

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2017-58

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

**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 on the subject property;

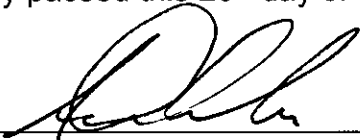
**AND WHEREAS** the Corporation passed By-law 2009-76 on October 26, 2009 providing for the execution of an Amending Development Agreement for a pallet manufacturing/recycling facility and to construct a warehouse building on the subject property;

**AND WHEREAS** the Corporation passed By-law 2015-103 on September 14, 2015 providing for the execution of an Amending Development Agreement for a warehouse addition including an area to provide a bottling facility, tasting room and distillery area;

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

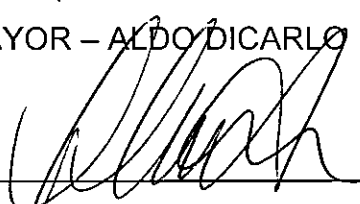
1. THAT By-law 2015-103 is hereby amended in accordance with the attached agreement;
2. THAT all other provisions and regulations of By-law 2015-103 will apply;
3. THAT this By-law shall come into force and take effect immediately upon the final passing thereof at which time all by-laws that are inconsistent 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 26<sup>th</sup> day of June, 2017.



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MAYOR – ALDO DICARLO



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CLERK – PAULA PARKER

**TOWN OF AMHERSTBURG**

**AMENDING DEVELOPMENT AGREEMENT**

**BETWEEN:**

**TIMBERWOLF TRADING INC.**

**-AND-**

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**AMENDING DEVELOPMENT AGREEMENT**

**THIS AGREEMENT** made in quadruplicate this 26<sup>th</sup> day of June, 2017.

**BETWEEN:**           **TIMBERWOLF TRADING 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** Timberwolf Trading 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 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 Bylaw 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 warehouse building on the subject property;

**AND WHEREAS** the Corporation passed Bylaw 2015-103 on September 14, 2015 providing for the execution of an Amending Development Agreement for a warehouse addition including an area to provide a bottling facility, tasting room and distillery area;

**AND WHEREAS** the OWNER is requesting to amend the Amending Development Agreement to allow for the addition of a dry storage building 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 September 14, 2015, as Follows:

1. Section 1 is hereby amended by adding the following schedule:

Schedule "G"-       Site Plan (Developed Area)

Schedule "H"- Elevations (Dry Storage Building)

2. In all other respects the said Development Agreement dated September 14, 2015, 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:                   TIMBERWOLF TRADING INC**


Per  President/Director – Thomas Manherz

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

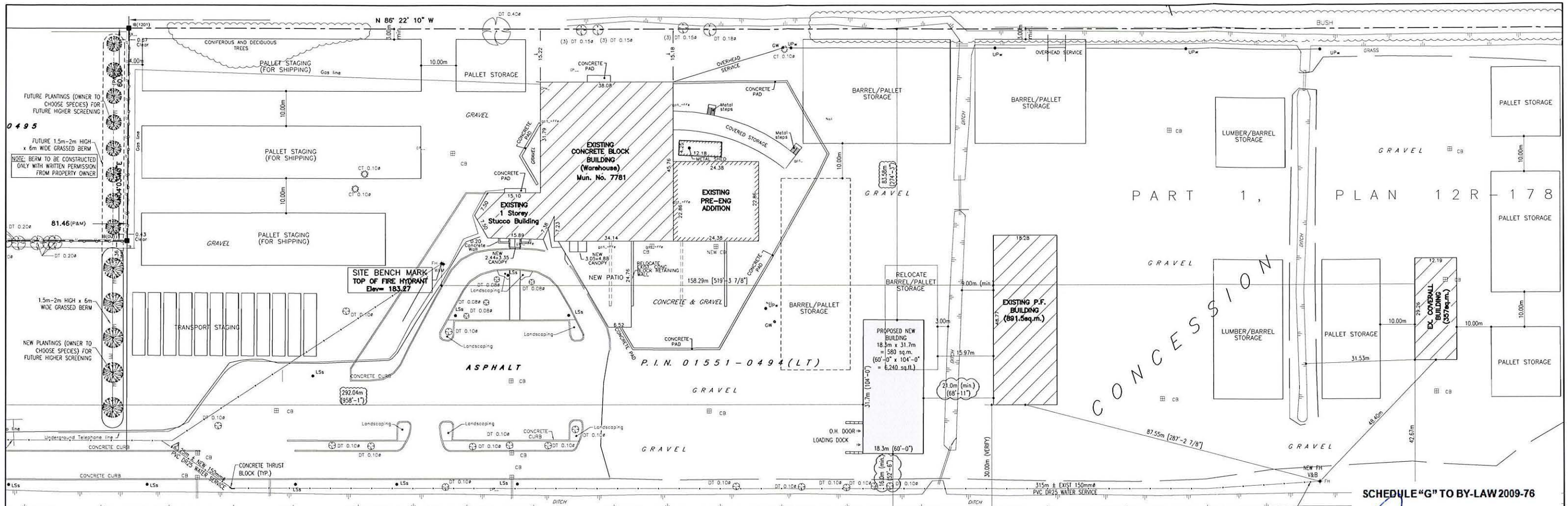
*We have authority to bind the Corporation*

