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THE CORPORATION OF THE CITY OF BROCKVILLE
BY-LAW NUMBER 87-94

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AMENDING SITE PLAN
CONTROL AGREEMENT WITH PIMM INVESTMENTS LIMITED.
(491 STEWART BLVD. - FILE 609-233)

WHEREAS PIMM INVESTMENTS LIMITED AND THE CORPORATION OF THE CITY OF BROCKVILLE deemed it expedient, on 12 October, 1993, to enter into a Site Plan Control Agreement respecting the development of property described as:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Elizabethtown, in the County of Leeds, now within the confined of the City of Brockville and being composed of Part of Lot 14, in the Second Concession of the said Township, more particularly described as follows:

PREMISING that the bearings herein mentioned are astronomic and refer to the bearings on a plan of the Department of Highways of Ontario for the widening of Stewart Boulevard, formerly King's Highway Number 29, registered in the Registry Office for the Registry Division of Leeds (No. 28) as Instrument Number 10762.

COMMENCING at an iron bar planted in said northeastern, widened limit of Stewart Boulevard, according to Instrument Number 10762, distant north 64 degrees 34 minutes 30 seconds west thereon 225 feet from an iron bar planted at its intersection with the fence marking the limit between the east and west halves of said Lot 14;

THENCE north 64 degrees 34 minutes 30 seconds west, along said northeastern widened limit of Stewart Boulevard 284.50 feet to a point;

THENCE north 25 degrees 38 minutes east 111.71 feet to an iron pipe planted at the most southerly angle of Lot 36 according to a plan registered in the said Registry Office as Plan 329;

THENCE north 39 degrees 27 minutes east, along the southeastern limit of said Lot 36, a distance of 227.35 feet to an iron bar planted at the most easterly angle of said Lot 36;

THENCE south 30 degrees 41 minutes east, along the limit between the east and west halves of said Lot 14 in the Second concession being a western limit of said Registered Plan 329, a distance of 322.35 feet to an iron bar planted;

THENCE south 25 degrees 25 minutes 30 seconds west, along the northwestern limit of a parcel of land previously deeded, 158.8 feet more or less to the point of commencement.

Being the same lands previously described in Registered Instrument No. 86192.

AND WHEREAS the Parties thereto now agree to amend said Site Plan Control Agreement.

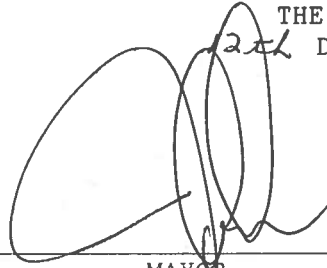
NOW THEREFORE THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

1. THAT the Mayor and Clerk be and they are hereby authorized to execute an Amending Site Plan Control Agreement with Pimm Investments Limited.

2. i) Every person who contravenes this Agreement is guilty of an offence and upon conviction is liable,
- a) on a first conviction to a fine of not more than \$20,000.00; and
 - b) on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.
- ii) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is,
- a) on a first conviction a fine of not more than \$50,000.00; and
 - b) on a subsequent conviction a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.
- and not as provided in subsection (1).
- iii) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

GIVEN UNDER THE SEAL OF THE CORPORATION OF
THE CITY OF BROCKVILLE THIS

12th DAY OF April A.D. 1994.



MAYOR



CLERK



FOR OFFICE USE ONLY

NUMBER **250348**
CERTIFICATE OF REGISTRATION

94 APR 22 P2:07

LEEDS
No. 28
BROCKVILLE

J. D. Simpson
LAND REGISTRAR

New Property Identifiers

Additional:
See
Schedule ☐

Executions

Additional:
See
Schedule ☐

(1) Registry ☒

Land Titles ☐

(2) Page 1 of 3 pages

(3) Property
Identifier(s)

Block

Property

Additional:
See
Schedule ☐

(4) Nature of Document

BY-LAW NO. 87-94

(5) Consideration

Dollars \$

(6) Description

Part of Lot 14, Concession 2, City of Brockville
County of Leeds, more particularly described on
Schedule on page 2 attached hereto.

(7) This
Document
Contains:

(a) Redescription
New Easement
Plan/Sketch ☐

(b) Schedule for:

Description ☒

Additional
Parties ☐

Other ☒

(8) This Document provides as follows:
See By-law No. 87-94 attached hereto.

Continued on Schedule ☐

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)
Name(s)

THE CORPORATION OF THE CITY OF
BROCKVILLE, by its solicitor
JOHN D. SIMPSON

Signature(s)

John D. Simpson

Date of Signature
Y M D

1994 04 30

1993 09 09

(11) Address
for Service

1 King Street West, Brockville, Ontario. K6V 3P5

(12) Party(ies) (Set out Status or Interest)
Name(s)

PIMM INVESTMENTS LIMITED

Signature(s)

Date of Signature
Y M D

(13) Address
for Service

(14) Municipal Address of Property

NOT ASSIGNED

(15) Document Prepared by:

John D. Simpson
Stewart, Corbett
21 Court House Ave.
P.O. Box 187
Brockville, Ontario
K6V 5V2

FOR OFFICE USE ONLY

Fees and Tax

Registration Fee

50.00

Total

FOR OFFICE USE ONLY

NUMBER 250349
CERTIFICATE OF REGISTRATION

94 APR 22 P2:08

LEEDS
No. 28
BROCKVILLE
LAND REGISTRAR

New Property Identifiers

Additional:
See
Schedule ☐

Executions

Additional:
See
Schedule ☐

(1) Registry ☒ Land Titles ☐ (2) Page 1 of 4 and 1 large Plan pages

(3) Property Identifier(s) Block Property Additional:
See
Schedule ☐

(4) Nature of Document
AMENDING AGREEMENT

(5) Consideration
Dollars \$

(6) Description
Part of Lot 14, Concession 2, City of Brockville
County of Leeds, more particularly described on
Schedule on page 4 attached hereto.

