

SECOND AMENDING

Case 20260 (2017)

Form 24

Purpose: to change the registered interest, benefits or burdens

(Instrument code: 450)

(If change(s) requested relate(s) to one or more of the following and no other interests are being added or removed on this form: manner of tenure, description of manner of tenure, non-resident status, parcel access or NSFLB occupant. Note: This form cannot be used to correct an error in a parcel register).

(Instrument code: 451)

(Change to existing servient or dominant tenement PID number in a parcel register as a result of subdivision or consolidation. Note: This form cannot be used to correct an error in a parcel register)

For Office Use

Registration district: HALIFAX
Submitter's user number: 9867
Submitter's name: Catherine M. Hirbour

In the matter of Parcel Identification Number (PID)

PID: 398552	
PID: 40414633	

(Expand box for additional PIDs, maximum 9 PIDs per form)

HALIFAX COUNTY LAND REGISTRATION OFFICE
I certify that this document was registered or recorded
as shown here.
Kim MacKay, Registrar

111228285

Document #

AUG 11 2017

MM DD YYYY

LRE ☒ ROD ☐

12:36

Time
Originally
Signed

The following additional forms are being submitted simultaneously with this form and relate to the attached document (check appropriate boxes, if applicable):

- ☐ Form 24(s)
- ☐ Form 8A(s)

Additional information (check appropriate boxes, if applicable):

- ☐ This Form 24 creates or is part of a subdivision or consolidation.
- ☐ This Form 24 is a municipal or provincial street or road transfer.
- ☐ This Form 24 is adding a corresponding benefit or burden as a result of an AFR of another parcel.
- ☐ This Form 24 is adding a benefit or burden where the corresponding benefit/burden in the "flip-side" parcel is already identified in the LR parcel register and no further forms are required.

Power of attorney (Note: completion of this section is mandatory)

- ☐ The attached document is signed by attorney for a person under a power of attorney, and the power of attorney is:
 - ☐ recorded in the attorney roll
 - ☐ recorded in the parcel register
 - ☐ incorporated in the document

OR

May 4, 2009

☒ No power of attorney applies to this document

This form is submitted to make the changes to the registered interests, or benefits or burdens, and other related information, in the above-noted parcel register(s), as set out below.

The registered interests and related information are to be changed as follows: **NOT APPLICABLE**

The following tenant in common interests that appear in the section of the parcel register(s) labelled "Tenants in Common not registered pursuant to the *Land Registration Act*" are to be removed because the interests are being registered (*insert names to be removed*): **NOT APPLICABLE**

I have searched the judgment roll with respect to this revision of the registered interest and have determined that it is appropriate to add the following judgment(s) or judgment-related documents to the parcel register, in accordance with the *Land Registration Act* and *Land Registration Administration Regulations*: **NOT APPLICABLE**

The following benefits are to be added and/or removed in the parcel register(s): **NOT APPLICABLE**
(Note: An amending PDCA is required if the changes being made to the benefit section are not currently reflected in the description in the parcel register).

The following burdens are to be added and/or removed in the parcel register(s):
(Note: An amending PDCA is required if the changes being made to the burden section are not currently reflected in the description in the parcel register).

Instrument type	AMENDMENT (NOT CONDOMINIUM)
Interest holder and type to be removed (if applicable)	N/A
Interest holder and type to be added (if applicable) Note: include qualifier (e.g., estate of, executor, trustee, personal representative) (if applicable)	Halifax Regional Municipality - Party to Agreement (Burden)
Mailing address of interest holder to be added (if applicable)	PO Box 1749 Halifax, NS, B3J 3A5
Reference to related instrument in names-based roll/parcel register (if applicable)	N/A
Reason for removal of interest (for use only when interest is being removed by operation of law) Instrument code: 443	#93061001, March 31, 2009 #106668354, February 19, 2015

The following recorded interests are to be added and/or removed in the parcel register: **NOT APPLICABLE**

The textual qualifications are to be changed as follows: **NOT APPLICABLE**

The following information about the occupier of the parcel, which is owned by the Nova Scotia Farm Loan Board, is to be changed: **NOT APPLICABLE**

May 4, 2009

Certificate of Legal Effect:

I certify that, in my professional opinion, it is appropriate to make the changes to the parcel register(s) as instructed on this form.

