



The Municipal Corporation of the Town of Fort Erie

By-law No. 59-2020

Being a By-law to Authorize The Execution Of An Amending Subdivision Agreement With Westwind Niagara Developments Inc. (Alfred Beam) (The Oaks at Six Mile Creek)

File No. 350308-0085

Whereas By-law No. 134-2017, passed on December 11, 2017, authorized the entry into a Subdivision Agreement with Westwind Niagara Developments Inc. for The Oaks at Six Mile Creek Subdivision; and

Whereas Report No. PDS-25-2020 was considered and approved at the Special Council meeting of June 8, 2020 and subsequently authorized and approved by Council to authorize the entry into an Amending Subdivision Agreement for The Oaks at Six Mile Creek Subdivision with Westwind Niagara Developments Inc.; 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-25-2020 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 an Amending Subdivision Agreement for The Oaks at Six Mile Creek Subdivision (north side of Thunder Bay Road, east side of Prospect Point Road North) with Westwind Niagara Developments Inc. in order to control the development of the lands described in Schedule "A-1" of the Amending 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 an Amending Subdivision Agreement with Westwind Niagara Developments Inc. (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 Amending Agreement which are required to be satisfied prior to execution of the Amending Agreement.
- 2. That** subject to Section 1 of this by-law, the Mayor and Clerk are authorized and directed to execute the said Amending 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 Westwind Niagara Developments Inc. fail to enter into the Amending 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 15th day of June, 2020.

Mayor

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. 59-2020 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20__.