Authorized and approved by By-law No. 2017-58  
enacted the 26<sup>th</sup> day of June, 2017.

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

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

Part of Lot 11, Concession 7,  
designated as Part 1, Plan 12R-17827,  
Town of Amherstburg,  
County of Essex,  
Province of Ontario,  
PIN 01551-0494



PART 1, PLAN 12R-178

CONCESSION

SCHEDULE "G" TO BY-LAW 2009-76

TIMBERWOLF TRADING INC.

President/Director - Thomas Manherz

Vice President/Director - Kevin Murray

Secretary/Treasurer - Susan Manherz

FUTURE MANUFACTURING AND STORAGE SPACE

PART 4

TOWN OF AMHERSTBURG

MAYOR ALDO DIGARLO

CLERK PAULA PARKER

**SITE PLAN**  
SCALE: 1:500

LOT COVERAGE CALCULATIONS:	
TOTAL EX. BUILDING AREA	= 3,757.5 sq.m.
TOTAL STORAGE AREA	= 11,800 sq.m.
NEW BUILDING AREA	= 580 sq.m.
TOTAL AREA	= 16,137.5 sq.m.
TOTAL LOT AREA	= 91,002 sq.m.
TOTAL LOT COVERAGE	= 17.7%
MAXIMUM LOT COVERAGE	= 60%

6.1m wide Easement in accordance to Instrument No. 12861 Anderson



ORIGINAL SURVEY FOR NORTHERN LOT COMPLETED BY:  
VERHAEGEN STUBBERFIELD HARTLEYBREWER BEZAIRE INC.  
187 TALBOT STREET EAST, LEAMINGTON ONTARIO N8H 1L6  
TEL: (519) 322-2375  
FAX: (519) 322-2675  
PLAN FILE NO.: J-449

ORIGINAL SURVEY FOR SOUTHERN LOT COMPLETED BY:  
TOTAL TECH SURVEYING INC.  
316 TALBOT STREET NORTH, ESSEX ONTARIO N8M 2E2  
TEL: (519) 818-2787  
PROJECT NO.: 2010-168

