



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 67-2020

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### Being a By-law to Authorize the Entry into a Development Agreement with Douglas Allen Darbyson 5045 Michener Road

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Consent File Nos. B02/17 F.E.

**Whereas** an application was considered by the Committee of Adjustment, File No. B02/17 F.E. for consent to create one building lot; and

**Whereas** the Committee of Adjustment issued provisional approval for Consent to Sever one building lot from the subject lands; and

**Whereas** the Town of Fort Erie and Region of Niagara appealed the decision of the Committee of Adjustment to the Ontario Municipal Board (hereafter referred to as "OMB") to require an archeological assessment as a condition of the approval; and

**Whereas** Minutes of Settlement were signed between the Town and the applicant on June 29, 2017 requiring the completion of an Archeological Assessment for the subject lands; and

**Whereas** the Owner completed an Archeological Assessment for the subject lands in accordance with the Minutes of Settlement; and

**Whereas** a Development Agreement is required to implement the recommendations of the Archeological Assessment completed in accordance with the Minutes of Settlement, and to control development on the subject lands; and

**Whereas** it is deemed desirable to enter into a Development Agreement with Douglas Allen Darbyson to implement the recommendations of the Archeological Assessment completed in accordance with the Minutes of Settlement;

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

- 1. That** the entry into a Development Agreement with Douglas Allen Darbyson to implement the recommendations of the Archeological Assessment in accordance with the Minutes of Settlement, in a form satisfactory to the Town's Solicitor, is authorized and approved subject to Douglas Allen Darbyson first satisfying the provisions of the Agreement which are required to be satisfied prior to execution of the Agreement.
- 2. That** the Mayor and Clerk are authorized to execute the Development Agreement, and to affix the corporate seal thereto.

- 3. 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 20<sup>th</sup> day of July, 2020.**

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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.67-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_.

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