

4. Section 8.3.1 of the Original Agreement shall be amended by deleting the text shown in ~~strikeout~~, and inserting the text shown in bold as follows:

8.3.1 If the Developer fails to complete the development, or after ~~ten (10)~~ **six (6)** years from the date of registration of this **First Amending Agreement** with the Registry of Deeds, whichever time period is less, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

IN WITNESS WHEREAS 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:

W.M. APARTMENTS LTD.,

Original Signed

Witness

Per: **Original Signed**

Name: **Original Signed**
Position:

SIGNED, 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

Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this ____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that W.M. Apartments Ltd. of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this ____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly 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.

A Commissioner of the Supreme Court
of Nova Scotia

Parcel Description

ALL that lot shown as Lot HH-2XA on a plan entitled Plan of Subdivision and Consolidation of Lots HH-1A and HH-1X, Lands conveyed to W. M. Apartments Limited to form Lot HH-1XA and Lot HH-2XA prepared by Whyte, McElmon and Associates Limited and signed by David J. Whyte, N.S.L.S., dated September 30, 2002, said Lot HH-2XA being more particularly described in a plan filed at the Halifax Registry of Deeds as plan or document number 35533 in Drawer 390 (2003).

SUBJECT TO a service easement in favour of the City of Dartmouth over the portion of the herein before described Lot HH-2X being shown as Easement HH-2C on the aforementioned plan, said easement being more particularly described as follows:

Beginning at the most westerly corner of Lot HH-2X, as shown on said plan;

Thence N 39 degrees 07 minutes 58 seconds E along a southeastern boundary of Canadian Government Railway and continuing along the southeastern boundary of Lot BJ-1, forty-five (45.00) feet to a point;

Thence S 46 degrees 14 minutes 00 seconds E, a distance of twenty-two and forty-three hundredths (22.43) feet to a point;

Thence S 39 degrees 07 minutes 58 seconds W, forty-five (45.00) feet to the northeastern boundary of Canadian Government Railway;

Thence N 46 degrees 14 minutes 00 seconds W along said boundary, twenty-two and forty-three hundredths (22.43) feet to the point of beginning.

ALL BEARINGS in the foregoing description being based on the Nova Scotia Co-ordinate System Zone 5, central meridian Longitude 64 degrees 30 minutes West.

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 or document number 35533 in Drawer 390 (2003).

Parcel Description

ALL that water lot shown lying in Halifax Harbour to the westward of said Lot HH-2XA on a plan entitled Plan showing Subdivision and Consolidation of Lots HH-1A and HH-1X Lands Conveyed to W. M. Apartments Limited to Form Lot HH-1XA and Lot HH-2XA, Prepared by David J. Whyte N.S.L.S., dated the 30th day of September, 2002 said water lot being approximately 180 feet deep by 225 feet wide as shown as Water Lot on a plan filed at the Halifax Registry of Deeds on Plan 35533 in drawer 390.

SUBJECT to an easement in favour of Halifax Regional Municipality as contained in an Easement Agreement recorded at the Halifax Registry of Deeds as document number 85240373 and being more particularly described as follows:

ALL THAT CERTAIN piece or parcel of land situated northwest of Grove Street, Dartmouth, Halifax County, Nova Scotia, shown as EASEMENT HHSP-WMA1 on a Plan Showing Easement HHSP-WMA1 over lands covered by water of W.M. Apartments Limited, required by Halifax Regional Municipality, signed by Michael J. Crant, N.S.L.S., dated March 3, 2006 and filed as Alderney Surveys Limited Drawing No. 055166-AB, being more particularly described as follows:

BEGINNING on a southwestern boundary of Parcel 4, lands of Canadian National Railway Company at a point where said boundary is intersected by the ordinary high water mark of Halifax Harbour. Said point being South 31 degrees 00 minutes 00 seconds West, a distance of 6.682 metres from Nova Scotia Coordinate Monument Number 5368, as shown on the above plan;

THENCE South 47 degrees 37 minutes 00 seconds East, a distance of 8.716 metres along a portion of said southwestern boundary of Parcel 4, lands of Canadian National Railway Company to a non-tangential point of curvature;

THENCE Southeasterly, following a curve to the right having a radius of 1153.918 metres, an arc distance of 2.332 metres along a curved southwestern boundary of Parcel 4, lands of Canadian National Railway Company to a non-tangential point of compound curvature (chord bearing and distance being South 48 degrees 12 minutes 51 seconds East and 2.332 metres, respectively);

THENCE Southeasterly, following a curve to the right having a radius of 1153.918 metres, an arc distance of 15.460 metres along a curved southwestern boundary of Parcel 4, lands of Canadian National Railway Company to its intersection with the northwestern boundary of Parcel V, lands of Her Majesty The Queen, in Right of Canada;

THENCE South 34 degrees 10 minutes 56 seconds West, a distance of 14.817 metres along a portion of said northwestern boundary of Parcel V, lands of Her Majesty The Queen, in Right of Canada to a point;

THENCE North 46 degrees 52 minutes 25 seconds West, a distance of 47.369 metres to a point;

THENCE South 77 degrees 01 minutes 50 seconds East, a distance of 15.551 metres to a point on the ordinary high water mark of Halifax Harbour;

THENCE South 86 degrees 15 minutes 59 seconds East, a distance of 3.809 metres along said ordinary high water mark of Halifax Harbour to a point;

THENCE North 71 degrees 08 minutes 22 seconds East, a distance of 3.421 metres along the ordinary high water mark of Halifax Harbour to a point;

THENCE North 82 degrees 04 minutes 44 seconds East, a distance of 0.907 metres along the ordinary high water mark of Halifax Harbour to the PLACE OF BEGINNING.

CONTAINING 500.0 square metres.

BEARINGS are Nova Scotia Coordinate Survey System Grid Bearings, referred to Central Meridian 64 degrees 30 minutes West Longitude.

SUBJECT to an easement referred to as Easement HHSP-WMA1 granted to Halifax Regional Municipality and more particularly described an Easement Agreement recorded at the Halifax Registry of Deeds as document number 85240373.

The description for this parcel originates with a deed dated December 1, 1977 registered in the registration district of Halifax in Book 3115 at page 311 and the subdivision is validated by Section 291 of the Municipal Government Act.

W.M. APARTMENTS LTD.,

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

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

A municipal body corporate,
(hereinafter called the "Halifax Regional Municipality")

OF THE SECOND PART

FIRST AMENDING DEVELOPMENT AGREEMENT
