THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

BY-LAW 2010 - 029

A By-law to ratify the signing of an amending Site Plan Agreement by the Mayor and Clerk for the development of lands Located in Part Lots 51 and 52, Concession 1, Part 1 on Plan 51R-35846 (Flos) in the Township of Springwater known Municipally as 2108 Flos Road Four East (Atlas Block Co. Limited)

WHEREAS the policies of the Official Plan for the Township of Springwater are in effect; and

WHEREAS the Council of The Corporation of the Township of Springwater established site plan control policies in the Official Plan for certain types of development; and

WHEREAS authority is granted under Section 41 of the Planning Act, R.S.O. 1990, c.P.13 to enter into Site Plan Agreements; and

WHEREAS Council enacted By-law 2008-111 being a By-law to Establish a Site Plan Control Area for Lands Located in Part of Lots 51 and 52, Concession 1, being Part 1 on Reference Plan 51R-35846, former Township of Flos, now in the Township of Springwater known municipally as 2108 Flos Road Four East and being part of Assessment Roll No. 43 41 030 001 02903 0000; and

WHEREAS Council passed By-law 2008-111 authorizing the Mayor and Clerk to sign a Site Plan Agreement on the lands newly described by the severance; and

WHEREAS the ownership information has changed on the property; and

WHEREAS Council deems it necessary and desirable to ratify the signing by the Mayor and Clerk of an amending Site Plan Agreement for the development of the subject lands;

NOW THEREFORE the Council of The Corporation of the Township of Springwater enacts as follows:

1. THAT By-law 2008-111 be and is hereby repealed.

2. THAT the Mayor and Clerk are hereby authorized to execute a Site Plan Agreement under Section 41 of the Planning Act between The Corporation of the Township of Springwater and Atlas Block Co. Limited., for the development of the lands located in Part of Lots 51 and 52, Concession 1, being Part 1, Plan 51R-35846, former Township of Flos, now in the Township of Springwater, known municipally as 2108 Flos Road Four East, Roll No. 4341030001029030000, said Agreement attached hereto and forming Schedule 'A' to this By-law.
3. THAT this By-law shall take force and effect upon passage hereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 3rd day of May, 2010.

Tony Guergis, Mayor

John Daly, Clerk
AMENDMENT OF SITE PLAN AGREEMENT

THIS AGREEMENT made this day of 3rd May 2010

BETWEEN:

ATLAS BLOCK CO. LIMITED
(hereinafter referred to as the "Developer")

-and-

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER
(hereinafter referred to as the "Municipality")

WHEREAS the Developer is the owner of the lands described in Schedule A to this Amending Agreement (the "Lands");

AND WHEREAS the Developer and the Municipality entered into a Site Plan Agreement on the 2nd day of April, 2009 which agreement was registered against title to the Lands in the Simcoe Land Registry Office as Instrument No. SC773669 (the "Original Site Plan Agreement");

AND WHEREAS the Developer has requested and the Municipality has agreed in accordance with section 2.1 of the Original Site Plan Agreement to amend that Original Site Plan Agreement to permit the erection and maintenance of a temporary office building as described herein;

AND WHEREAS the Developer and the Municipality confirm that as of the date of this Amending Agreement the parties hereto are in good standing and are not in default with respect to the Original Site Plan Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual promises contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto covenant and agree one with the other as follows:

1. Notwithstanding the provisions of paragraph 1.2 (b) of the Original Site Plan
The Township of Springwater By-law 2010-029
Schedule "A"

Agreement the Parties agree that the Developer may construct and maintain a temporary office building (not exceeding 135 square meters in floor area) in the location of the "Proposed 7.31 metres (24 feet) by 18.3 metres (60 feet) Temporary Building" shown on the attached Schedule 'B', provided that such Temporary Building shall be removed within six (6) months of the date that an occupancy permit is issued for permanent office space on the Lands. In every other respect the Developer confirms its agreement to comply with the provisions of section 1.2 of the Original Site Plan Agreement and to do no work except in conformity with the Site Plans, specifications and requirements set out in that section.

2. Every reference in this Amending Agreement and in the Original Agreement to the Agreement or this Agreement shall mean the Original Site Plan Agreement as amended by this Amending Agreement. Except as specifically amended by this Amending Agreement, the Original Site Plan Agreement remains in force and effect with respect to the Lands.

3. Schedule 'A' (description of the Lands subject to the Amending Agreement) and Schedule 'B' (Site Plan showing location of Temporary Building) are attached to and form part of the Agreement.

This Amending Agreement DATED at this being the 3rd day of May 2010

Atlas Block Co. Limited

Authorized Signing Officer
I have authority to bind the corporation.

The Corporation of the Township of Springwater

Tony Guergis, Mayor

John Daly, Clerk
SCHEDULE “A”

THIS IS SCHEDULE “A” TO AMENDING SITE PLAN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER AND ATLAS BLOCK CO., LIMITED

DESCRIPTION

Part Lots 51 & 52, Concession 1, WPR Flos Part 1, Plan 51R-35846, Township of Springwater, County of Simcoe. Being PIN 58371-0339 (LT)

Full size copies of the said Plans may be viewed at the Township of Springwater Municipal Offices.
SCHEDULE “B”

THIS IS SCHEDULE “B” TO AMENDING SITE PLAN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER AND ATLAS BLOCK CO., LIMITED

SITE PLAN

By reference, the Site Plan prepared by C.C Tatham & Associates LTD. Dated July 2008, recognized as Project No. 307818, identified as Drawing No SP-1 (Site Plan) as amended April 2010.

Full size copies of the said Plans may be viewed at the Township of Springwater Municipal Offices.