

25902

THIS AGREEMENT made this 17th day of June 1992

BETWEEN:

APPROVED AS TO FORM Original Signed City Solicitor

ANTHONY AND REXANNE LUGAR, in the County of Halifax, Province of Nova Scotia, (hereinafter called the "Developer")

OF THE FIRST PART

- and -

CITY OF HALIFAX, a municipal body corporate, (hereinafter called the "City")

OF THE SECOND PART

WHEREAS the Developer wishes to obtain permission to construct a sun room at the rear of the two unit dwelling at 1956-58 Rosebank Avenue in the City, pursuant to Section 16AF of the peninsula part of the Land Use Bylaw;

AND WHEREAS a condition of the granting of approval of Council is that the Developer enter into an agreement with the City;

AND WHEREAS the Council of the City, at its meeting on the 20th day of May, 1992, approved the said development agreement to permit construction of a sun room subject to the registered owner of the lands described herein entering into this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the City of the development agreement requested by the Developer, the Developer agrees as follows:

- 1. The Developer is the registered owner of the lands known as 1956-58 Rosebank Avenue in the City of Halifax, described in Schedule "A" hereto (hereinafter called the "lands").
2. The Developer shall construct on the lands an addition to the existing building, which in the opinion of the Development Officer, is substantially in conformance with Plan(s) No. P200/18727-8 filed in the City of Halifax Development and Planning Department as Case No. 6461, and shall not develop or use the lands for any other purpose other than a two unit dwelling.

3. The "development" shall be completed (completion is defined as fulfilling the terms of the entire agreement) within one (1) year from the date of final approval by Halifax City Council or any other bodies as necessary, whichever approval is later, including any applicable appeal periods. If the "development" has not been completed by the applicable time, this agreement will terminate unless specifically extended, upon request of the applicant, by resolution of City Council and all rights and obligations arising hereunder shall be at an end.

4. Notwithstanding any other provision of this agreement, the Developer shall not undertake or carry out any development on the lands which does not comply with all City of Halifax laws, including, without restricting the generality of the foregoing, the Building Code Ordinance and the Fire Prevention Ordinance and no permit shall be issued for any such development.

5. The City shall issue the necessary permits for the development upon the expiration of the twenty-one (21) day appeal period under Section 78 of the Planning Act, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken; provided, however, that the City shall not issue any occupancy permit for the development unless and until the development specified in the plans referred to in No. 2 hereof has been completed substantially in accordance with the said plans and the requirements of this have been met.

Time shall be of the essence of this agreement.

This agreement shall be binding upon the parties hereto and their heirs, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals as of the day and year first above written.

SIGNED, SEALED AND DELIVERED)
in the presence of)

Henry White

) ANTHONY LUGAR

) **Original Signed**

) REXANNE LUGAR

) **Original Signed**

) CITY OF HALIFAX

) Per **Original Signed**

Madrid M. Lewis

) Per **Original Signed**

) City Clerk

DESCRIPTION

ALL that lot, piece and parcel of land situate, lying and being in the City of Halifax, in the Province of Nova Scotia, and being part of Rosebank Park, comprising Lot Number 12, Section "C", as per plan prepared by MacKenzie, Pickings and McCallum and based upon the plan of subdivision of said Rosebank Park, prepared by Warren H. Manning of Boston and dated May 20th, 1911, the said plan made by MacKenzie, Pickings and McCallum being dated March 10th, 1915, and a copy being filed in the Office of the Registrar of Deeds in the City of Halifax aforesaid, said lands being more particularly described as follows:

BEGINNING at a point on the western side line of Rosebank Avenue, at the south-eastern corner of Lot No. 10, Section "C", as shown on plan of said Rosebank subdivision;

THENCE running westerly along the south side line of said Lot No. 10 one hundred and thirty-four feet more or less or until it meets the north-east corner of Lot No. 11, Section "C", as shown on said plan;

THENCE southerly along the eastern boundary of said Lot No. 11 fifty-nine and five tenths feet, more or less, or until it meets the north-east corner of Lot No. 13, Section "C", as shown on said plan;

THENCE easterly along the northern boundary of Lot No. 14, Section "C", on said plan one hundred and thirty-four feet, more or less to the west side line of Rosebank Avenue;

THENCE northerly along the said west side line of Rosebank Avenue fifty-nine feet, more or less, to the place of beginning, and also a free and uninterrupted right-of-way and passage for the Grantee, his Heirs and Assigns, and all his or their agents, servants and workmen, and all other persons authorized by them or on their behalf at all times and for all purposes and for all persons, animals, vehicles, of, in, through and over all that road and street known as Rosebank Avenue, in the Rosebank Park subdivision, in the City of Halifax, and more particularly shown as set forth in the said plan, said right-of-way being appurtenant to the lands hereinbefore described.

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

ON THIS 17th day of JUNE, A.D., 1992,
before me, the subscriber personally came and appeared
NANCY WHITE a subscribing witness to the within
and foregoing Indenture, who, having been by me duly sworn,
made oath and said that ANTHONY AND REXANNE LUGAR, one of the
parties thereto, signed, sealed and delivered the same in her
presence.

Original Signed

A Barrister of the Supreme Court
of Nova Scotia

Original Signed

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, NOVA SCOTIA

ON THIS 17th day of June, A.D., 1992,
before me, the subscriber personally came and appeared
Mildred Hill a subscribing witness to the
within and the foregoing Indenture, who, having been by me
duly sworn, made oath and said that the City of Halifax, one
of the parties thereto, caused the same to be executed and
its Corporate Seal to be thereunto affixed by the hands of
Maire Ducharme, its Mayor, and E. A. Kerr, its City Clerk,
its duly authorized officers in her presence.

Original Signed

of Nova Scotia

MARY ELLEN DONOVAN
A Barrister of the Supreme Court

Province of Nova Scotia of Nova Scotia
County of Halifax

I hereby certify that the within instrument
was recorded in the Registrar of Deeds Office
at Halifax in the Town of Halifax, N.S.,
at 3:07 o'clock P.M. on the 26 + 2
day of June A.D. 1992 in
Book No. 5249 at pages 67 - 70
as Document Number 25902

Original Signed

Registrar of Deeds for the Registration
District of Halifax County