Dated at Amherst, in the County of Cumberland and Province of Nova Scotia this 14 day of July, 2017
Originally Signed

Signature of authorized lawyer

Name: Catherine M. Hirbour

Address: PO Box 398, 14 Electric Street,
Amherst, NS, B4H 3Z5

Phone: 902-667-8490

E-mail: catherine.hirbour@cshlaw.ca

Fax: 902-667-6081

- ☐ This document also affects non-land registration parcels. The original will be registered under the *Registry Act* and a certified true copy for recording under the *Land Registration Act* is attached.

May 4, 2009

THIS SECOND AMENDING AGREEMENT made this 2 day of August, 2017

BETWEEN:

Approved as to Form
and Authority
Originally
Signed _____
Solicitor

MARC GIROUARD

an individual in Pointe-Du-Chen, in the Province of New Brunswick
(hereinafter called the "Developer")

OF THE FIRST PART

and

HALIFAX REGIONAL MUNICIPALITY

a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at Evergreen Drive, Cole Harbour (PID 00398552 and PID 40414633) and which said lands are more particularly described in Schedule A hereto (hereinafter called "the Lands");

AND WHEREAS the Harbour East Community Council of the Halifax Regional Municipality approved an application to enter into a Development Agreement to allow for a two-phase townhouse development comprising 16 dwelling units on the Lands pursuant to the provisions of the Halifax Regional Municipality Charter and pursuant to Policies UR-8 and IM-11 of the Cole Harbour/Westphal Municipal Strategy (hereinafter called the "Original Agreement");

AND WHEREAS the Harbour East-Marine Drive Community Council for the Halifax Regional Municipality approved this request at a meeting held on December 4, 2008, referenced as Municipal Case Number 01145;

AND WHEREAS the Developer requested to amend the Original Agreement to allow for an extension to the date of commencement of development pursuant to the provisions of the Halifax Regional Municipality Charter (herein after called the "First Amending Agreement");

AND WHEREAS the Harbour East-Marine Drive Community Council for the Halifax Regional Municipality approved this request at a meeting held on November 13, 2014, referenced as Municipal Case Number 19485;

AND WHEREAS the Developer requested to amend the Original Agreement, as amended, to allow for an extension to the date of commencement of development and to remove the provision requiring a further "non-substantive amendment" prior to Phase 2 proceeding pursuant to the provisions of the Halifax Regional Municipality Charter (herein after called the "Second Amending Agreement");

AND WHEREAS the Harbour East-Marine Drive Community Council for the Halifax Regional Municipality approved this request at a meeting held on August 4, 2016, referenced as Municipal Case Number 20260;

AND WHEREAS the Second Amending Agreement was not executed nor was it registered on the title of the lands;

AND WHEREAS the request originally made within Municipal Case Number 20260 is being put forward again with a revised Second Amending Agreement;

AND WHEREAS the Harbour East-Marine Drive Community Council for the Halifax Regional Municipality approved this request at a meeting held on May 4, 2017, referenced as Municipal Case Number 20260;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. Except where specifically varied by this Second Amending Agreement, all other terms conditions and provisions of the Original Agreement, as amended, shall remain in effect.
2. Section 3.2.5 of the Original Agreement, as amended, shall be deleted.
3. Section 3.3(a) of the Original Agreement, as amended, shall be amended by adding "and a maximum of 8 additional dwelling units within the area identified on Schedule B as Phase 2" as shown in bold below:

3.3(a) A townhouse development consisting of a maximum of 8 dwelling units within the area identified on Schedule B as Phase 1 and a maximum of 8 additional dwelling units within the area identified on Schedule B as Phase 2;
4. Sections 3.3(b) and 3.3(c) of the Original Agreement, as amended, shall be deleted.
5. Section 3.4.2(b) of the Original Agreement, as amended, shall be amended by deleting the words "a shared private driveway that meets" in Section 3.4.2(b) and replacing them with the words "shared private driveways that meet" as shown in ~~strikeout~~ and bold below:

3.4.2(b) The minimum lot frontage requirements shall be waived provided that no more than 8 dwelling units are located within each phase and access to each phase is provided via ~~a shared private driveway that meets~~ shared private driveways that meet all applicable standards and specifications for a commercial driveway in the opinion of the Development Engineer.
6. Section 6.2(c) of the Original Agreement, as amended, shall be deleted.
7. Section 8.3.1 of the Original Agreement, as amended, shall be amended by deleting the words "by January 1, 2016" and replacing them with "within one (1) year from the date of registration of the Second Amending Agreement at the

Registry of Deeds" as shown in knockout and bold below:

(1) In the event that development has not commenced by ~~January 1, 2016~~ within one year from the date of registration of the **Second Amending Agreement at the Registry of Deeds**, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction.

