

THE CORPORATION OF THE CITY OF BROCKVILLE

By-law No. 063-2011

By-law to assume Wilmot Young Place, to accept Registered Plan 403 and to release obligations under a Subdivision Agreement Between Brockmoor Developments Ltd. and the Corporation of the City Of Brockville (Brockshire Village - Wilmot Young Place, File 08T-945001)

WHEREAS on September 13, 1994, the Corporation of the City of Brockville entered into a Subdivision Agreement with PIMM Investments Limited which Subdivision Agreement is binding against the title of the subdivision lands described as Registered Plan 403, and which Agreement provided for construction, maintenance and repair of all services related to the development of Brockshire Village - Wilmot Young Subdivision, identified as Plan 403; and

WHEREAS the Corporation of the City of Brockville acknowledges completion of all obligations under the Subdivision Agreement, financial, servicing and otherwise; intends, by passing of this by-law, to release the Developer from all its obligations under the said Subdivision Agreement; save and accept Clauses 13.b), 13.c) and 13.d), Clause 14., and Clause 20.

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

1. THAT the Corporation of the City of Brockville does hereby assume Wilmot Young Place, being PIN 44183-0194, within Plan 403.
2. THAT the Corporation of the City of Brockville hereby:
 - a) certifies that all Works authorized pursuant to the Subdivision Agreement dated 13 September, 1994, registered as Instrument Number LR254939 on 07 October 1994, between the Owner and the City have been completed and accepted in accordance with the requirements of the Subdivision Agreement referred to herein; and
 - b) releases all obligations of the Owner under said Subdivision Agreement save and except for the Owner's and all subsequent registered Owner's responsibility under Clause 13.b), 13.c), and 13.d), Clause 14, Clause 15, and Clause 20 of the Subdivision Agreement which read as follows:

“13.b) That the Owner shall notify all potential purchasers of lots within the Plan, and shall cause to be inserted in the Deed for all such lots, a clause to the effect that the grades established on individual lots are in conformity with the approved grading and drainage plan and

shall not be altered by the addition or removal of fill unless such actions receive the prior approval of the City Engineer.

13. c) The Owner agrees to provide a clause in both the Agreement of Purchase and Sale and the Deed for all lots and blocks within the Plan to inform prospective purchasers no structures whatsoever shall be constructed in or on any drainage swale.

13. d) The Owner agrees to provide a clause in both the Agreement of Purchase and Sale and the Deed for all lots and blocks within the Plan that the purchaser of any lot within the limits of the Plan covenants to obtain a similar acknowledgment as in paragraphs 13.b) and 13.c) of this Agreement from any subsequent purchaser of property within the Plan."

"14. That the following warning clause shall be included in all Agreements of Purchase and Sale:

Noise from traffic on Highway 29 may occasionally interfere with some of the activities of the occupants of the dwellings."

"20. That the City shall assume no responsibility at any time in the present or future for maintenance of Blocks 11 and 13."

4. THAT Schedule "A" attached hereto, being the Property Identification Numbers (PIN's) for lands within Plan 403 which are the subject of this By-law, be read with and forms part of this by-law.

**Given under the Seal of the
Corporation of the City of Brockville
and passed this 26th day of July, 2011**



Mayor

Clerk

SCHEDULE "A" to By-law 063-2011

PIN's for lands within Plan 403 which are the subject of By-law 063-2011:

44183-0152 to 44183-0169 incl.

44183-0172 to 44183-0193 incl.

44183-0195

44183-0194 (Wilmot Young Place - street)

44183-0196

44183-0202

44183-0203