

THE CORPORATION OF THE TOWN OF AMHERSTBURG

By-law 2006-19

A by-law authorizing the signing of a Development Agreement.

WHEREAS Harbourview Residences Inc. has proposed the redevelopment of property on Bois Blanc Island for use as a condominium;

AND WHEREAS By-law 2002-08 provided for the execution of a Development Agreement for a condominium on the subject property;

AND WHEREAS By-law 2005-95 amended certain provisions of By-law 2002-08;

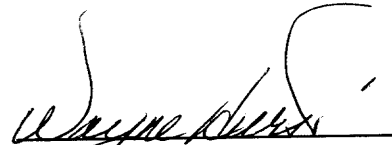
AND WHEREAS the Owner has requested to further amend the Development Agreement as it relates to Fire Protection Requirements;

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


NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:

1. That By-law 2002-08 as amended by By-law 2005-95 is hereby further amended in accordance with the attached agreement insofar as it relates to Section 35 of By-law 2002-08 and further amended to Section 33 in By-law 2005-95.
2. That all provisions and regulations of By-law 2002-08 as amended by By-law 2005-95 will apply.
3. This By-law shall come into force and effect on the date of final passage hereof.

Read a first, second and third time and finally passed this 13th day of March, 2006.



Mayor



Clerk

Certified to be a true copy of By-law
2006-19 passed by the Amherstburg
Municipal Council on March 13th, 2006.



Council Report

PRESENTED TO COUNCIL
ITEM # 1
PAGE 1 OF 2006

Report To: Mayor Wayne Hurst and Members of Council
Date of Meeting: March 13, 2006
Prepared By: Lory Bratt, Planning Coordinator
Date of Report: March 8, 2006
Subject: Amending Development Agreement
Boblo Condominium

RECOMMENDATION:

That Council approve the amending Development Agreement and give three readings to By-law 2006-19.

EXECUTIVE SUMMARY:

The Town has been requested to amend the Boblo Condominium Development Agreement as it relates to Fire Protection Requirements. The Town and Developer have agreed to terms and conditions of an amending agreement that provides for the monitoring of fire alarm systems and participation in the Town's lock box program.

REPORT:

The Town is in receipt of a request from Harbourview Residences Inc. to amend the Boblo Condominium Development Agreement as it relates to Fire Protection Requirements. The existing agreement provides that the building is to be constructed with an engineer certified sprinkler system.

The proposed amendment will provide that the fire alarm system will be wired for monitoring by an independent agency on a full time basis. Participation in the Town's lock box program will be required. Provisions to this effect will run with the title of the property. The requirement for a sprinkler system other than the required sprinkled areas under the Ontario Building Code is being deleted.

CONCLUSION:

The full time monitoring of the fire alarm system will provide enhanced notification to the Fire Department and assist in a timely response.

All respectfully submitted for Council consideration.

Lory Bratt

LB:gg
enclosure

Properties

PIN 01569 - 0295 LT
Description PART BOIS BLANC ISLAND (BOB-LO ISLAND) MALDEN DESIGNATED AS PARTS 1,3 & 4 ON 12R22289; AMHERSTBURG
Address AMHERSTBURG

PIN 01569 - 0293 LT
Description PT BOIS BLANC ISLAND DESIGNATED AS PT 6, PL 12R22289; AMHERSTBURG
Address AMHERSTBURG

PIN 01569 - 0290 LT
Description PT BOIS BLANC ISLAND (BOB-LO ISLAND) MALDEN DESIGNATED AS PT 7 12R22289; AMHERSTBURG
Address AMHERSTBURG

Consideration

Consideration \$ 0.00

Applicant(s)

This 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 St. S.
 Amherstburg, Ont

I, LORY BRATT, PLANNING COORDINATOR, 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 HARBOURVIEW RESIDENCES INC.
Address for Service 2155 Fasan Dr.
 Oldcastle, Ontario

I, DOMINIC AMICONE, have the authority to bind the corporation

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

Statements

This notice is for an indeterminate period

Schedule: See Schedules

This document relates to registration no.(s)LT0343274 AND CE190719

Signed By

Armando Felice Antonio DeLuca 500-251 Goyeau Street acting for Applicant(s) Signed 2006 04 13
 Windsor N9A 6V2
 Tel 519-258-0615
 Fax 5192586833

Submitted By

MOUSSEAU DELUCA 500-251 Goyeau Street 2006 04 13
 MCPHERSON PRINCE Windsor N9A 6V2
 Tel 519-258-0615
 Fax 5192586833

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

yyyy mm dd Page 2 of 5

Fees/Taxes/Payment

Statutory Registration Fee \$60.00

Total Paid \$60.00

File Number

Applicant Client File Number : 23074

AMENDING DEVELOPMENT AGREEMENT

Registered _____, 2006.

THIS AGREEMENT made in triplicate this 13th day of March, 2006.

BETWEEN: **HARBOURVIEW RESIDENCES INC.**

hereinafter called the "OWNER"
OF THE FIRST PART

-and-

**THE CORPORATION OF THE TOWN
OF AMHERSTBURG**

hereinafter called the "CORPORATION"
OF THE SECOND PART

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

AND WHEREAS the Owner warrants it is the registered owner of the said 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 Amherstburg designated parts of the area covered by the Official Plan as a Site Plan Control Area;

AND WHEREAS the Corporation passed By-law 2002-08 on January 28, 2002 providing for the execution of a Development Agreement for a condominium on the subject property;

AND WHEREAS By-law 2005-95 passed by the Corporation November 14, 2005 amended certain provisions of By-law 2002-08;

AND WHEREAS the Owner has requested to further amend the Development Agreement as it relates to Fire Protection Requirements;

NOW THEREFORE the Parties Hereto Agree To Amend The Agreement Dated January 28, 2002 As Further Amended By By-law 2005-95 Dated November 14, 2005 As Follows:

1. Section 35 as amended to Section 33 is hereby deleted and replaced with the following:

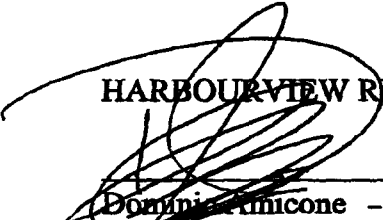
"In addition to the regulations of the Ontario Building Code and Fire Code to install fire alarm systems in buildings requiring fire alarm systems the Owner agrees that the said fire alarm system will be wired for monitoring by an independent agency on a full time basis. Participation in the Town's lock box program will also be required. Provisions to this effect shall be contained in every agreement for sale and the Owner shall impose a covenant to this effect which will run with the title of the property in perpetuity; and

All monitoring of fire alarm systems are to be in compliance with applicable National Fire Protection Agency (NFPA) and Ontario Building Code (OBC) requirements."

2. In all other respects the said Development Agreement dated January 28, 2002 as amended November 14, 2005 shall remain in full force and effect. 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 Town has hereunto affixed their seals attested by the signatures of their proper signing officers and the Developer has hereunto affixed its seal attested by the signature of its proper signing officer in that regard.

HARBOURVIEW RESIDENCES INC.




Dominic Amicone - President
I have authority to bind the corporation

THE CORPORATION OF THE TOWN
OF AMHERSTBURG



Mayor Wayne Hurst



Clerk - David Mailloux

Authorized and approved by By-law
2006-19 enacted the 13th day of
March 2006.

SCHEDULE "A"

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

Parts 1, 3, 4, 6 and 7 on Plan 12R-22289
Part of Bois Blanc Island
Geographic Township of Malden,
in the Town of Amherstburg,
in the County of Essex