



## **The Corporation of the Town of Orangeville**

### **By-law Number 059 - 2015**

#### **A by-law to authorize a Sewage Treatment Allocation Agreement with First Street Residences Inc. (60-62 First Street, H 4/13).**

Whereas the Municipal Act, 2001, S.O. 2001, c.25, S.8 provides a municipality with the powers of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas the Municipal Act, 2001, S.O. 2001, c. 25, S.11 authorizes a municipality to pass by-laws respecting matters within the jurisdiction of public utilities;

And whereas on February 9, 2015, Council approved Holding Removal Application H 4/13 with respect to permitting the construction of 41 townhouse dwellings located at 60-62 First Street;

And whereas First Street Residences Inc. is the registered and beneficial owner of property described as Lots 1 and 2, Registered Plan 275 and Part of Lot 5, Block 17, Registered Plan 212, described as Parts 1 and 2, Reference Plan 7R-6302, Town of Orangeville, County of Dufferin;


And whereas the owner has executed a sewage treatment allocation agreement relating to the development;

Be it therefore enacted by the Municipal Council of The Corporation of the Town of Orangeville as follows:

1. That the sewage treatment allocation agreement between First Street Residences Inc. and the Town of Orangeville in substantially the same form as the agreement attached hereto as Schedule "A", is hereby approved.
2. That the Mayor and Clerk are hereby authorized and instructed to execute the agreement and any other documents to complete the transaction on behalf of The Corporation of the Town of Orangeville and to affix the corporate seal thereto.

3. That this by-law repeals By-law 009-2015.

Passed in open Council this 15<sup>th</sup> day of June 2015.



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Jeremy D Williams, Mayor



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Susan Greatrix, Clerk

This agreement is entered into JUNE 15, 2015

Between:

**The Corporation of the Town of Orangeville**

hereinafter referred to as the "Town"

-and-

**First Street Residences Inc.**

hereinafter referred to as the "Owner"

**Whereas** the Owner has applied to the Town for site plan approval of eight freehold townhouse dwellings on the property described as Lots 1 and 2, Registered Plan 275 and Part of Lot 5, Block 17, Registered Plan 212, described as Parts 1 and 2, Reference Plan 7R-6302, (First Street Residences Inc., 60-62 First Street, File H 4/13) in the Town of Orangeville, hereinafter referred to as the property;

**And whereas** the Holding Symbol may not be removed until the Town allocates water supply and sewage treatment services and the plans to develop the lands have been approved;

**And whereas** the Town approved the allocation of water supply and sewage treatment services to the property on February 9, 2015;

**And whereas** the Town wishes to revoke these allocations in the event that the forty-one (41) freehold townhouse dwellings are not constructed within a reasonable period of time;

**And whereas** the removal of the Holding Symbol from the zoning of the property will signify the allocation of water supply and sewage treatment services;

**And whereas** the Town may wish to reimpose the Holding Symbol in the zoning of the property in the event that this agreement has expired, no new agreement has been entered into, and construction of the townhouse dwellings has not commenced.

**Witnesseth** that the parties hereto mutually covenant and agree as follows:

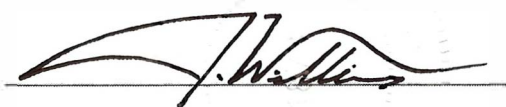
1. The Town agrees to reserve and provide access to municipal water supply and sewage treatment services for the property until February 9, 2016.
2. The Owner agrees that the water supply and sewage treatment services are reserved for the property and are not transferable to any other lands.

3. The Town and the Owner agree that the agreement shall expire at the end of the period set out in Clause 1 or upon commencement of the construction of the forty-one (41) freehold townhouse dwellings, whichever occurs first.
4. The Owner acknowledges that should this agreement expire prior to the commencement of construction of the forty-one (41) freehold townhouse dwellings, no water supply and sewage treatment capacity for the property is reserved or committed in the absence of a new agreement with the Town. The Owner further acknowledges and agrees that the Town through the execution of this agreement makes no warranty or commitments to enter into a new agreement for water supply and sewage treatment capacity allocations with respect to the property if construction of the townhouse dwellings has not commenced.
5. The Owner acknowledges that the Town may re-impose the Holding (H) Symbol in the zoning in the event that this agreement expires prior to the commencement of construction of the forty-one (41) freehold townhouse dwellings on the property and no new agreement has been entered into.

In the presence of

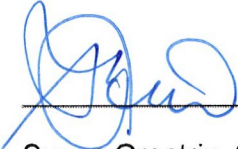
The Corporation of the Town of Orangeville

AUTHORIZED BY ORANGEVILLE COUNCIL  
BY-LAW/RESOLUTION NO. 059-2015 ON  
THE 15TH DAY OF JUNE, 2015

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( Jeremy D Williams, Mayor

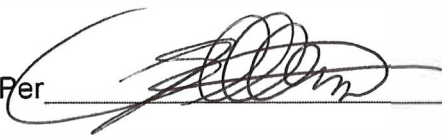
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( Susan Greatrix, Clerk

( Date: June 26/15

( First Street Residences Inc.

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Print Name: Dean Santilli

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Position: President

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Date: June 20<sup>TH</sup>, 2015

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I have authority to bind the Corporation