

**THE CORPORATION OF
TOWNSHIP OF WHITEWATER REGION**

BY-LAW NUMBER 14-05-700

A By-Law authorizing the Township to enter into a Development Agreement with Elmor MacNair Haley

WHEREAS Elmor MacNair Haley is the owner of West Half of Lot 9, Conc. 4 Ross, except Parts 1, 2, 3, 49R10544, Part 1, 49R15948 and Part 2, 49R18001, TOWNSHIP OF WHITEWATER REGION Being Part of PIN 57222-0146LT;

AND WHEREAS Elmor MacNair Haley has applied to the County of Renfrew for consent approval of residential lot File Numbers B101/13(1) and B102/13(2) and such approval dated the 7th day of April, 2014 have been granted subject to the execution and registration of a Development Agreement between the Owner and the Township be on title;

AND WHEREAS Section 53(12) of the Planning Act, R.S.O. 1990, c.P.13, affords council the same powers with respect to a consent as the approval authority has with respect to an approval of a plan of subdivision under Section 51 (25) of the Planning Act;

AND WHEREAS Section 51(26) of the Planning Act provides for the Municipality to enter into an Agreement as a condition of the approval of subdivision of a lot which Agreement may be registered on title and is enforceable by the Municipality against all subsequent purchases of the land;

AND WHEREAS Elmor MacNair Haley has asked the Council of the Corporation of the Township of Whitewater Region to enter into a Development Agreement;

NOW THEREFORE the Council of the Corporation of the Township of Whitewater Region hereby ENACTS AS FOLLOWS:

1. **THAT** The Corporation of the Township of Whitewater Region enter into a Development Agreement with Elmor MacNair Haley, which agreement is attached and marked as Schedule "A" to this By-law.
2. **THAT** the Council of the Township of Whitewater Region hereby authorize the execution of the Development Agreement.
3. **THAT** the Mayor and CAO/Clerk be authorized to execute the said Development Agreement together with all documents relating thereto, and further, to make such other motions as may be necessary to complete this matter.


THIS BYLAW shall come into effect upon the passing thereof and subsequent registration at the Land Registry Office for the Registry Division for the County of Renfrew.

All By-Laws or parts of By-Laws previously passed that are inconsistent with the provisions of By-Law 14-05-700 are hereby repealed.

Passed this 7th day of May, 2014.



Jim Labow, MAYOR



Christine FitzSimons, CAO/CLERK



THIS AGREEMENT made this 16th day of April, 2014

BETWEEN:

ELMOR MACNAIR HALEY

(hereinafter called the "Owner")

PARTY OF THE FIRST PART

AND:

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

(hereinafter called the "Municipality")

PARTY OF THE SECOND PART

WHEREAS the Owner hereby warrants that he is the owner in fee simple of the lands described in Schedule "A" attached hereto (hereinafter called the "Subject Lands");

AND WHEREAS the Owner has applied to the Land Division Committee for the County of Renfrew (Applications B101/13(1) and B102/13(2)) for consent pursuant to the provisions of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the aforesaid applications for consent were granted by the Land Division Committee on the condition that the Owner enter into an agreement with the Municipality requiring that the Hydrogeological Evaluation Report prepared by Morey Associates, dated November 26, 2013 be made available to the lot purchaser as a guide to development;

AND WHEREAS this Agreement is being entered into between the Owner and the Municipality in satisfaction of Condition No. 2 in the above noted Land Division Committee file pursuant to Sections 53(12) and 51(26) of the Planning Act, R.S.O. 1990, Chapter P. 13;

NOW THEREFORE this Agreement witnesseth that in consideration of the premises and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by the parties hereto) the parties hereto agree as follows:

1. The Owner acknowledges and agrees that this Agreement shall apply to the Subject Lands.
2. The Owner agrees to make available to the lot purchaser the Hydrogeological Evaluation Report prepared by Morey Associates, dated November 26, 2013 as a guide to development.
3. The Owner agrees that the lot purchaser must be notified that sodium concentrations may be above the suggested upper level of 20mg/l and that persons on a low sodium diet should contact their physician.
4. The Owner hereby consents and agrees that this Agreement and any future amendments to this Agreement shall be registered on title to the Subject Lands at the sole expense of the Owner and that the Township Clerk be so notified of the registration.
5. Each obligation or agreement of the Municipality or the Owner expressed in this agreement is considered to be a covenant for all purposes.
6. This Agreement shall enure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors, successors in title and assigns.

IN WITNESS WHEREOF the parties hereto hereby set their hands and the corporate parties hereto hereby set their corporate seals attested to by the hands of the property signing officers duly authorized in that regard.

SIGNED, SEALED & DELIVERED)
in the presence of)

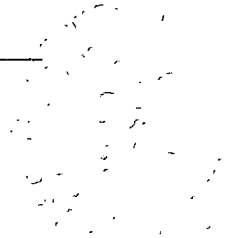
Christine FitzSimons
WITNESS

) *Elmor M. Haley*
) _____
) ELMOR MACNAIR HALEY

) THE CORPORATION OF THE TOWNSHIP OF
) WHITEWATER REGION

) *Jim Labow*
) _____
) Per: Jim Labow, Mayor

) *Christine FitzSimons*
) _____
) Per: Christine FitzSimons, CAO/Clerk



SCHEDULE "A"

West Half of Lot 9, Conc. 4, Ross, except Parts 1, 2, 3, 49R10544, Part 1, 49R15948 and Part 2,
49R18001, Township of Whitewater Region

Being part of PIN 57222-0146 LT