### THE CORPORATION OF THE TOWN OF AMHERSTBURG

#### BY-LAW NO. 2017-59

### By-law to authorize the execution of an Amending Development Agreement between Lumed Management Inc. and the Corporation of the Town of Amherstburg 140 Simcoe Street, 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** the Corporation of the Town of Amherstburg and the Owner have agreed to an amending site plan in the Development Agreement;

**AND WHEREAS** the Corporation passed By-law 2015-117 on October 26, 2015 providing for the execution of a Development Agreement for a car wash on the subject property;

**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 the Mayor and Clerk be hereby authorized to enter into an Amending Development Agreement between Lumed Management Inc. and the Corporation of the Town of Amherstburg for the redevelopment of 140 Simcoe Street for the removal of a bypass lane, the addition of six parking spaces and additional site plan and elevation details, said agreement affixed hereto;
- 2. THAT By-law 2015-117 is hereby amended in accordance with the attached agreement;
- 3. THAT all other provisions and regulations of By-law 2015-117 will apply;
- 4. 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 25<sup>th</sup> day of September, 2017.

MAYOR - ALDO DICARLO

**ULA PARKER** 

# AMENDING DEVELOPMENT AGREEMENT

**THIS AGREEMENT** made in quadruplicate this 25<sup>th</sup> day of September, 2017.

### BETWEEN: LUMED MANAGEMENT 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** Lumed Management 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 develop the said lands with the removal of a bypass lane, the addition of six parking spaces and additional site details in accordance with the Site Plan attached hereto as Schedule "B", and hereinafter referred to as the "Site Plan";

**AND WHEREAS** the Owner intends to develop the said lands with the signage and elevation details in accordance with the Elevations attached hereto as Schedule "C", and hereinafter referred to as the "Elevations";

**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 26, 2015, as Follows:

1. Section 1 is hereby amended by replacing the following schedules:

Schedule "B"-Site Plan (C1)Schedule "C"-Elevations (A3)

2. In all other respects the said Development Agreement dated October 26, 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: LUMED MANAGEMENT INC. Luigi DiPierdomenico Per I have authority to bind the Corporation THE CORPORATION OF THE TOWN OF AMHERSTBURG Per Aldo DiCarlo, Mayor Per Paula Parker Clerk okes ruu kon We have authority to bind the Corporation

Authorized and approved by By-law No. 2017-59 enacted the 25<sup>th</sup> day of September, 2017

