

The Corporation of the Town of Minto
By-Law No. 2018-05

To amend Agreement of Purchase and Sale of the former Clifford Ballfield
between William and Brown Street at John Street
with W. Schwindt and Son's Building Contractors Ltd.

WHEREAS under Section 8 of the *Municipal Act*, S.O., 2001, c. 25, the Corporation of the Town of Minto has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Schwindt and Son's Building Contractors Ltd purchased part of the former Clifford Ballfield from the Town in 2015 and has built seven units and parkland stormwater management, and is in the process of developing the lands for additional units as contemplated in an original purchase and sale agreement and site plan approval with the Town of Minto;

AND WHEREAS the Town has met the requirements of its disposition of property bylaw permitting it to sell the applicable lands;

AND WHEREAS the Corporation of the Town of Minto wishes to amend an Agreement of purchase and sale with W. Schwindt and Son's Building Contractors Ltd to purchase remaining vacant land known as the former Clifford Ballfield comprising parts of PIN Nos. 71000-0040 (LT) and 71000-0152 (LT) in the Town of Minto, Ontario, By-law 2014-70 to continue the development;

NOW THEREFORE the Council of the Corporation of the Town of Minto enacts as follows:

1. That the Mayor and C.A.O. Clerk are hereby authorized and directed to execute the Amendment to the Agreement of Purchase and Sale with W. Schwindt and Son's Building Contractors Ltd. attached hereto as Schedule "A" and forming part of this By-law, and to sign any further documentation needed to close the transaction.
2. That the C.A.O. Clerk is hereby instructed to affix the Corporate Seal hereto.

Read a first, second, third time and passed in open Council this 23rd day of January, 2018

Mayor George A. Bridge

C.A.O. Clerk Bill White

Schedule “A” of By-law 2018-05

AMENDMENT TO THE AGREEMENT OF PURCHASE AND SALE (hereinafter called the “Amending Agreement”)

THIS AGREEMENT made as of the 18th day of January, 2018.

BETWEEN:

THE CORPORATION OF THE TOWN OF MINTO

hereinafter called the “Vendor” of the FIRST PART;

-and-

W.SCHWINDT & SONS BUILDING CONTRACTORS LTD.

hereinafter called the “Purchaser” of the SECOND PART;

WHEREAS the Vendor and the Purchaser entered into an Agreement of Purchase and Sale dated the 30th day of September, 2014 (the “APS”), regarding, among other things, the purchase of vacant land known as the former Clifford Ballfield comprising parts of PIN Nos. 71000-0040 (LT) and 71000-0152 (LT) in the Town of Minto, Ontario;

AND WHEREAS the APS provided for the transfer of property in phases the first of which was concluded February 3, 2015 for lands fronting on Brown Street, while the subsequent transfer of lands fronting on William Street will not occur within the time limitation in Schedule B of the APS.

AND WHEREAS the Vendor and the Purchaser wish to amend the APS as hereinafter provided to allow for the complete transaction to conclude between the parties on or before June 3, 2018;

NOW THEREFORE IN CONSIDERATION of the mutual covenants and promises in this Amending Agreement, the parties agree as follows:

1. The Parties agree that the purpose of this amendment to the APS is to provide for the transfer of lands fronting on William Street subject of the original APS generally under the same terms of conditions except the following:

- a) That the date for concluding the transfer outlined in Schedule “B” Section 3.b) of the original APS shall be June 3, 2018; and
- b) That the Purchaser’s contribution toward installation of lateral water, sewer and storm sewer connections and other works on William Street outlined in Schedule “B” Section 6 shall be \$36,000 for connection of six semi-detached units payable in installments of \$12,000 per semi-detached building of two dwelling units as a condition of and prior to receiving a building permit.

2. The Parties agree to broadly interpret provisions of the original APS that refer to number of street townhouses to be constructed on William Street to allow the Vendor to construct no less than three semi-detached buildings (total of six semi-detached dwelling units) on the said lands, or any combination of semi-detached and street townhouses up to seven units so long as the provisions of the Town’s zoning by-law and other applicable law are met.

3. The Parties agree that the Vendor has proceeded with purchasing and developing the lands fronting on Brown Street generally in accordance with the intent of the original APS in that three street townhouses and two semi-detached buildings (four semi-detached dwelling units) have been completed or commenced in accordance with approvals provided by the Town.

IN WITNESS WHEREOF the parties have executed this Amending Agreement.

**W.SCHWINDT & SONS BUILDING
CONTRACTORS LTD.**

Per: _____
Name: Brad Schwindt
Title: President

I have the authority to bind the Corporation

**THE CORPORATION OF THE TOWN
OF MINTO**

Per: _____
Name: George A. Bridge
Title: Mayor

Per: _____
Name: Bill White
Title: C.A.O. Clerk

We have the authority to bind The
Corporation of the Town of Minto.