawn by	GA	
Checked by	VA	
Scale	As indicated	



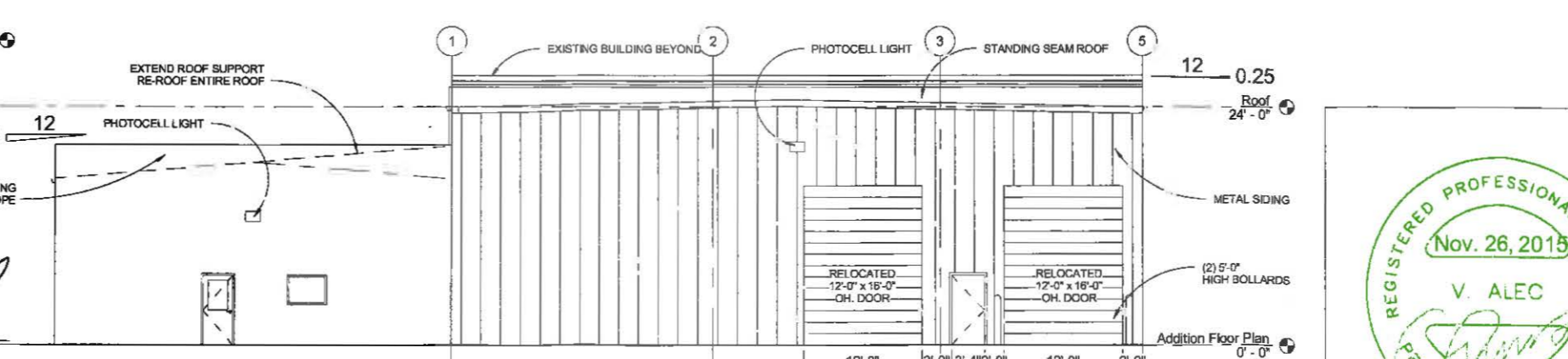
4 West
1/16" = 1'-0"



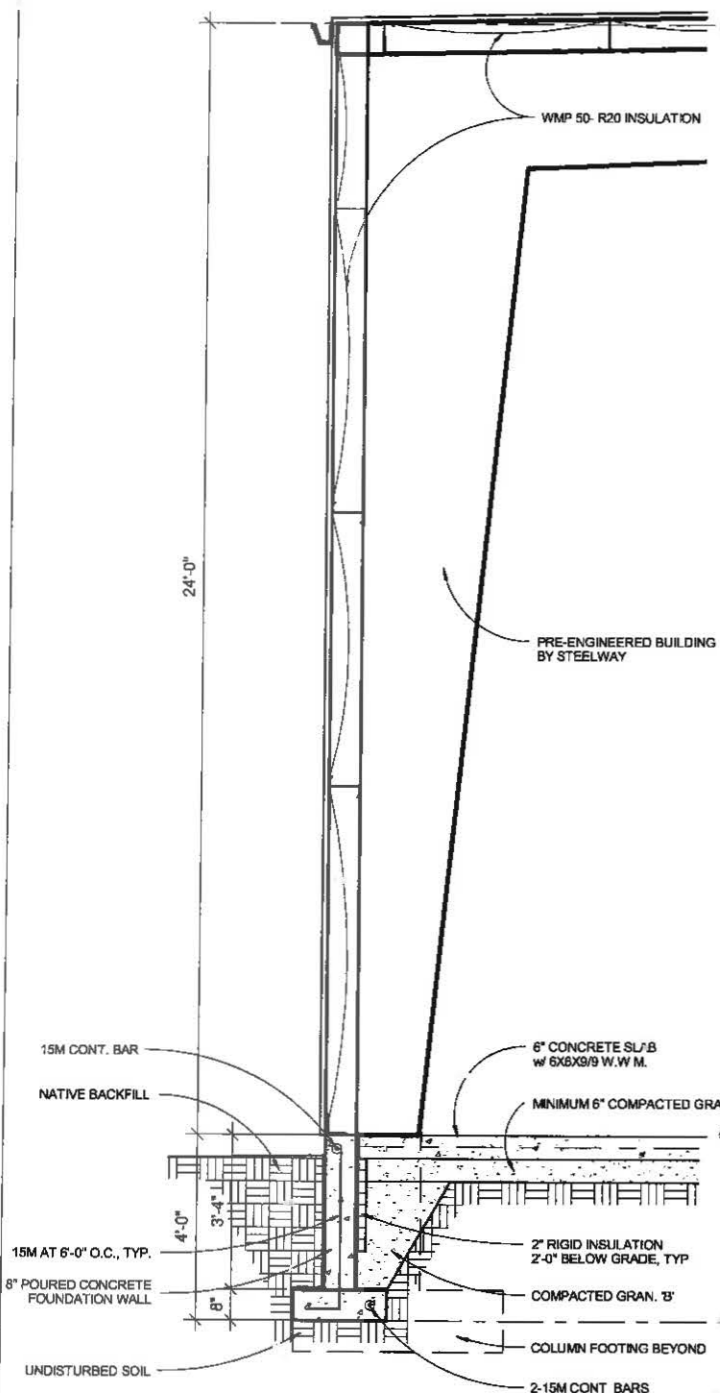
1 East
1/16" = 1'-0"



2 North
1/16" = 1'-0"



3 South
1/16" = 1'-0"



5 Typical Pre-Eng Section
1/4" = 1'-0"

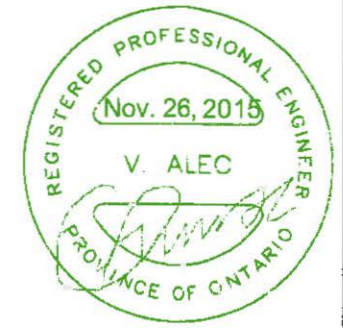
SCHEDULE "E" TO BY-LAW 2015-127

1741163 ONTARIO LTD.

Brian Fryer
Joyce Fryer

TOWN OF AMHERSTBURG

Mayor - Aldo DiCarlo
Clerk - Paula Parker



ELEVATIONS

No.	Description	Date
1	RE-QUOTE	11/02/15
2	ENGINEERING	11/16/15

Project number	5815	Scale	As indicated
Date	Oct. 15/15	Drawn by	GA
Checked by	VA		

FRYER INDUSTRIES
7067 SMITH INDUSTRIAL ROAD, AMHERSTBURG

4200 sf. ADDITION

