

The Corporation of the Town of Essex

By-Law Number 2147

Being a By-Law to Amend Site Plan Control Agreement between:

The Corporation of the Town of Essex and

UCG Land INC.

WHEREAS the Owner and the Corporation executed a Site Plan Agreement (By-Law #1979) made the 21st day of December, 2020, and said Site Plan Agreement was registered on title under S.71 of the Land Titles Act on December 21, of 2020.

AND WHEREAS the Owner has requested an amendment to the Site Plan Agreement which the Corporation has agreed to allow for the construction of a ±1932 square metre warehouse and ±5217 square metre greenhouse addition on the lands legally described as PT LT 4 Plan 178, in the Town of Essex, County of Essex, and known municipally as 1110 Ridge Road.

AND WHEREAS the subject lands are designated as a site plan control area pursuant to Section 41 of the Planning Act, R.S.O. 1990 and Amendments thereto;

AND WHEREAS pursuant to Section 41 of the Planning Act, R.S.O. 1990 and Amendments thereto, municipalities may enter into such agreements;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the parties agree as follows:

1. The Owner hereby consents to the registration of this Amendment to the Site Plan Agreement on title at its sole expense and at the sole discretion of the Corporation.
2. That the existing site plan dated July 5, 2021 referenced in the Site Plan Agreement registered on title on February 7, 2022, be deleted and replaced with the site plan dated January 24, 2022.
3. That all reference to the site plan dated July 5, 2021 to the Site Plan Agreement made on December 21, 2020 be deleted and replaced with reference to the site plan dated January 24, 2022.
4. That the following be added as conditions to the Site Plan Agreement made on December 21, 2020:
 - a. The Owner hereby agrees to direct roof water from the proposed frame storage building as indicated on the site plan dated January 24, 2022, to the ground surface and not by direct connection to the Stormwater Management Pond.
 - b. The Owner agrees to implement all recommendations for noise mitigation measures contained in the Acoustical Report prepared by Baird AE and dated March 25, 2022.

c. The Owner agrees to provide to the Town a security deposit in an amount that is proportional to the size and significance of the development and the required works. The percent value of the deposit shall be determined prior to the execution of this agreement. The deposit shall be submitted to the Town in the form of either an irrevocable letter of credit or as cash to be kept in an interest-bearing account by the Town of Essex. The deposit shall be returned to the developer within 30 days of being notified by the Town's Director of Infrastructure and Chief Building Official that all required works as set out in this agreement have been substantially completed, with any deficiencies corrected, all to the satisfaction of the Municipality and follow any applicable federal, provincial or municipal statute, by-law or regulation.

5. All of the terms and covenants in the said Site Plan Agreement are hereby confirmed in full force and effect save and except for the amendments noted in Item 4 listed above as such other modifications as are necessary to make said paragraphs applicable to the Site Plan Agreement.

Now therefore be it resolved that the Council of the Town of Essex enacts as follows:

That the Mayor and Clerk be directed to affix their signatures, on behalf of the Corporation of the Town of Essex, to Schedule 1 attached hereto and forming part of this Bylaw, for the purpose of executing the Amended Site Plan Control Agreement.

Read a first, a second and a third time and finally passed on May 16, 2022.

Mayor

Clerk

In Witnesseth Whereof, the said parties hereunto affixed their signatures and corporate seals attested to by the hands of their proper officers, duly authorized in that behalf.

Signed, sealed and delivered in the presence of:

The Corporation of the Town Of Essex

Per: _____

Mayor

Per: _____

Clerk

Per: _____

Robert Haynes

I have the authority to sign on behalf of UCG Land
INC