

**BY-LAW 31-2018**

**THE CORPORATION OF THE TOWN OF ST. MARYS**

**Being a By-law to authorize a development agreement between The Corporation of the Town of St. Marys and Marianne DeBrabandere for 256 Church Street South, St. Marys.**

- WHEREAS:** Section 45(9) of the *Planning Act*, R.S.O. 1990, c.P.13, authorizes that a committee of adjustment may impose terms and conditions, and under Section 45(9.1) the committee may also require the owner of the land to enter into one or more agreements with the municipality dealing with some or all of the terms and conditions;
- AND WHEREAS:** Section 45(9.2) of the *Planning Act*, R.S.O. 1990, c.P.13, authorizes that an agreement entered into under Section 45(9.1) may be registered against the land to which it applies and the municipality is entitled to enforce the agreement against the owner and any and all subsequent owners of land;
- AND WHEREAS:** The Committee of Adjustment for The Corporation of the Town of St. Marys, at its May 17, 2017 meeting to review Minor Variance Application A02-2017 for 256 Church Street South, legally described as Part Lot 18 West Side Church Street, Plan 235, St. Marys as in R240515, St. Marys, approved the minor variance subject to conditions as provided on the Notice of Decision dated May 23, 2017;
- AND WHEREAS:** Condition #8 of the Notice of Decision for Minor Variance Application A02-2017 affecting 236 Church Street South states that "The owner is required to enter into a development agreement with the Town to ensure proper installation of all works associated with the approved parking plan and any required fencing and landscaping, and to ensure the owner (and subsequent owners) maintain these works accordingly.";
- THEREFORE:** The Council of The Corporation of the Town of St. Marys hereby enacts as follows:
- 1.** That the Mayor and CAO / Clerk are hereby authorized to execute an Agreement on behalf of The Corporation of the Town of St. Marys between The Corporation of the Town of St. Marys and Marianne DeBrabandere.
  - 2.** That a copy of the said Agreement is attached hereto this By-law, and to affix the corporate seal of the Corporation of the Town of St. Marys.
  - 3.** This by-law comes into force and takes effect on the final passing thereof.

**Read a first and second time this 27<sup>th</sup> day of March, 2018.**

Read a third and final time and passed this 27<sup>th</sup> day of March, 2018.

---

Mayor Al Strathee

---

Brent Kittmer, CAO / Clerk