



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 108-07

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION
OF A SITE PLAN AGREEMENT
JOHN HENRY SMITH LAND INC.
BRUCE R. SMITH TRANSPORT FACILITY
(933 HELENA ST., WEST SIDE, SOUTH OF GARRISON RD.)
(File No. 350307-0117)**

WHEREAS By-law No. 133-86 designates the Town of Fort Erie as a Site Plan Control Area; and

WHEREAS Report No. CDS-053-07 was approved at the Council-in-Committee meeting of July 9th, 2007 authorizing the Town to enter into a Site Plan Agreement for Bruce R. Smith Transport Facility development, located at 933 Helena Street, south of Garrison Road; and

WHEREAS it is deemed desirable to enter into a Site Plan Agreement with John Henry Smith Land Inc. in order to control the lands as described in Schedule "A" of the Site Plan Agreement which is attached hereto and forms part of this by-law; and

WHEREAS it is deemed desirable to set a time limit of one (1) year for the Owner to enter into a Site Plan Agreement with the Town for the development of lands described in Schedule "A" of the said Agreement to ensure that all approvals in place are meeting current practices and standards; and

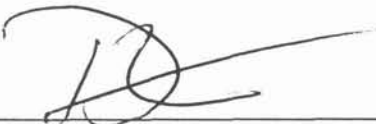
WHEREAS the Municipal Council of the Town of Fort Erie at its meeting of June 21st, 2004 passed Resolution No. 25 to establish a practice whereby the Standard Form of Agreement would not be attached to the By-law and circulated to each Member of Council in advance of the particular Council Meeting, although Council has been informed under Report No. CDS-053-07 of the Financial Schedule and Special Provisions 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;

NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

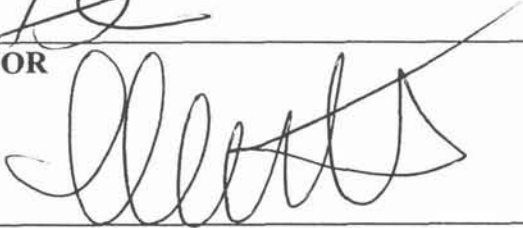
1. **THAT** the Mayor and Clerk be and they are hereby authorized to execute the Site Plan Agreement annexed hereto and once executed by all parties, to register the executed Agreement upon the title to the lands described in Schedule "A" of the said Agreement
2. **THAT** this by-law expires one (1) year from the date of the passage of this By-law by the Council of the Corporation of the Town of Fort Erie should the Owner fail to enter into a Site Plan Agreement with the Town.

- 3. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the Municipal Act 2001 the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law.
- 4. **THAT** the Mayor and Clerk be and they are hereby authorized and directed to execute any and all documentation necessary to effect the terms and conditions of the Site Plan Agreement annexed hereto as Appendix "A" to this by-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16TH DAY OF JULY, 2007.



MAYOR



CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 108-07 of the said Town. Given under my hand and the seal of the said Corporation this _____ day of _____, 20__ .
