

**The Corporation of the Town of Essex**

**By-Law Number 2234**

**Being a Bylaw to Amend Bylaw 1993, Being a By-law to Enter into a  
Subdivision Development Agreement between:**

**The Corporation of the Town of Essex and**

**1552843 ONTARIO LIMITED**

**WHEREAS** a Subdivision Agreement was entered into between 1552843 Ontario Limited and the Corporation of the Town of Essex on the 15 day of March 2021 for approval of Plan of Subdivision for residential purposes on the lands comprising PT LT 12 CON GORE OF 2<sup>nd</sup> RANGE COLCHESTER DESIGNATED AS PART 1 & 2, PLAN 12R28274 & PART 1, PLAN 12R7722; S/E PT 1, 12R14393, PT 2, 12R16388, PT 1, 12R16388; T/W R1229356; TOWN OF ESSEX, through adoption of Bylaw 1993 and registered as Instrument No. CE1007485;

**AND WHEREAS** the Council of the Town of Essex and the Owner of the said property have agreed to the terms and conditions of an Amending Subdivision Development Agreement in the form annexed hereto;

**NOW THEREFORE** be it resolved that Bylaw 1993 be amended as follows:

1. **That** the Corporation of the Town of Essex enter into an Amending Subdivision Development Agreement with 1552843 Ontario Limited, in the form hereto annexed, and the Mayor and Clerk be directed to affix their signatures, on behalf of the Corporation of the Town of Essex, to the amending Subdivision Agreement.
2. **That** this By-law shall come into force and take effect on the date of final passage hereof.

**Read a first, a second and a third time and finally passed on March 20, 2023.**

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Mayor

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Clerk

## AMENDING SUBDIVISION AGREEMENT

**THIS AGREEMENT** made in triplicate this 20<sup>th</sup> day of March, 2023.

**BETWEEN: 1552843 ONTARIO LIMITED**

Hereinafter called the "**Owner**"

OF THE FIRST PART;

-and-

**THE CORPORATION OF THE TOWN OF ESSEX**

Hereinafter called the "**Town**"

OF THE SECOND PART;

**WHEREAS** a Subdivision Agreement was entered into between 1552843 Ontario Limited and the Corporation of the Town of Essex on the 15 day of March 2021 for approval of Plan of Subdivision for residential purposes on the lands comprising PT LT 12 CON GORE OF 2<sup>nd</sup> RANGE COLCHESTER DESIGNATED AS PART 1 & 2, PLAN 12R28274 & PART 1, PLAN 12R7722; S/E PT 1, 12R14393, PT 2, 12R16388, PT 1, 12R16388; T/W R1229356; TOWN OF ESSEX, through adoption of Bylaw 1993 and registered as Instrument No. CE1007485;

**AND WHEREAS** the Council of the Town of Essex and the Owner of the said property have agreed to the terms and conditions of an Amending Subdivision Development Agreement;

**NOW THEREFORE** the parties hereto agree as follows:

1. That the Subdivision Agreement be deemed to include a clause that requires the installation of a wrought iron fence, with a minimum height of 42 inches, along those lots where a retaining wall is necessary. The fence shall be installed at the sole expense of the Owner.

2. That Clause 8 is deleted in its entirety and replaced with the following:

That the Owner shall agree to install a continuous 1.2-metre-high wooden privacy fence along the north lot lines of the lots abutting Harrowood Community Living properties to a standard satisfactory to the Chief Building Official.

**IN WITNESS WHEREOF the Parties hereto have hereunto affixed their corporate seals duly attested by the hands of their proper signing officers in that behalf respectively.**

**SIGNED, SEALED AND DELIVERED**  
in the presence of

**THE CORPORATION OF THE TOWN OF ESSEX:**

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**Sherry Bondy** (Mayor)

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**Shelley Brown** (Clerk)

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**Name: Walter Branco**

**Capacity: President**

**I have the authority to bind the Corporation.**