

THIS AGREEMENT made in triplicate this 18<sup>th</sup> day of December, 2008 A.D.

BETWEEN:

**851858 ONTARIO INC.**

Hereinafter called the "Owner"

OF THE FIRST PART

- and -

**THE CORPORATION OF THE TOWN OF PELHAM**

Hereinafter called the "Town"

OF THE SECOND PART

**WHEREAS** the Owner represents and warrants that it is the owner of the lands in the Town of Pelham described in Schedule "A" attached hereto (the "Lands");

**AND WHEREAS** the Town has previously entered into a Site Plan Agreement with the Owner which Agreement (the "Site Plan Agreement") is dated May 6<sup>th</sup>, 2008 and registered against title to the Lands as Instrument No. SN208213 on May 22<sup>nd</sup>, 2008;

**AND WHEREAS** the Owner has assumed and agreed to be bound by the terms and conditions of the Site Plan Agreement;

**AND WHEREAS** the Owner is desirous of establishing a car wash establishment;

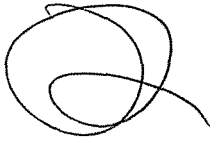
**AND WHEREAS** the Town has agreed to permit the said construction subject to certain terms and conditions;

**AND WHEREAS** it is necessary to amend the Site Plan Agreement;

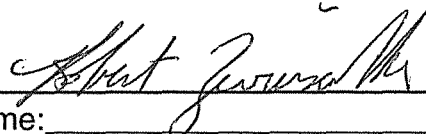
NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of One Dollar (\$1.00) now paid by the Owner to the Town (the receipt whereof is hereby acknowledged), the Parties hereto mutually covenant and agree as follows: -

1. The Site Plan Agreement is hereby further amended by deleting Schedules "B", "C" and "D" attached thereto and replacing it with Schedules "B", "C" and "D" attached to this Agreement.
2. All other terms and conditions of the Site Plan Agreement shall remain in full force and effect except as amended herein and shall apply to this agreement.

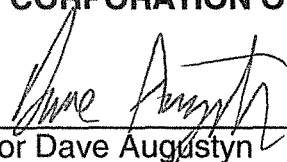
IN WITNESS WHEREOF the parties hereto have executed this agreement as of the date and year first above written.

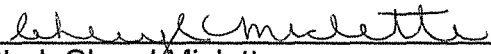


**851858 ONTARIO INC.**

  
\_\_\_\_\_  
Name: \_\_\_\_\_  
I have authority to bind the Corporation

**THE CORPORATION OF THE TOWN OF PELHAM**

  
\_\_\_\_\_  
Mayor Dave Augustyn

  
\_\_\_\_\_  
Clerk Cheryl Miclette

**SCHEDULE "B"****SITE PLAN**

Site Plan, drawing S1, rev. 1, prepared by G.M. Gallagher P. Eng., dated November 26, 2008, the original of which is located at the Town at the address shown in Section 21 of this Agreement.

**SCHEDULE "C"****GRADING AND DRAINAGE PLAN**

Grading and Drainage Plan, drawing S2, rev. 1, prepared by G.M. Gallagher P. Eng., dated November 26, 2008, the original of which is located at the Town at the address shown in Section 21 of this Agreement.

**SCHEDULE "D"****COST ESTIMATES FOR FACILITIES AND WORKS**

The on-site work cost estimates are as follows:

<b><u>Item</u></b>	<b><u>Cost Estimate</u></b>
1. Site Grading and Preparation	\$8,000.00
2. Landscaping and Fencing	\$2,000.00
3. Walkways and Curbs	\$2,000.00
4. Other	\$1,500.00
<b>TOTAL ON-SITE WORKS ESTIMATED COSTS</b>	<b><u>\$13,500.00</u></b>

In accordance with Section 14(a) of this Agreement, the amount of the deposit shall be in the amount of thirteen thousand-five hundred dollars (\$13,500.00).