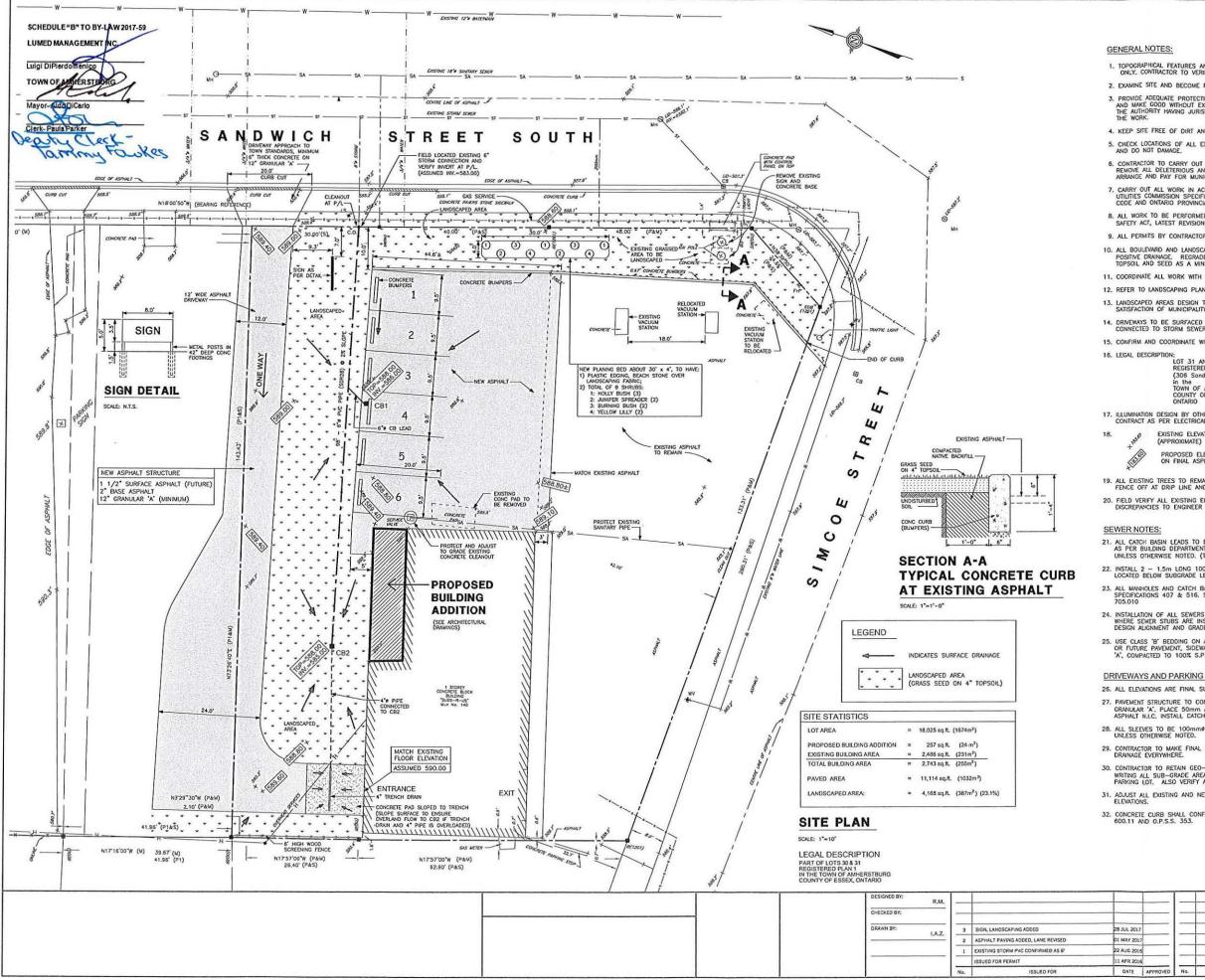
## SCHEDULE "A"

## LEGAL DESCRIPTION

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

Lot 31 and Part of Lot 30, Plan 1, Town of Amherstburg, County of Essex and Province of Ontario