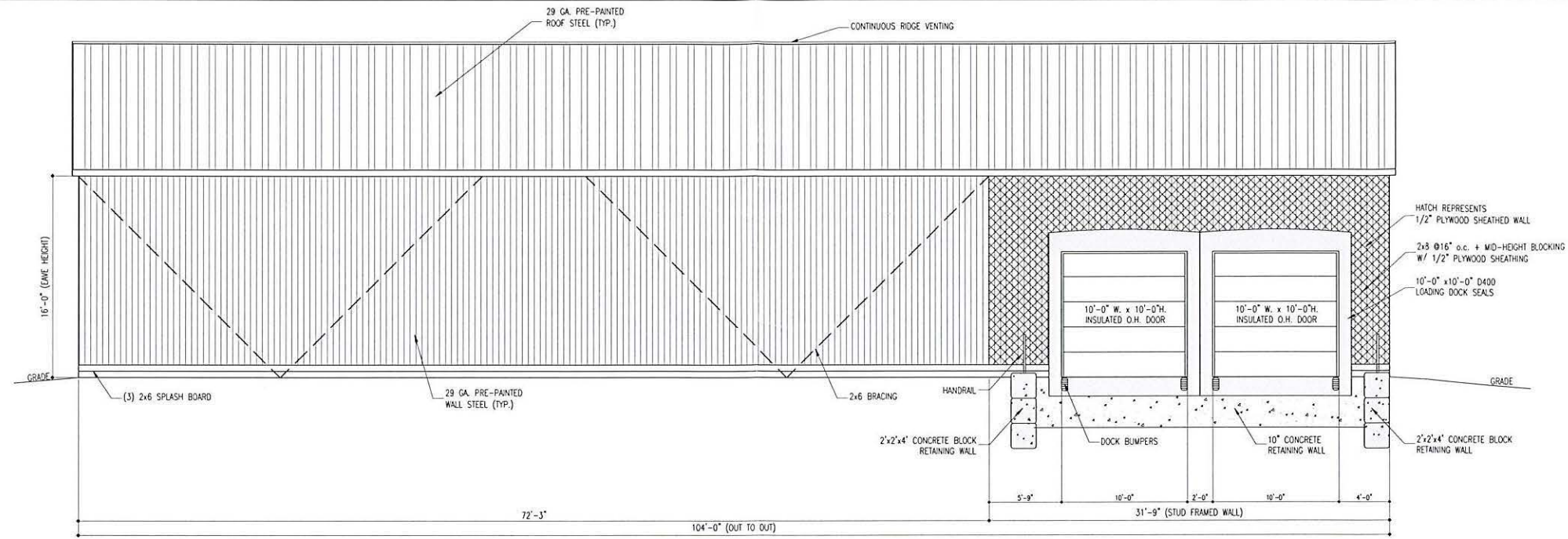
REVISIONS	ISSUED FOR:	DATE
	OWNER APPROVAL/BUILDING PERMIT	JULY 29, 2015
	NEW STORAGE BUILDING	APRIL 18, 2017

PROJECT: NEW 80'x75' PRE-ENG ADDITION FOR TIMBERWOLF FOREST PRODUCTS AMHERSTBURG, ONTARIO

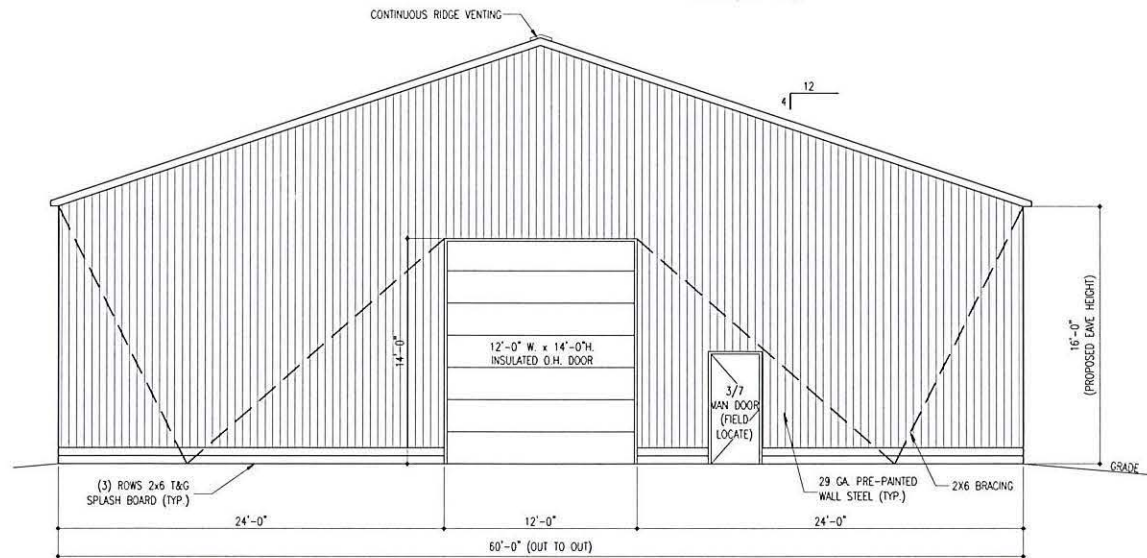
7781 HOWARD AVENUE SHEET TITLE: SITE PLAN (DEVELOPED AREA)

