

Form 24

Purpose: to request or direct a revision of title and Certificate of Legal Effect

For Office Use

CUMBERLAND COUNTY LAND REGISTRATION OFFICE I certify that this document was registered as shown here. SL L. Nellie Anderson, Registrar	
8813859D Document #	(LR) ROD
JUN 21 2007 MM DD YYYY	14:46 Time

Registration district: Cumberland  
 Submitter's user number: 1623  
 Submitter's name: Brian S. Creighton

In the matter of Parcel Identification Number (PID)

PID:25041666	
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(Expand box for additional PIDs. Maximum 9 PIDs per form)

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)
- This Form 24 creates or is part of a subdivision or consolidation

**TAKE NOTICE THAT** a revision of the registration of the above-noted parcel(s), is hereby requested or directed, as set out below.

**AND FURTHER TAKE NOTICE THAT** the attached document is signed by attorney for a person under a power of attorney, and the power of attorney is (select one or more)

- recorded in the attorney roll
- recorded in the parcel register
- incorporated in the document
- no power of attorney applies to this document
- The following registered interests are changed in the parcel's registration: **Not Applicable**
- The following tenant in common interests that appear in the section of the parcel register 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's registration: **Not Applicable**
- The following burdens are to be added in the parcel's registration:

Instrument type	Development Agreement (406)
Interest holder and type to be removed (if applicable)	Not Applicable
Interest holder and type to be added (if applicable) Note: include qualifier (e.g. estate of, executor, trustee, personal representative)(if applicable)	Town of Amherst, Party to Agreement (Burden)

<b>Mailing address of interest holder to be added</b> (if applicable)	<b>PO Box 516 Amherst, Nova Scotia, B4H 4A1</b>
<b>Reference to related instrument in names-based roll/parcel register</b> (if applicable)	<b>Not Applicable</b>
<b>Reason for removal of interest</b> (for use only when interest is being removed by operation of law) <b>Instrument code: 443</b>	<b>Not Applicable</b>

- The following recorded interests are to be added and/or removed in the parcel's registration:  
**Not Applicable**
- I request that the following textual qualifications on the registered interest in the above-noted parcel be changed:

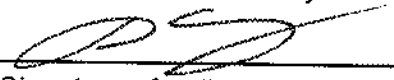
<b>Textual qualification on title to be removed</b> (insert any existing textual description being changed, added to or altered in any way)	<b>Not Applicable</b>
<b>Textual qualification on title to be added</b> (insert replacement textual qualification)	<b>The Development Agreement between the Town of Amherst and the Registered Owner does not have priority over the two prior recorded mortgages.</b>
<b>Reason for change to textual qualification</b> (for use only when no document is attached) <b>Instrument code: 838</b>	<b>Not Applicable</b>

- I request that the following information about the occupier of the parcel, which is owned by the Nova Scotia Farm Loan Board, be changed (insert n/a if not applicable): **Not Applicable**

**Certificate of Legal Effect:**

I certify that it is appropriate to make the above-noted changes to the parcel register(s) for the indicated PIDs.

Certified at Amherst, in the County of Cumberland, Province of Nova Scotia, on the 20<sup>th</sup> day of June, A.D., 2007.

  
Signature of authorized lawyer

Name Brian S. Creighton  
Address 14 Electric Street, PO Box 398,  
Amherst NS B4H 3Z5  
Phone (902) 667-8490  
Email: brian.creighton@csdlaw.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.

April 3, 2007

Case No. DA-2007-02

This Agreement made this 31st Day of May 2007.

Between:

Callaghan and Weatherbee Land Development Limited, Owner of property located at the corner of Dickey Street and Rupert Street, hereinafter called the Owner

Of the one part

- and-

The Town of Amherst, a body corporate hereinafter called the Town

Of the other part

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to construct a 30 unit townhouse development on property located at the corner of Dickey and Rupert Streets.

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

AND WHEREAS the Council of the Town, at its meeting on the 26th Day of March 2007, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

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

That the Owner is the registered owner of the aforesaid lands in the Town of Amherst, hereinafter called the lands. The aforesaid lots are the only lands in the Town of Amherst to which this agreement applies, and the lands are illustrated in the plan shown on Schedule B attached hereto and forming part of this agreement.