PINs 70555-0146, 70555-0145, 70555-0144

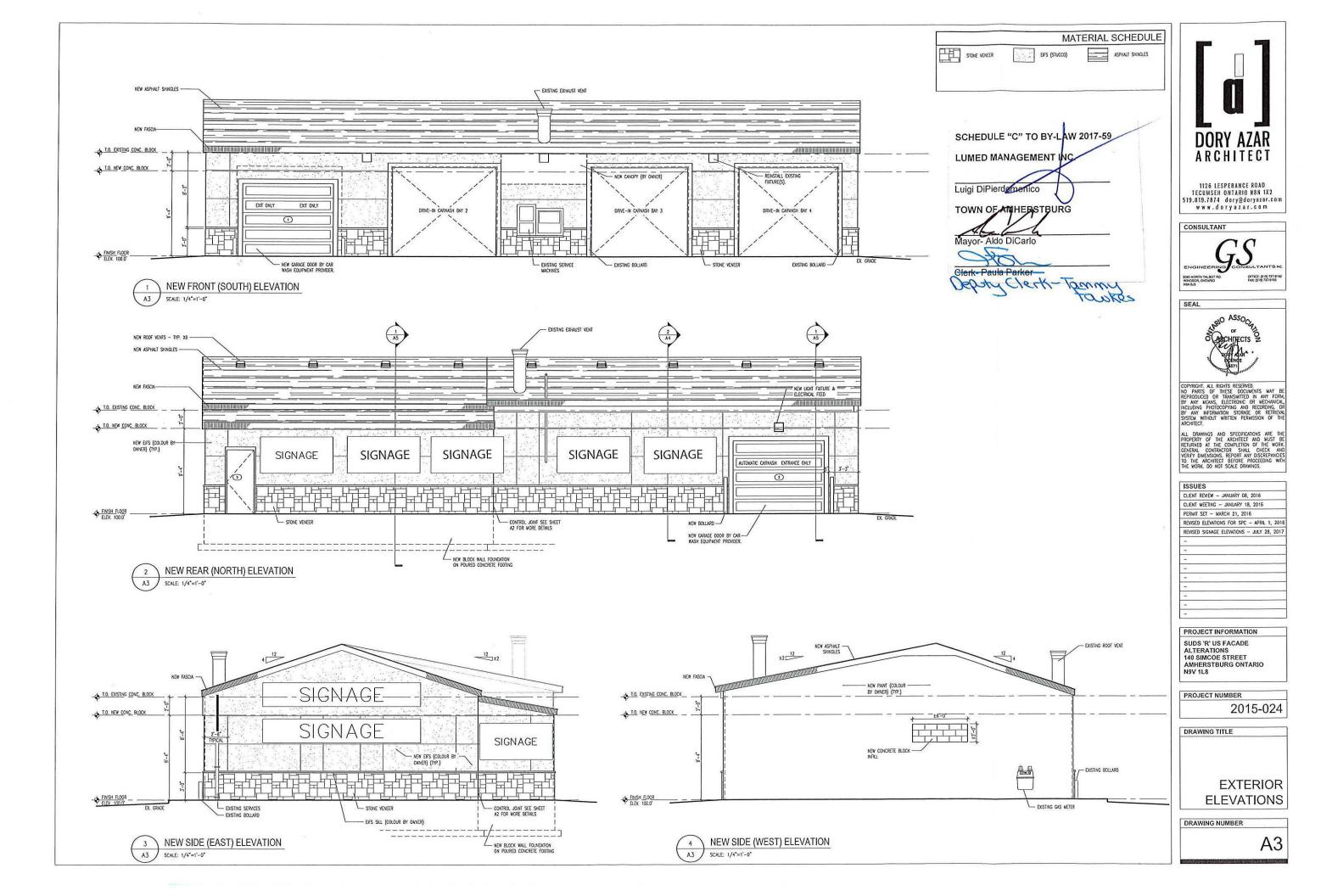


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INSTALL 2 – 1.5m LONG 100mm# PERFORATED SUBDRAINS AT EACH CATCH BASIN. LOCATED BELOW SUBGRADE LEVEL BACKFILL WITH CLEAR STONE. ALL MANHOLES AND CATCH BASINS SHALL CONFORM TO ONTARIO STANDARD SPECIFICATIONS 407 & 516. SINGLE CATCH BASINS TO BE AS PER 0.P.S.D. 705.010 INSTALLATION OF ALL SEWERS SHALL BE IN ACCORDANCE WITH 0.P.S.S. 410 & 514. WHERE SEWER STUBS ARE INSTALLED, THE CONTRACTOR MUST CONFORM TO THE DESIGN ALGORIMENT AND GRADE. USE CLASS 'B' BEDDING ON ALL PIPES; BACKFILL ALL TRENCHES BENEATH PRESENT OR FUTURE PAYEMENT, SIDEWALK OR BUILDINGS WITH FULL DEPTH WITH GRANULAR 'A', COMPACTED TO 100% S.P.M.D.D. RIVEWAYS AND PARKING LOT NOTES: ALL ELEVATIONS ARE FINAL SURFACE ASPHALT ELEVATIONS. PAVEMENT STRUCTURE TO CONSIST OF 90mm OF ASPHALT ON 300mm OF GRANULAR 'V, PLACE 50mm ASPHALT BASE UNDER THIS CONTRACT. 40mm SURFACE ASPHALT N.LC. INSTALL CATCH BASINS FLUSH WITH BASE ASPHALT. ALL SLEEVES TO BE 100mm# PVC SDR18 PLACED BELOW SUBGRADE LEVEL, UNLESS OTHERWISE NOTED. CONTRACTOR TO MAKE FINAL FIELD ADJUSTMENTS TO ELEVATIONS TO ENSURE POSITIVE DRINAGE EVERYWHERE. CONTRACTOR TO MAKE FINAL FIELD ADJUSTMENTS TO ELEVATIONS TO ENSURE POSITIVE DRINAGE EVERYWHERE. CONTRACTOR TO MAKE FINAL FIELD ADJUSTMENTS TO ELEVATIONS TO ENSURE POSITIVE DRINAGE EVERYWHERE.	INSTALL 2 - 1.5m LONG 100mm# PERFORATED SUBBRAINS AT EACH CATCH BASIN. LOCATED ELEVEL EVEL EVEL EVEL BACKFILL WITH CLEARS STORE. ALL MANHOLES AND CATCH BASINS SHALL CONFORM TO ONTARIO STANDARD SPECIFICATIONS 407 & 516. SINGLE CATCH BASINS TO BE AS PER O.P.S.D. 705.010 INSTALLATION OF ALL SEVERS SHALL BE IN ACCORDANCE WITH O.P.S.S. 410 & 514. WHERE SEVER STIBS ARE INSTALLED, THE CONTRACTOR MUST CONFORM TO THE DESIGN ALGONENT AND GRADE. USE CLASS '9' BEDDING ON ALL PIPES; BACKFILL ALL TRENCHES BENEATH PRESENT OR FUTURE PAREMENT, SIDEWALK OR BUILDINGS WITH FULL DEPTH WITH GRANULAR 'A', COMPACTED TO 100% S.P.M.D.D. INVEWAYS AND PARKKING LOT NOTES: ALL ELEVATIONS ARE FINAL SURFACE ASPHALT ELEVATIONS. PAVEMENT STRUCTURE TO CONSIST OF 90mm OF ASPHALT ON 300mm OF GRANULAR 'A', PLACE 50mm ASPHALT EASE UNDER THIS CONTRACT. 