DRAWN:	CHECKED:	FILE NO.	DWG. NO.
M.M./K.P.	C.L.	15-129	1
BCIN:	FIRM BCIN:	DATE:	SHEET NO.
20529	29635	JUL/15	SP-1 of 1

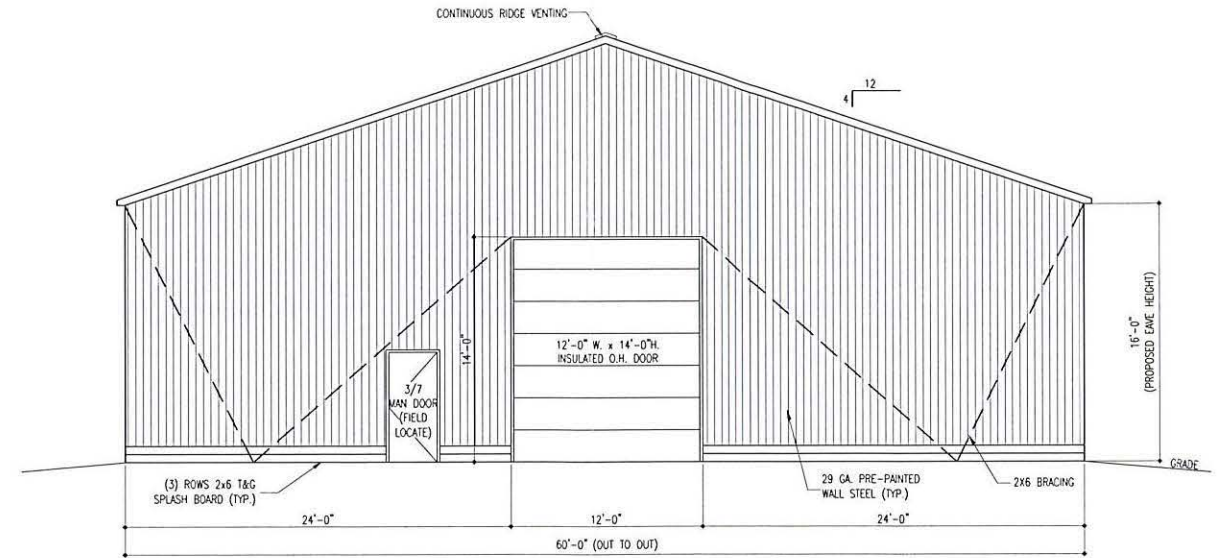
Y.C.LIU ENGINEERING  
48 CENTRE STREET CHATHAM, ONTARIO N7M 4W2  
TEL: (519) 351-8612 FAX: (519) 351-5506