IN WITNESS WHEREOF the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

MARC GIROUARD

Originally Signed

Originally Signed

Witness

CATHERINE M. HIRBOUR

Print name: MARC GIROUARD

=====

SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

HALIFAX REGIONAL MUNICIPALITY

Originally Signed

Originally Signed

Witness

Originally Signed

Per:

MAYOR Mike Savage

Originally Signed

Per

MUNICIPAL CLERK

Witness

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this 10th day of July, A.D. 20 17, before me, the subscriber personally came and appeared CATHERINE H. HIRSHOW a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that MARC GIROUARD, of the parties thereto, signed, sealed and delivered the same in his/her presence.

Originally Signed

A Commissioner of the Supreme Court
of Nova Scotia

Crystal Simmonds

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this 2nd day of August A.D. 2017, before me, the subscriber personally came and appeared Kelly MacNamee & Sons the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Kevin Arjoon, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

Originally Signed

A Commissioner of the Supreme Court
of Nova Scotia

JENNIFER WEAGLE

A Commissioner of the
Supreme Court of Nova Scotia

Schedule A

PID 40414633

ALL that certain lot, piece or parcel of land situate, lying and being at Cole Harbour, in the County of Halifax, Province of Nova Scotia, and consisting of Lots shown as Lot C15, C16 and C17 and a portion of a proposed road as shown on a plan of the subdivision of the lands of Robert K. and Hilda E. Turner at Cole Harbour, prepared by K.W. Robb, P.L.S., on the 16th day of October, 1962, the said plan being filed in the Registry of Deeds at Halifax as Plan No. 6277 in Drawer No. 94, the said lot of land being more particularly described as follows:

BEGINNING at a point shown as the southeastern corner of Lot C14 as shown on the said plan, the said point being on the line marking the northern side of part of the lands of one Bryden Bissett, the said point being 29.34 feet when measured easterly along the southern side line of Lot C14 from the northeastern corner of Lot C8;

THENCE running along the southern sideline of Lots C15, C16 and C17 and along the northern sideline of part of the lands of Bryden Bissett a distance of 213.73 feet more or less to a point marking an angle on the lands of Bryden Bissett, the said point being the southeastern corner of Lot C17;

THENCE running in a general northerly direction along the western sideline of the lands of Bryden Bissett a distance of 101.27 feet more or less to a point marking the southern sideline of the proposed road;

THENCE continuing in a northerly direction along the western sideline of the lands of Bryden Bissett a further distance of 66.01 feet more or less to the northern sideline of the proposed road as shown on said plan;

THENCE running westerly along the northern sideline of the proposed road a distance of 212 feet more or less or to a point marking the prolongation northerly of the division line between Lots C14 and C15;

THENCE running in a southerly direction along the prolongation of and the division line between Lots C14 and C15 a distance of 183.07 feet more or less to the place of beginning.

The said Lot being and intended to be added to the lands conveyed by Robert K. Turner and Hilda E. Turner to S. Jachimowicz Limited, which lands lie to the north of the said proposed road.

TOGETHER with a right of way over the aforementioned proposed road as shown on the said plan.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Halifax as plan 6277

PID 00398552

All that certain lot, piece or parcel of land situate lying and being at Cole Harbour in the County of Halifax Province of Nova Scotia and being described as follows:

BEGINNING at the Southeasterly point of Lot C-10;

THENCE in an easterly direction 300.69 feet more or less to a point;

THENCE in a northerly direction 183.07 feet more or less to a point;

THENCE in a westerly direction until it reaches the lands of Charles Settle;

THENCE in a southerly direction 66 feet more or less to a point;

THENCE in an easterly direction 287 feet more or less to a point;

THENCE in a southerly direction 125 feet more or less to the place of beginning.

The description for this parcel originates with a deed dated September 9, 1926 registered in the registration district of Halifax in book 610 at page 105 and the subdivision is validated by Section 291 of the Municipal Government Act.