



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 139-2022

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### Being a By-law to Authorize the Execution of a Subdivision Agreement with 2538070 Ontario Limited (Bryce Ivanchuk) (Nigh Road Subdivision)

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File No. 350308-0077

**Whereas** Report No. PDS-62-2022 was considered and approved at the Council-in-Committee meeting of September 12, 2022 to authorize the entry into a Subdivision Agreement for the Nigh Road Subdivision with 2538070 Ontario Limited; and

**Whereas** the Municipal Council of the Town of Fort Erie at its meeting of June 21, 2004 passed Resolution No. 25 to establish a practice whereby the Standard Form of Agreement would not be attached to the By-law and circulated to each Member of Council in advance of the particular Council Meeting, although Council has been informed under Report No. PDS-62-2022 of the Financial Schedule in the Agreement, with the knowledge that the Clerk of the Town of Fort Erie is in possession of the full Agreement at the subject Council Meeting; and

**Whereas** it is deemed desirable to enter into a Subdivision Agreement for the Nigh Road Subdivision (South of Nigh Road, between Buffalo Road and Rosehill Road) with 2538070 Ontario Limited in order to control the development of the lands described in Schedule "A" of the Subdivision Agreement attached hereto as Appendix "1" and forming part of this by-law;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the entry into a Subdivision Agreement with 2538070 Ontario Limited (the "Developer"), substantially in the form attached as Appendix "1" and forming part of this by-law, is authorized and approved, subject to the Developer first satisfying the provisions of the Agreement which are required to be satisfied prior to execution of the Agreement.
2. **That** subject to Section 1 of this by-law, the Mayor and Clerk are authorized and directed to execute the said Subdivision Agreement and affix the corporate seal thereto, and all other documentation necessary to effect the terms and conditions of the said Agreement.
3. **That** this by-law shall expire should 2538070 Ontario Limited fail to enter into the Subdivision Agreement with the Town by November 12, 2023.

4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 17<sup>th</sup> day of October, 2022 .**

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 139-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_.

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