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch ☐ (b) Schedule for: Description ☒ Additional Parties ☐ Other ☒

(8) This Document provides as follows:
Amendment to Site Plan Control Agreement as authorized by By-law 87-94.

Continued on Schedule ☐

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)
Name(s)

THE CORPORATION OF THE CITY OF
BROCKVILLE, by its solicitor
JOHN D. SIMPSON

Signature(s)

Date of Signature
Y M D

1994 04 20

1993 09 09

(11) Address
for Service

1 King Street West, Brockville, Ontario. K6V 3P5

(12) Party(ies) (Set out Status or Interest)
Name(s)

PRIM INVESTMENTS LIMITED

Signature(s)

Date of Signature
Y M D

(13) Address
for Service

(14) Municipal Address of Property

NOT ASSIGNED

(15) Document Prepared by:

John D. Simpson
Stewart, Corbett
21 Court House Ave.
P.O. Box 187
Brockville, Ontario
K6V 5V2

Fees and Tax

Registration Fee 50.00

Total

2

CITY OF BROCKVILLE
AMENDING SITE PLAN CONTROL AGREEMENT
AS AUTHORIZED BY BY-LAW 87-94
OF THE CORPORATION OF THE
CITY OF BROCKVILLE

THIS AGREEMENT made the *12th* day of *April* A.D., 1994

BETWEEN:

PIMM INVESTMENTS LIMITED
hereinafter called the "Owner";

OF THE FIRST PART

- and -

THE CORPORATION OF THE CITY OF BROCKVILLE
hereinafter called the "City";

OF THE SECOND PART

WHEREAS City of Brockville By-Law Number 209-93, dated 12 October, 1993, authorized the City to enter into a Site Plan Control Agreement with Pimm Investments Limited respecting the development of lands described in Schedule "A" hereto; and

WHEREAS the City and Owner have deemed it expedient to amend said Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT, in consideration of good and valuable considerations the Parties hereby covenant and agree as follows:

1. THAT Schedule "B" to the Site Plan Control Agreement is amended in the following ways:

- i) Subsection (v), SNOW REMOVAL is hereby amended by adding the following:

"Driveways and parking and loading areas shall not be used as snow storage areas, nor shall snow be stored along the property lines where residential uses abut the Owner's Lands. Once snow begins to accumulate as a result of snow clearing operations, it shall be removed from the Owner's Lands rather than be accumulated on site, at the expense of the Owner."

- ii) Subsection (vi), GRADING AND DISPOSAL OF STORM AND SANITARY WASTE is hereby amended by adding the following:

"The subdrain outlet is to be considered temporary, pending determination by the City of its impact on the existing drainage swale. The City Engineer may require the Owner to alter the subdrain outlet, once the impact on the existing drainage swale is determined."

- iii) Subsection (vii) EASEMENTS is hereby deleted and the following is substituted therefor:

"(vii) EASEMENTS AND RIGHTS OF WAY

The Owner hereby acknowledges that, prior to the City's approval for the redevelopment of the lands to the southeast for commercial purposes, a right-of-way in favour of the abutting lands will be provided by the Owner across the Owner's Lands. The intent is to create a shared driveway, allowing the City to eliminate the existing driveway ramp which provides access to the abutting lands from Stewart Blvd. Should the Owner acquire such abutting lands for consolidation and joint development with the Owner's lands, the right-of-way will not be required."

- iv) Subsection (xiii), FENCING is hereby deleted and the following substituted therefor:

"(xiii) FENCING

As per Part 1 of Schedule "D" to this Agreement. All fencing shall be installed not later than 30 April, 1994. The 2.4 metre high solid wood fence shall immediately be extended to within 3 metres of the front lot line along the north and south property lines, should the existing cedar hedges, which are located on the adjoining residential properties, be removed."

2. THAT Part 1 of Schedule "D" to the Site Plan Control Agreement is hereby deleted, and is replaced by a new Part 1 of Schedule "D", the schedule which is attached hereto as Schedule "B".

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

CORPORATION OF THE CITY
OF BROCKVILLE

MAYOR

Marlene J. Smeeth
CLERK

PIMM INVESTMENTS LIMITED

[Signature]

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SCHEDULE "A"

OF AMENDING AGREEMENT BETWEEN PIMM INVESTMENTS AND THE CORPORATION OF
THE CITY OF BROCKVILLE DATED THE *12th* DAY OF *April*, A.D. 1994.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Elizabethtown, in the County of Leeds, now within the confined of the City of Brockville and being composed of Part of Lot 14, in the Second Concession of the said Township, more particularly described as follows:

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Being the same lands previously described in Registered Instrument No. 86192.