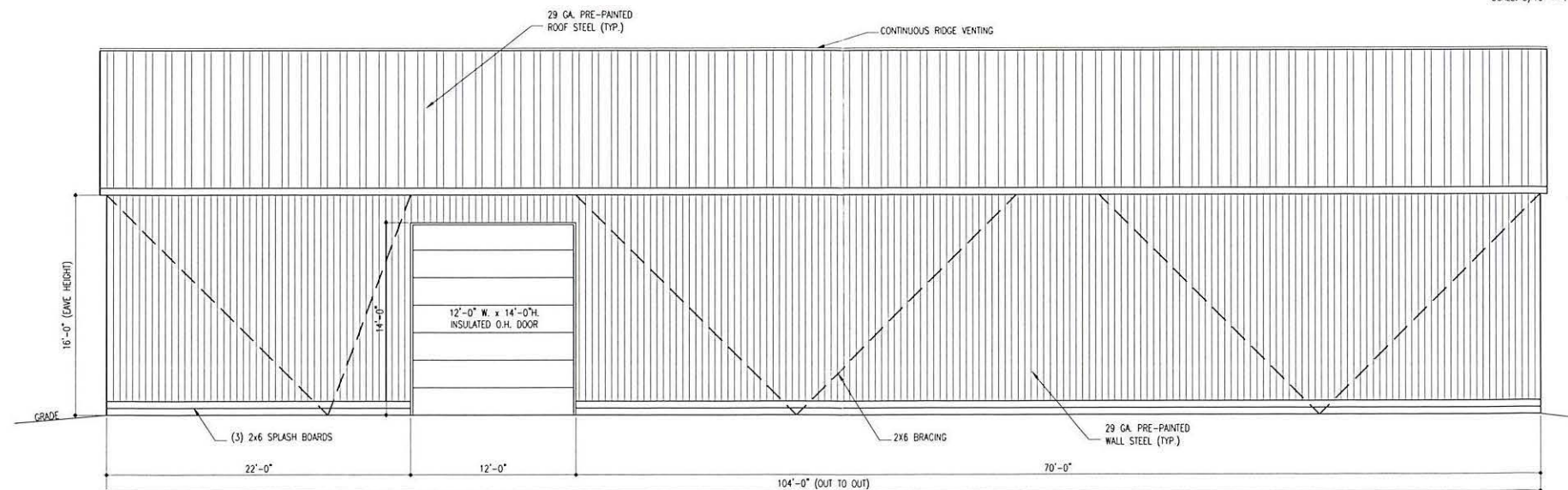
**WEST ELEVATION**  
SCALE: 3/16" = 1'-0"



**NORTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**EAST ELEVATION**  
SCALE: 3/16" = 1'-0"

**SCHEDULE "H" TO BY-LAW 2009-76**

**TIMBERWOLF TRADING INC.**

President/Director - Thomas Manherz

Vice-President/Director - Kevin Murray

Secretary/Treasurer - Susan Manherz

**TOWN OF AMHERSTBURG**

MAYOR ALDO DI CARLO

CLERK PAULA PARKER

REVISIONS	ISSUED FOR	DATE
	OWNER APPROVAL	APRIL 11/2017
	RELOCATION OF LOADING DOCK	APRIL 18/2017

		19281 HIGHBANKS ROAD CEDAR SPRINGS, ON N9P 1E0 PHONE: (519) 676-6951 FAX: (519) 676-5607
<b>BROADBENT BUILDING</b>		
PROJECT: NEW 60'-0" x 104'-0" POST FRAME BUILDING FOR TIMBERWOLF FORESTS PRODUCTS		
3781 HOWARD AVE. AMHERSTBURG, ONTARIO		
SHEET FILE: ELEVATIONS		
REGISTERED PROFESSIONAL ENGINEER 4/18/2017 Y-C. LIU PROVINCE OF ONTARIO		
<b>Y.C. LIU ENGINEERING</b> Professional Solutions TEL: (416) 961-9818 FAX: (416) 961-9818		
DRAWN: C.W. BCIN: 20529	CHECKED: C.L. FIRM BCIN: 29635	FILE NO.: 17-056 DATE: MARCH/17 DWG. NO.: 2 SHEET NO.: S-2 of 6



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

yyyy mm dd Page 1 of 9

**Properties**

*PIN* 01551 - 0494 LT  
*Description* PT NW1/4 LT 11 CON 7 ANDERDON PT 1, 12R17827; AMHERSTBURG  
*Address* 7781 HOWARD AVENUE  
 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* 271 SANDWICH STREET SOUTH  
 AMHERSTBURG , ONTARIO  
 N9V 2A5

I, REBECCA BELANGER, MCIP, RPP, Manager of Planning Services for the Corporation of the Town of Amherstburg, have the authority to bind the corporation.

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

**Party To(s)***Capacity**Share*

*Name* TIMBERWOLF TRADING INC.  
*Address for Service* 7781 HOWARD AVENUE  
 MCGREGOR, ON NOR 1J0

I, TOM MANHERZ, have the authority to bind the corporation

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 08 31
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 08 31
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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