

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2017-19**

**By-law to authorize the execution of an Amending Development Agreement  
between 2553207 Ontario Inc. and  
the Corporation of the Town of Amherstburg  
689 Texas Road, Amherstburg**

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**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** the Corporation of the Town of Amherstburg and the Owner have agreed to the site plan, site servicing drawings and elevations in the Development Agreement;

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

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

1. THAT the Mayor and Clerk be hereby authorized to enter into an Amending Development Agreement between 2553207 Ontario Inc. and the Corporation of the Town of Amherstburg for Phase 1 of the redevelopment of 689 Texas Road for the addition of six sand volleyball courts, said agreement affixed hereto;
2. THAT all other provisions and regulations of By-law 2005-86 as amended, 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 10<sup>th</sup> day of April, 2017.



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MAYOR – ALDO DICARLO



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CLERK – PAULA PARKER

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

yyyy mm dd Page 1 of 7

**Properties**

*PIN* 01543 - 0107 LT

*Description* PT INDIAN STONE QUARRY RESERVE ANDERDON; PT LT 3 CON 2 ANDERDON AS IN R220191, R897029, PT 1 \*12R5939, PT 2 12R5278; AMHERSTBURG ; \*AMENDED 2003/08/13 BY LAND REGISTRAR #7

*Address* 689 TEXAS 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*

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* 2553207 ONTARIO INC.

*Address for Service* 689 Texas Road  
Amherstburg, Ontario  
N9V 3R3

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

**Signed By**

Thomas Robert Porter	500-251 Goyeau Street Windsor N9A 6V2	acting for Applicant(s)	Signed	2017 05 25
Tel 519-258-0615				
Fax 519-258-6833				

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	2017 05 25
Tel 519-258-0615		
Fax 519-258-6833		

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

yyyy mm dd

<b>Fees/Taxes/Payment</b>	
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Statutory Registration Fee	\$63.35
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Total Paid	\$63.35
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**TOWN OF AMHERSTBURG**

**AMENDING DEVELOPMENT AGREEMENT**

**BETWEEN:**

**2553207 ONTARIO INCORPORATED**

**-AND-**

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**AMENDING DEVELOPMENT AGREEMENT**

**THIS AGREEMENT** made in quadruplicate this 10<sup>th</sup> day of April, 2017.

**BETWEEN:**           **2553207 ONTARIO INC.**  
A Corporation incorporated pursuant to and subsisting under the laws of the Province of Ontario

(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 "**Development Lands**";

**AND WHEREAS** 2553207 Ontario Inc. warrants they are the registered owner of the Lands outlined in Schedule "A";

**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 Amherstburg designated parts of the area covered by the Official Plan, including the Lands, as a Site Plan Control area;

**AND WHEREAS** the Owner intends to redevelop the said lands with the addition of six sand volleyball courts in accordance with the Site Plan attached hereto as Schedule "B", and hereinafter referred to as the "Site Plan";

**AND WHEREAS** the Corporation as a condition of development or redevelopment of the said lands requires the Owner to enter into a Development Agreement;

**NOW THEREFORE** the Parties Hereto Agree to Further Amend the Agreement dated October 24, 2005, as Follows:

1.     Section 1 is hereby amended by replacing the following schedule:  
       Schedule "B"-         Site Plan (A1.0)
2.     In all other respects the said Development Agreement dated October 24, 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.

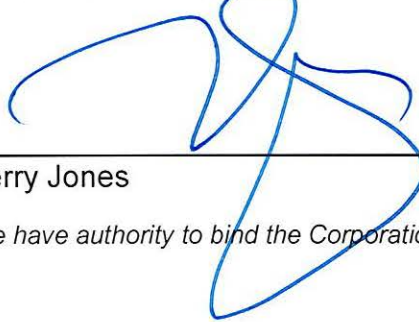
**IN WITNESS WHEREOF** the Owner and the Corporation (the latter under the hands and seals of its officers duly authorized in this regard), have executed this Agreement as of the date first above written.

**OWNER: 2553207 ONTARIO INC.**



Per Brad Hearn

**2553207 ONTARIO INC.**



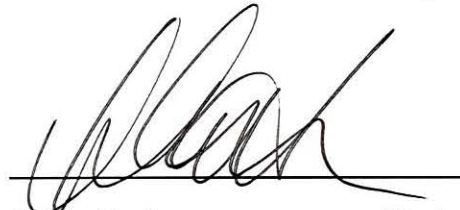
Per Terry Jones

*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. 2017-19 enacted the 10<sup>th</sup> day of April, 2017.

