



The Municipal Corporation of the Town of Fort Erie

By-law No. 55-2023

Being a By-law to Authorize the Entry into a Pre-Servicing Agreement with 800460 Ontario Limited (Fred Costabile/Eric Henry) Harbourtown Village Draft Plan of Subdivision

Whereas 800460 Ontario Limited is the owner of the lands known municipally as 3643 Dominion Road ("the Lands"); and

Whereas the Ontario Land Tribunal by a decision dated May 11, 2022, has granted approval to a Draft Plan of Subdivision to provide for the development and servicing of the Lands in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended; and

Whereas the Owner desires to commence the installation, construction and provision of certain works on the Lands within the subdivision prior to the execution of a Subdivision Agreement with the Town and has requested permission to enter into a Pre-Servicing Agreement with the Town for that purpose; and

Whereas Section 51(26) of the *Planning Act*, authorizes a municipality to enter into one or more agreements imposed as a condition to the approval of a plan of subdivision and the agreement(s) may be registered against the lands to which it applies and the municipality is entitled to enforce the provisions of it against the owner and, subject to the *Registry Act* and *Land Titles Act*, any and all subsequent owners of the land; and

Whereas Report No. PDS-26-2023 was considered and approved at the Regular Council meeting held March 27, 2023 to authorize the entry into a Pre-Servicing Agreement with 800460 Ontario Limited for the Harbourtown Village Draft Plan of Subdivision, subject to certain terms and conditions; and

Whereas it is deemed desirable to enter into a Pre-servicing Agreement with 800460 Ontario Limited for the Harbourtown Village Draft Plan Subdivision in order to service the Lands;

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

- 1. That** the entry into a Pre-Servicing Agreement with 800460 Ontario Limited for the Harbourtown Village Draft Plan of Subdivision, is authorized and approved, subject to the Owner first satisfying certain provisions of the Agreement, which are required to be satisfied prior to execution of the Agreement.
- 2. That** the Mayor and Clerk are authorized and directed to execute the Pre-Servicing Agreement, in a form satisfactory to the Director of Planning and Development Services, and to affix the corporate seal thereto, and all other documentation necessary to effect the terms and conditions of the said Agreement.

- 3. **That** the Owner shall be permitted to pre-service the Harbournown Village Draft Plan of Subdivision prior to the registration of the Agreement, subject to the receipt of the security deposit, cash payment, final drawings, approvals, insurance certificate and letter of indemnification to the satisfaction of the Town.

- 4. **That** this by-law shall expire six (6) months from the date of the passage should the Owner fail to enter into a Subdivision Agreement with the Town.

- 5. **That** the Clerk of the Town is authorized to affect 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 3rd day of April, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 55-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____
