

File Number: 39T-11504
A.MacLean

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON MAY 28, 2013
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	SUBDIVISION ASSIGNMENT AGREEMENT 160 SUNNINGDALE ROAD WEST LTD. TRICAR SUBDIVISION (PHASE 2) 39T-11504

RECOMMENDATION

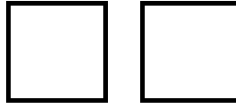
That, on the recommendation of the Manager, Development Planning, Development Services, the following actions be taken with respect to entering into a subdivision assignment agreement between The Corporation of the City of London and Norquay Sunningdale Land Corp. for the subdivisions of land over Part of Lot 41, Registrar's Compiled Plan 1029 (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Sunningdale Road West, on the west side of Richmond Street and Meadowlands Way.

- (a) the attached Assignment Agreement between The Corporation of the City of London and Norquay Sunningdale Land Corp. **BE APPROVED** for the Tricar Subdivision, Phase 2, (39T-11504);
- (b) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.
- (c) that the execution of this Assignment Agreement by the City, **BE DELAYED** until such time that the owner has provided the City with a copy of the Transfer document as proof of the purchase and sale.

BACKGROUND

Application for Draft Plan of Subdivision Approval was accepted on November 17, 2011, with draft approval given by City of London Approval Authority on May 31, 2012. The development was divided into two phases, with the first phase being approved by Council on January 30, 2013 and the second phase going before PEC on May 28th, 2013 and subsequently to Council on June 11, 2013 .

160 Sunningdale Road West Ltd. has entered into a purchase and sale agreement with Norquay Sunningdale Land Corp. with an anticipated closing date on or about August 1st, 2013 and it is therefore, necessary to approve an Assignment Agreement to reflect the change in ownership.



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PREPARED BY:	RECOMMENDED BY:
FRANK GERRITS DOCUMENTATION COORDINATOR DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

AM/fg
Attach.
May 13, 2013



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THIS AGREEMENT made in duplicate this _____ day of _____, 2013.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the City)

OF THE FIRST PART

and

NORQUAY SUNNINGDALE LAND CORP.
a Company incorporated under
the laws of the Province of Ontario
(hereinafter called the Owner)

OF THE SECOND PART

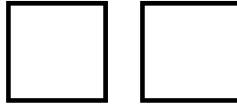
WHEREAS a certain Subdivision Agreement was entered into between The Corporation of the City of London, as the City of the First Part, and 160 Sunningdale Road West Ltd. as the Owner of the Second Part, and registered in the Land Registry Office for the Land Titles Division of Middlesex East on the th day of , 2013 as Instrument Number ER....., respecting the lands more particularly described in Schedule "A" attached hereto and other lands;

AND WHEREAS 160 Sunningdale Road West Ltd have sold all the Lots and Blocks in this Subdivision, known as Draft Approved Plan 339T-11504-2 / Plan 33M-XXX to Norquay Sunningdale Land Corp.

AND WHEREAS Norquay Sunningdale Land Corp. has agreed to be bound by the provisions of the said Subdivision Agreement registered as Instrument Number ER.....

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of ONE DOLLAR (\$1.00) of lawful money of Canada now paid by the Owner to the City, the receipt whereof is hereby acknowledged, the City and the Owner covenant and agree that the Agreement be and the same is hereby amended as follows:

1. Norquay Sunningdale Land Corp., the Owner herein, doth hereby covenant, promise and agree to and with the City that it will at all times do, observe, perform, keep, be liable under and be bound by every covenant, provision, condition, agreement and stipulation in the said Subdivision Agreement dated on the th day of , 2013 and registered in the Land Registry Office for the Land Titles Division of Middlesex (No. 33) on the th day of , 2005 as Instrument Number ER....., to the extent as if the said Owner, Norquay Sunningdale Land Corp., had executed the said Agreement.



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2. That Clause 24, NOTICE be amended by deleting 160 Sunningdale Road West Ltd, c/o Tricar Developments Inc., 3800 Colonel Talbot Road, London, Ontario N6P 1H5 and replacing it with Norquay Sunningdale Land Corp, 301 – 101 Wellington Street, London, Ontario N6B 2K6