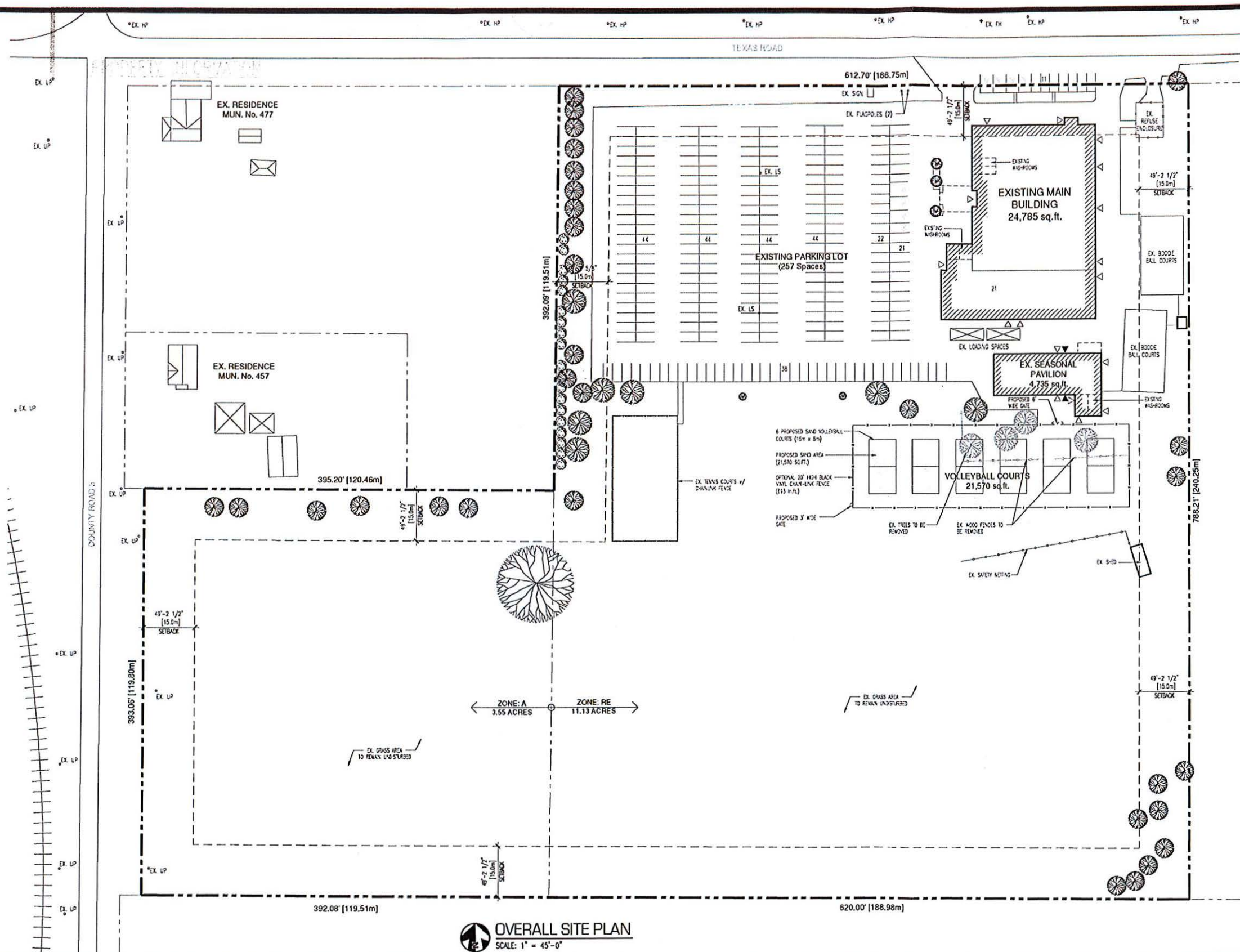
**SCHEDULE "A"**  
**LEGAL DESCRIPTION**

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

Part Indian Stone Quarry Reserve  
Part Lot 3, Concession 2  
Geographic Township of Anderdon  
as in R220191, R897029,  
Part 1 on 12R-5939, Part 2 on 12R-5278  
in the Town of Amherstburg,  
in the County of Essex

**PROPERTY INFORMATION**

SITE AREA 1 ZONING =	RECREATION (RE)
SITE AREA (RE) =	484,852 SQ.FT. (11.13 ACRES)
SITE AREA 2 ZONING =	AGRICULTURAL (A)
SITE AREA (A) =	154,711 SQ.FT. (3.55 ACRES)
TOTAL SITE AREA =	639,563 SQ.FT. (14.68 ACRES)
FRONT YARD SETBACK =	49.2' (15.0m)
REAR YARD SETBACK =	49.2' (15.0m)
INTERIOR SIDE YARD SETBACK =	49.2' (15.0m)
EXTERIOR SIDE YARD SETBACK =	49.2' (15.0m)
EXISTING MAIN BUILDING AREA =	24,785 SQ.FT. (2,302.6m <sup>2</sup> )
EXISTING PAVILION AREA =	4,735 SQ.FT. (439.9m <sup>2</sup> )
TOTAL EXISTING BUILDING AREA =	29,520 SQ.FT. (2742.5m <sup>2</sup> )
MAX. LOT COVERAGE =	255,825 SQ.FT. (40.0%)
BUILDING FOOTPRINT =	29,520 SQ.FT. (4.62%)
PARKING REQUIRED =	152 SPACES INCL. 3 B.F. SPACES
PARKING PROVIDED =	268 SPACES INCL. 8 B.F. SPACES
LOADING SPACES REQUIRED =	2 SPACES
LOADING SPACES PROVIDED =	2 SPACES
LANDSCAPE AREA REQUIRED =	N/A



SCHEDULE "B" TO BY-LAW 2017-19

2553207 ONTARIO INC.

Brad Heath of Terry Jones

TOWN OF AMHERSTBURG

Mayor- Aldo DiCarlo

Clerk- Paula Parker

**OVERALL SITE PLAN**  
SCALE: 1" = 45'-0"



DRAWING TITLE:  
OVERALL SITE PLAN

PROJECT/CLIENT:  
PROPOSED SAND VOLLEYBALL COURTS

DATE	ISSUED FOR:	DATE	ISSUED FOR:
04.04.17	SPC APPLICATION		

PROJECT No.: 2015086

SCALE: 1" = 45'-0"

DRAWN BY: DB, MH

CHECKED BY: CI

GENERAL NOTES:  
ALL DIMENSIONS TO BE CALCULATED AND VERIFIED ON THE JOB SITE. ANY AND ALL DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT OR ENGINEER. ALL DRAWINGS REMAIN THE PROPERTY OF ROSATI GROUP INC.

**DO NOT SCALE DRAWINGS**

STAMP:

STAMP:

NOTES:

DRAWING No.:  
**A1.0**