

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 2991 (2008)

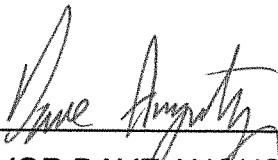
Being a by-law to amend a Development Agreement
(1191 Maple Street)

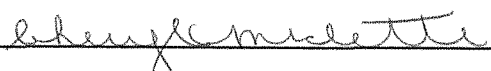
WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to amend a Development Agreement between the Town of Pelham and Hans Dam and Louis Dam, registered as Instrument No. SN205616.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT the above mentioned Development Agreement be amended to allow for an alternative lot grading and drainage plan.
- (2) THAT the Mayor and Clerk be and each of them is hereby authorized and instructed on behalf of the Corporation of the Town of Pelham to execute the necessary amendment..

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
6TH DAY OF OCTOBER, 2008 A.D.


MAYOR DAVE AUGUSTYN


CLERK CHERYL MICLETTE

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

Properties

PIN 64030 - 0887 LT
Description PT LT 15 CON 9 PELHAM PT 1, 59R13479 ; PELHAM
Address PELHAM

PIN 64030 - 0888 LT
Description PT LT 15 CON 9 PELHAM PT 3, 59R13479 ; PELHAM
Address PELHAM

PIN 64030 - 0886 LT
Description PT LT 15 CON 9 PELHAM PT 2, 59R13479 ; PELHAM
Address PELHAM

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 PELHAM
Address for Service P. O. Box 400
Fonthill, Ontario
L0S 1E0

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

This document is being authorized by a municipal corporation by DAVE AUGUSTYN-MAYOR AND CHERYL MICLETTE-CLERK.

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

Robert Bruce Smith	201-247 East Main St. PO Box 67 Welland L3B 5N9	acting for Applicant(s)	Signed 2008 11 21
Tel 9057355684			
Fax 9057353340			

Submitted By

LANCASTER, BROOKS & WELCH (WELLAND)	201-247 East Main St. PO Box 67 Welland L3B 5N9	2008 11 21
Tel 9057355684		
Fax 9057353340		

Fees/Taxes/Payment

Statutory Registration Fee	\$60.00
Total Paid	\$60.00

THIS AGREEMENT made in triplicate this 13th day of November, 2008 A.D.

BETWEEN:

HANS DAM and LOUIS DAM

Hereinafter called the "Developer"

OF THE FIRST PART

- and -

PAUL DANIEL WILLMS and KRISTINA ELIZABETH WILLMS

Hereinafter called the "Willms"

OF THE SECOND PART

- and -

THE CORPORATION OF THE TOWN OF PELHAM

Hereinafter called the "Town"

OF THE THIRD PART

WHEREAS the Developer represents and warrants that it is the owner of the lands in the Town of Pelham described as First and Secondly in Schedule "A" attached hereto (the "Development Lands");

AND WHEREAS the Willms represent and warrant that they are the owner of the land described as Thirdly in Schedule "A" (the "Willms Lands");

AND WHEREAS the Town and the Developer previously entered into a development agreement which agreement (the "Development Agreement") was registered against title to the Developer's Lands and Willms Lands as Instrument No. SN205616 on April 29th, 2008;

AND WHEREAS Willms have agreed to be bound by the terms and conditions of the Development Agreement;

AND WHEREAS the Town has agreed to permit an alternative lot grading and drainage plan to facilitate development of the lands subject to certain terms and conditions;

AND WHEREAS it is necessary to amend the Development Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of One Dollar (\$1.00) now paid by the Developer to the Town (the receipt whereof is hereby acknowledged), the Parties hereto mutually covenant and agree as follows:

1. The Development Agreement is hereby amended by deleting Section 24 and replacing it with the following Section:

NOTICES

Any notice, demand, acceptance or request provided for in this Agreement shall be in writing and shall be deemed to be sufficiently given if personally delivered or sent by registered mail (postage prepaid) as follows:

To the Town at: Clerk
Town of Pelham
P. O. Box 400
20 Pelham Town Square
Fonthill ON L0S 1E0








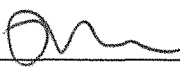
To the Developer at: Hans Dam, Louis Dam, Paul Daniel Willms and Kristina
Elizabeth Willms
1191 Maple Street
Fenwick ON L0S 1C0

or as such other address as the party to whom such notice is to be given shall have last notified the party giving the notice in the manner provided in this Section 21. Any notice delivered to the party to whom it is addressed in this Section 21 shall be deemed to have been given and received on the day it is so delivered at such address. Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth day next following the date of its mailing.

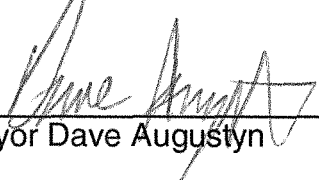
2. The Development Agreement is hereby further amended by deleting Schedule "B" attached thereto and replacing it with Schedule "B" attached to this Agreement.
3. All other terms and conditions of the Development Agreement shall remain in full force and effect except as amended herein and shall apply to this agreement.
4. The Willms acknowledge that by signing this agreement, they agree to be bound by all terms and conditions of the Development Agreement as if they had executed the Development Agreement as the Developer.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the date and year first above written.

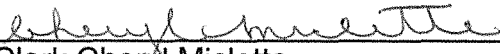
**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

	)	HANS DAM	
_____)		_____
Witness)		
<u>TARA DRUZINA</u>	)	<u>HANS DAM</u>	_____
(Print Name)	)	(Print Name)	
)		
	)	LOUIS DAM	
_____)		_____
Witness)		
<u>TARA DRUZINA</u>	)	<u>LOUIS DAM</u>	_____
(Print Name)	)	(Print Name)	
)		
	)	PAUL DANIEL WILLMS	
_____)		_____
Witness)		
<u>TARA DRUZINA</u>	)	<u>PAUL WILLMS</u>	_____
(Print Name)	)	(Print Name)	
)		
	)	KRISTINA ELIZABETH WILLMS	
_____)		_____
Witness)		
<u>TARA DRUZINA</u>	)	<u>Kristie Willms</u>	_____
(Print Name)	)	(Print Name)	
)		

THE CORPORATION OF THE TOWN OF PELHAM



Mayor Dave Augustyn



Clerk Cheryl Miclette