

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

BY-LAW NUMBER 89-08

A By-Law to enter into an agreement with Andrew Nellestyn regarding a Zoning By-Law amendment.

Whereas:

- 1) The Council of the Corporation of the Township has authority under Section 104 of the Municipal Act R.S.O. 1980 to pass By-Laws concerning the welfare of the inhabitants of the Municipality.
- 2) The Council of the Corporation of the Township has authority under Section 34 of the Planning Act for passing zoning by-laws controlling the erection of structures.
- 3) The Ministry of Natural Resources requires the Township to enter into an agreement with a landowner concerning a zoning by-law amendment which permits him to build in a flood prone area under certain conditions.

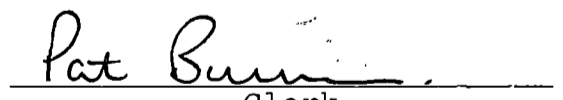
Now therefore the Council of the Corporation of the Township of the Township of Westmeath enacts as follows:-

- 1 That the Corporation of the Township of Westmeath enters into an agreement, known as Schedule "A" attached to, and forming part of this By-Law with Andrew Nellestyn.
- 2 That the Reeve and the Clerk are hereby authorised to sign the agreement referred to in Section 1, on behalf of the Corporation.

Passed and ENACTED this 8th day of February 1989.



Reeve



Clerk

THIS AGREEMENT made this 1st day of day February A.D. 1989

BETWEEN:

CORPORATION OF THE TOWNSHIP OF WESTMEATH

herein called TOWNSHIP, of the first part,

-and-

ANDREW NELLSTYN

herein called OWNER, of the second part.

WHEREAS the Owner has made application for the re-zoning of certain lands owned by him, namely part of Lot 9, Concession EFC., Township of Westmeath, more particularly as parts 4 and 5 Reference Plan 49R-3202;

AND WHEREAS the Township has agreed to a rezoning of the said lands from Environmental Protection to Environmental Protection Exception No. 3;

AND WHEREAS the Ministry of Natural Resources for the Province of Ontario has consented to the re-zoning providing an agreement is entered into with respect to site elevation and erosion control;

NOW THEREFORE this agreement witnesseth that in consideration of the sum of ONE DOLLAR (\$1.00) and the covenants hereinafter referred to the parties hereto agree as follows:

1. The Corporation of the Township of Westmeath shall re-zone the lands owned by Andrew Nellstyn, more particularly described as That Part of Lot 9 Concession East Front C, Township of Westmeath, County of Renfrew designated as Parts 4 and 5, on Reference Plan deposited as No. 49R-3202 from Environmental Protection Environmental Protection Exception No. 3;
2. The Owner agrees to provide the following within the period of one year from the date of this agreement:
 - (a) to backfill the foundation of the subject dwelling to the 357 feet 1: 100 year flood elevation and more particularly to grade in accordance with the attached elevation plan attached hereto as Schedule "A"
 - (b) The leading edge of the fill at the river shall be stabilized through the use of rip-rap
 - (c) The driveway to the subject dwelling shall be filled to an elevation of 356 feet;
3. In the event that the Owner fails to fulfill the terms of the agreement,

provided herein, the Township shall have the right to enter upon the property of the Owner and to complete the said work and to charge the costs of the same to the Owner and to collect the same in the same manner as other realty taxes.

- 4. The Parties further agree that this agreement is in addition to the agreement dated the 14th day of October 1988 between the same parties and that it does not amend or in any way change the terms of the aforesaid agreement.
- 5. The Parties hereto agree that this agreement may be registered against the said lands by the Corporation of the Township of Westmeath, and that it shall be binding on all subsequent purchasers of the said land.
- 6. This agreement shall enure to the benefit of and be binding upon the parties hereto their heirs successors and assigns forever.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED
in the presence of:

)
) THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

)
) Per *London White*
) Reeve

)
) *Pat Bunn*
) Clerk

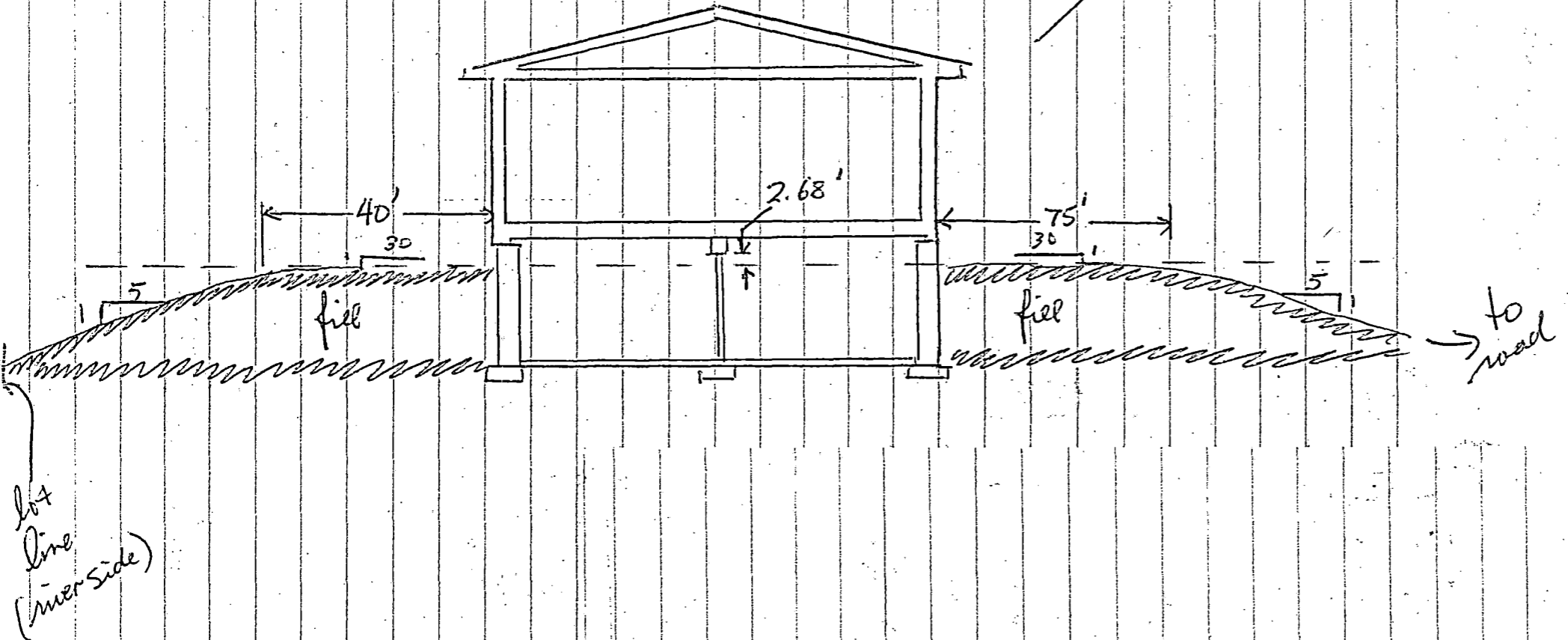
)
) *Liliane Renaud*
) Witness to signature of
Owner.

)
) *[Signature]*
) Owner

LOT 9 CONCESSION EFL LA PARE ONTARIO
A. NELESTYD ELEVATION PLAN

SCHEDULE 'A'

Drawn
04/14/88



FOR OFFICE USE ONLY

301244

NUMBER
NUMERO

**Certificate of Registration
Certificat d'enregistrement**

FEB 21 1989

**RENFREW
No. 49
PEMBROKE**

A. J. ...
**LAND REGISTRAR
REGISTRATEUR**

New Property Identifiers

Additional:
See
Schedule

Executions

Additional:
See
Schedule

(1) Registry Land Titles (2) Page 1 of 5 pages

(3) Property Identifier(s) Block Property Additional: See Schedule

(4) Nature of Document
Deposit ~~By-law and Agreement~~

(5) Consideration
Dollars \$

(6) Description
That part of Lot 9 Concession East Front C Township of Westmeath designated as Parts 4 and 5 49R-3202

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch (b) Schedule for: Description Additional Parties Other

(8) This Document provides as follows:

Continued on Schedule

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature		
		Y	M	D
CORPORATION OF THE TOWNSHIP OF WESTMEATH by its solicitor, Delbert A. O'Brien.	<i>[Signature]</i>	1989	02	20

(11) Address for Service: Westmeath, Ontario.

(12) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature		
		Y	M	D

(13) Address for Service

(14) Municipal Address of Property

(15) Document Prepared by:
Huckabone, Shaw O'Brien Radley-Walters Reimer
284 Pembroke St. East
Pembroke, Ontario.

DAO

Fees and Tax	
Registration Fee	20.00
Total	20.00

FOR OFFICE USE ONLY

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

BY-LAW NUMBER 89-08

A By-Law to enter into an agreement with Andrew Nellestyn regarding a Zoning By-Law amendment.

Whereas:

- 1) The Council of the Corporation of the Township has authority under Section 104 of the Municipal Act R.S.O. 1980 to pass By-Laws concerning the welfare of the inhabitants of the Municipality.
- 2) The Council of the Corporation of the Township has authority under Section 34 of the Planning Act for passing zoning by-laws controlling the erection of structures.
- 3) The Ministry of Natural Resources requires the Township to enter into an agreement with a landowner concerning a zoning by-law amendment which permits him to build in a flood prone area under certain conditions.

Now therefore the Council of the Corporation of the Township of the Township of Westmeath enacts as follows:-

- 1 That the Corporation of the Township of Westmeath enters into an agreement, known as Schedule "A" attached to, and forming part of this By-Law with Andrew Nellestyn.
- 2 That the Reeve and the Clerk are hereby authorised to sign the agreement referred to in Section 1, on behalf of the Corporation.

Passed and ENACTED this 8th day of February 1989.