40mm SUBFACE ASPHALT N.L., INSTALL CATCH BASINS FLUXIS WITH REACE ASPHALT. ALL SLEEVES TO BE 100mm# PVC SDR18 PLACED BELOW SUBGRADE LEVEL, UNLESS OTHERWISE NOTED. CONTRACTOR TO REFINAL FIELD ADJUSTMENTS TO ELEVATIONS TO ENSURE POSITIVE ORAINAGE EVERYWHERE. CONTRACTOR TO RETINA GEO-TECHNICAL ENGINEER TO INSPECT AND APPROVE IN WRITING ALL SUB-GRADE REAS BELOW GRANULAR 'A' BASE AND ASPHALT FOR PARKING IOT. ALSO VERIFY ALL COMPACTIONS. CONCRETE CURB SHALL CONFORM TO ONTARIO PROVINCIAL STANDARD SPECIFICATIONS GOULT AND O.P.S.S. 353. CONCRETE CURB SHALL CONFORM TO ONTARIO PROVINCIAL STANDARD SPECIFICATIONS GOULT AND O.P.S.S. 353. CONCRETE CURB SHALL CONFORM TO ONTARIO PROVINCIAL STANDARD SPECIFICATIONS GOULT AND O.P.S.S. 353.	FIELD VERIFY ALL EXISTING ELEVATIONS AND CONDITIONS AND REPORT ANY DISCREPANCIES TO ENGINEER PRIOR TO START OF CONSTRUCTION.	
	ADJUST ALL EXISTING AND NEW MANHOLES, VALVES, ETC. TO MATCH FINISHED ELEVATIONS. CONCRETE CURB SHALL CONFORM TO ONTARIO PROVINCIAL STANDARD SPECIFICATIONS 600.11 AND O.P.S.S. 353. SCALE AS NOTED AUTOCAD REF: 4652 - C1- Site Plan Rev3 DATE APRIL 8, 2016 PROJECT No.: 46822 28 JUL 2017 D1 MAY 2017 D1 MAY 2017	ALL CATCH BASIN LEADS TO BE 150mm# PVC PIPE SDR 28. PROVIDE CLEANOUTS AS PER BUILDING DEPARTMENT REQUIREMENTS. INSTALL AT MINIMUM 28 SLOPE, UNLESS OTHERWISE NOTED. (TYPICAL FOR STORM SERVICE CONNECTIONS). INSTALL 2 – 1.5m LONG 100mm# PERFORATED SUBDRAINS AT EACH CATCH BASIN. LOCATED BELDW SUBGRADE LEVEL. BACKFILL WITH CLEAR STONE. ALL MANHOLES AND CATCH BASINS SHALL CONFORM TO ONTARIO STANDARD SPECIFICATIONS 407 & 516. SINGLE CATCH BASINS TO BE AS PER 0.P.S.D. 705.010 INSTALLTON OF ALL SEWERS SHALL BE IN