

**THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD,
CLARA & MARIA**

BY-LAW NUMBER 2007- 10

BEING a By-Law to authorize the execution of agreements with applicants/owners for development or planning proposals.

WHEREAS the United Townships of Head, Clara & Maria have been required to employ the services of Lawyers, Planners and Engineers to undertake reviews of various planning proposals;

AND WHEREAS the Township may also incur administrative costs in dealing with various planning proposals;

AND WHEREAS it is the policy of the United Townships of Head, Clara & Maria that applicants pay all costs associated with planning proposals;

AND WHEREAS the Township has a Tariff of Fees By-law passed under Section 69 of the *Planning Act*, R.S.O. 1990, c.P. 13;

AND WHEREAS it is deemed appropriate to receive upfront deposits to cover anticipated costs for processing planning applications;

NOW THEREFORE the Municipal Council of The Corporation of the United Townships of Head, Clara & Maria enacts as follows:

1. **THAT** owners/applicants of property seeking approval under the *Planning Act*, R.S.O. 1990, c.P. 13 for Plans of Subdivision, Severance requiring consultations over and above the normal consent review process, Zoning By-law Amendments, site specific proposals where the approval has been appealed to the OMB and for individuals who require the United Townships of Head, Clara & Maria to provide a legal, planning or engineering comment on a site specific question or concern shall enter into the agreement attached hereto as Schedule "A".
2. **THAT** the Reeve and Clerk be authorized to enter into the agreement attached hereto as Schedule "A" upon receipt of the appropriate application for approval from the owner/applicant.
3. **THAT** Council may by resolution waive the requirement of the owner/applicant to enter into the agreement prescribed by the By-law.
4. **THAT** this By-law shall come into force and take effect upon the date of passage.

READ a 1st and 2nd time this 4th day of May 2007.

READ a 3rd time short and finally passed this 4th day of May 2007.

REEVE – TAMMY LEA SONNENBURG

CLERK - MELINDA REITH

SCHEDULE "A" TO BY-LAW No. 2007-10

AGREEMENT FOR DRAFT PLAN OF SUBDIVISION/CERTAIN SEVERANCE APPLICATION/ZONING BY-LAW AMENDMENTS/CERTAIN OMB HEARINGS AND ON SPECIFIC QUESTIONS OR CONCERNS RAISED BY THE OWNERS

THIS AGREEMENT MADE in duplicate this _____ day of _____ 20____.

BETWEEN:

Hereinafter called the "OWNERS"
OF THE FIRST PART

AND:

THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

Hereinafter called the "CORPORATION"
OF THE SECOND PART

WHEREAS the Owners are seeking to obtain approval for a _____
_____ with the Corporation;

AND WHEREAS in order to undertake such review it will be necessary for the Corporation to employ the services of its Lawyer, Planner, Engineer and Township Personnel, and the Owners have agreed to reimburse the Corporation for the fees incurred for retaining such professional advice whether or not such proposal is proceeded with.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and the sum of ONE (\$1.00) DOLLAR now paid by the Corporation to the Owners, the Owners hereby covenant and agree with the Corporation that notwithstanding whether the above noted proposal receives approval and is proceeded with, the Owners shall pay to the Corporation an amount equal to all Planning, Engineering and Legal Fees, and all administrative costs and disbursements incurred by the Corporation for reviewing the proposal, for advice with regard to the proposal, for the preparation of any agreements in connection therewith and for the supervision of any part of the site to which to proposal relates: and the Owners shall deposit with the Corporation the sum of _____ prior to the signing of this Agreement on account of such fees and disbursements. Copies of the account of such fees and disbursement shall be delivered to the Owners forthwith upon receipt of such accounts from the Corporation's Planners, Engineers and Solicitors. Said amount will be deducted from the deposit. The Owners agree that there will be no interest paid on account of any deposit held by the Corporation under this Agreement.

When the total professional fees and disbursements equal the deposit, all work of the Township shall stop on the project until the Owner deposits a further _____ to cover additional fees and disbursements. The deposit shall thereafter be increased in increments of _____ until the decision is final or the work is completed as the case may be. The Owner agrees to have on deposit upon registration of any Plan of Subdivision, One Thousand, and Five Hundred Dollars (\$1,500.00) to cover engineering, legal and planning fees which may accrue after such registration.

The Owners and/or the Corporation may stop work on the proposal at any time by notifying the corporation and/or the Owners in writing to this effect. In the event that work is stopped by the Owners and/or the Corporation, the Owners are responsible for all fees and expenses incurred to the date at which written notice was given.

When the proposal has been reviewed and completed or rejected or stopped and all such accounts rendered, the Corporations shall refund to the Owners the remainder of the deposit.

THIS AGREEMENT shall enure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

THE AGREEMENT shall not derogate from any requirements, financial or otherwise, established by agreements pursuant to Section 41, 51 or 53 of the Planning Act, R.S.O. 1990, c.P.13.

IN WITNESS WHEREOF, the Corporation has hereunto affixed its Corporate seal duly attested to by the hands of its proper signing officers duly authorized in that behalf. The Owners have hereunto affixed its Corporate seal duly attested to the hands of its proper signing officers duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED

per:

THE CORPORATION OF THE UNITED
TOWNSHIPS OF HEAD, CLARA & MARIA

REEVE – TAMMY-LEA SONNENBURG

CLERK – MELINDA REITH