Lawrence White

 Reeve

Pat Burn

 Clerk

Certified to be a true copy
Pat Burn Clerk - Treasurer



THIS AGREEMENT made this 1st day of February A.D. 1989

BETWEEN:

CORPORATION OF THE TOWNSHIP OF WESTMEATH

herein called TOWNSHIP, of the first part,

-and-

ANDREW NELLSTYN

herein called OWNER, of the second part.

WHEREAS the Owner has made application for the re-zoning of certain lands owned by him, namely part of Lot 9, Concession EFC., Township of Westmeath, more particularly as parts 4 and 5 Reference Plan 49R-3202;

AND WHEREAS the Township has agreed to a rezoning of the said lands from Environmental Protection to Environmental Protection Exception No. 3;

AND WHEREAS the Ministry of Natural Resources for the Province of Ontario has consented to the re-zoning providing an agreement is entered into with respect to site elevation and erosion control;

NOW THEREFORE this agreement witnesseth that in consideration of the sum of ONE DOLLAR (\$1.00) and the covenants hereinafter referred to the parties hereto agree as follows:

1. The Corporation of the Township of Westmeath shall re-zone the lands owned by Andrew Nellstyn, more particularly described as That Part of Lot 9 Concession East Front C, Township of Westmeath, County of Renfrew designated as Parts 4 and 5, on Reference Plan deposited as No. 49R-3202 from Environmental Protection Environmental Protection Exception No. 3;
2. The Owner agrees to provide the following within the period of one year from the date of this agreement:
 - (a) to backfill the foundation of the subject dwelling to the 357 feet 1: 100 year flood elevation and more particularly to grade in accordance with the attached elevation plan attached hereto as Schedule "A"
 - (b) The leading edge of the fill at the river shall be stabilized through the use of rip-rap
 - (c) The driveway to the subject dwelling shall be filled to an elevation of 356 feet;
3. In the event that the Owner fails to fulfill the terms of the agreement,

provided herein, the Township shall have the right to enter upon the property of the Owner and to complete the said work and to charge the costs of the same to the Owner and to collect the same in the same manner as other realty taxes.

- 4. The Parties further agree that this agreement is in addition to the agreement dated the 14th day of October 1988 between the same parties and that it does not amend or in any way change the terms of the aforesaid agreement.
- 5. The Parties hereto agree that this agreement may be registered against the said lands by the Corporation of the Township of Westmeath, and that it shall be binding on all subsequent purchasers of the said land.
- 6. This agreement shall enure to the benefit of and be binding upon the parties hereto their heirs successors and assigns forever.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED
in the presence of:

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

Per

Garson White

Reeve

Pat Burns

Clerk

Liliane Renaud

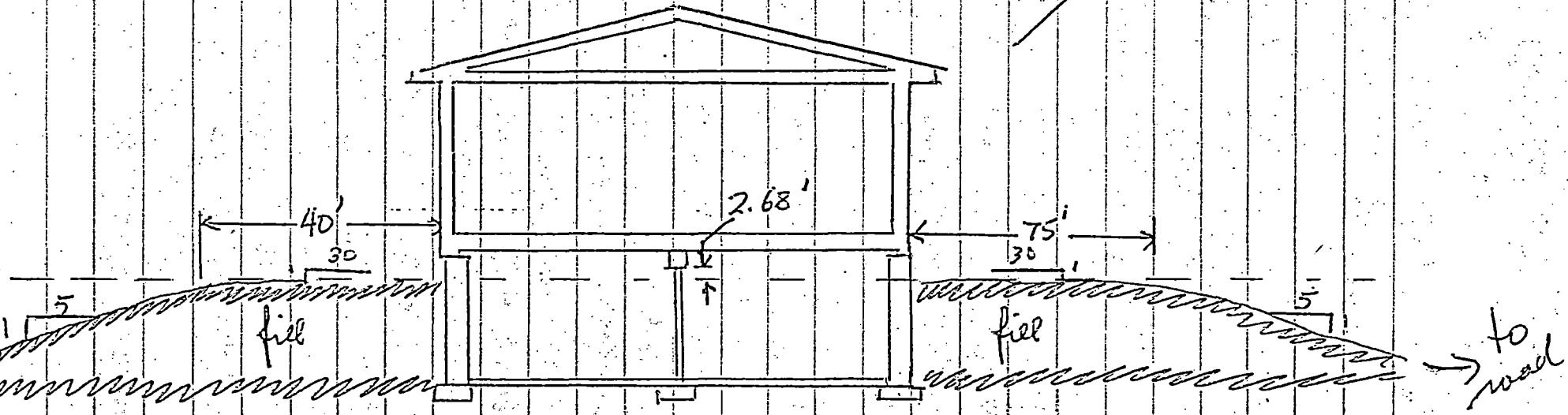
Witness to signature of
Owner.

AM
Owner

LOT 9 CONCESSION EFC LA PARKE ONTARIO
A. NELESTYN ELEVATION PLAN

SCHEDULE 'A'

Drawn
Oct 14/88



lot line
(inner side)