ACCORDANCE WITH 0.P.S.S. 410 & 514. WHERE SEWER STUBS ARE INSTALLED, THE CONTRACTOR MUST CONFORM TO THE DESIGN ALGONNENT AND GRADE. USE CLASS. '9' BEDDING ON ALL PIPES; BACKFILL ALL TRENCHES BENEATH PRESENT OR FUTURE PAYEMENT, SIDEWALK OR BUILDINGS WITH FULL DEPTH WITH GRANULAR 'A, OMPACTED TO 100% S.P.M.D.D. INEWAYS AND PARKING LOT NOTES: ALL ELEVATIONS ARE FINAL SURFACE ASPHALT ELEVATIONS. PAVEMENT STRUCTURE TO CONSIST OF 90mm OF ASPHALT ON 300mm OF GRANULAR 'N, PLACE 50mm ASPHALT BASE UNDER THIS CONTRACT. 40mm SURFACE ASPHALT N.I.C. INSTALL CATCH BASINS FLUSH WITH BASE ASPHALT. ALL SLEEVES TO BE 100mm# PVC SDR18 PLACED BELOW SUBGRADE LEVEL, UNLESS OTHERWISE NOTED. CONTRACTOR TO MAKE FINAL FIELD ADJUSTMENTS TO ELEVATIONS TO ENSURE POSITIVE CONTRACTOR TO MAKE FINAL FIELD ADJUSTMENTS TO ELEVATIONS TO ENSURE POSITIVE CONTRACTOR TO REALS BARE AREAS BELOW	HI IN
28 JUL 2017			C1

OF 1

DATE APPROVED

REVISIONS



LRO # 12 Notice

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

Receipted as CE799729 on 2017 10 23

at 16:11

yyyy mm dd Page 1 of 2

Properties	S	
PIN	70555 - 0365 LT	
Description	PT LT 30 W/S APSLEY ST PL 1 AMHERSTBURG, PTS 1 & 2 12R1716; S/T R1077555, & PT LT 31 W/S APSLEY ST PL 1 AMHERSTBURG AS IN R1196134, & PT LT 31 W/S APSLEY ST PL 1 AMHERSTBURG PT 2 12R8598; AMHERSTBURG	
Address	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 ON 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
 LUMED MANAGEMENT INC.

 Address for Service
 131 Gore Street Amherstburg, ON N9V 1K8

I, LUIGI DIPIERDOMENICO, 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 Signed Applicant(s) 2017 10 23

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 10 23

Tel 519-258-0615 Fax 519-258-6833

#### LRO # 12 Notice

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

Receipted as CE799729 on 2017 10 23 at 16:11

yyyy mm dd Page 2 of 2

Fees/Taxes/Payment		 	
Statutory Registration Fee	\$63.35		
Total Paid	\$63.35		