



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 28-2019

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### Being a By-law to Authorize the Execution of a Subdivision Agreement with 9136916 Canada Ltd. (Simon Mou and Gary Lau) (Black Creek Signature Phase 1)

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350308-0100

**Whereas** Report No. PDS-11-2019 was considered and approved at the Council-in-Committee meeting of February 19, 2019 and subsequently authorized and approved by Council to authorize the entry into a Subdivision Agreement for the Black Creek Signature Phase 1 Subdivision with 9136916 Canada Ltd.; 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-11-2019 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 Black Creek Signature Phase 1 (North side of Baker Road, east of Regional Road 25 (Netherby Road)) with 9136916 Canada Ltd. 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 9136916 Canada Ltd. (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 one (1) year from the date of passage should 9136916 Canada Ltd. fail to enter into the Subdivision Agreement with the Town.

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 25<sup>th</sup> day of February, 2019.**

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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. 28-2019 of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_.

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