That the owner may construct a 30 unit townhouse development on the said lands, subject to the following Schedules A, B and C attached.

Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this agreement.

Should the owner fail to act in accordance with any aspect of this agreement, the Town shall retain the right to discharge the agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.

The Town shall issue the necessary permit for the development upon the expiration of the appeal

period specified for development agreements in the Municipal Government Act, Section 249 , as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.

SIGNED, SEALED AND DELIVERED

FOR THE TOWN OF AMHERST

in the presence of

*Rebecca Purdy*

*Jerry Hallee*  
Jerry Hallee  
Mayor

*Gregory D. Herrett*  
Gregory D. Herrett  
CAO

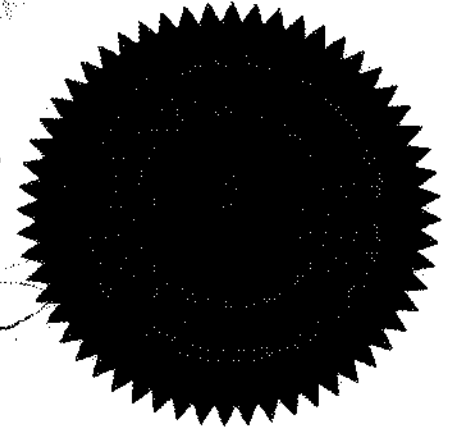
*J. M.*

FOR THE OWNER

*Sean Callaghan*  
Sean Callaghan


*J. M.*

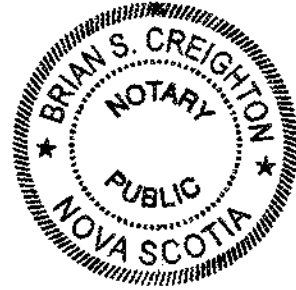
*Charles Weatherbee*  
Charles Weatherbee



**PROVINCE OF NOVA SCOTIA  
COUNTY OF CUMBERLAND**

ON this 20<sup>th</sup> day of June, A.D., 2007, before me, the subscriber personally, **Jason MacDonald** came and appeared, a subscribing witness to the forgoing Indenture, who having been by me duly sworn, made oath and said that, **Callaghan and Weatherbee Land Development Limited**, one of the parties thereto, signed, sealed, and delivered the same in his presence.

  
\_\_\_\_\_  
**BRIAN S. CREIGHTON**, a Barrister of the  
Supreme Court of Nave Scotia



## Terms and Conditions:

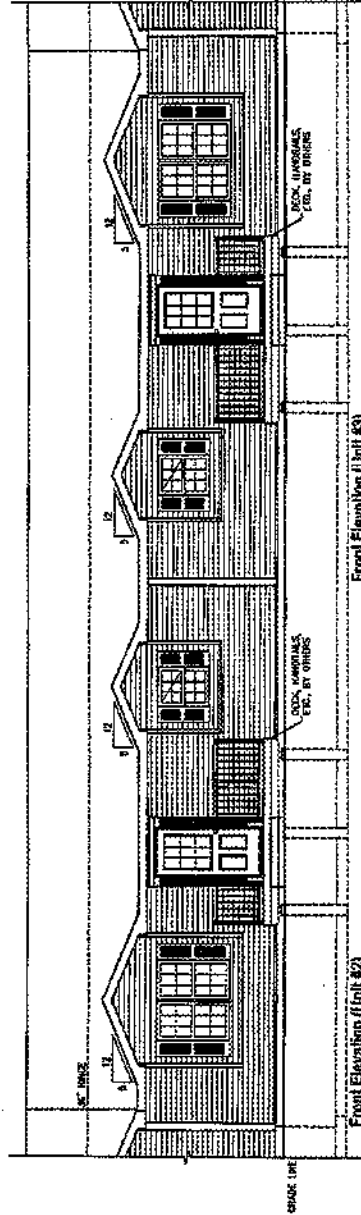
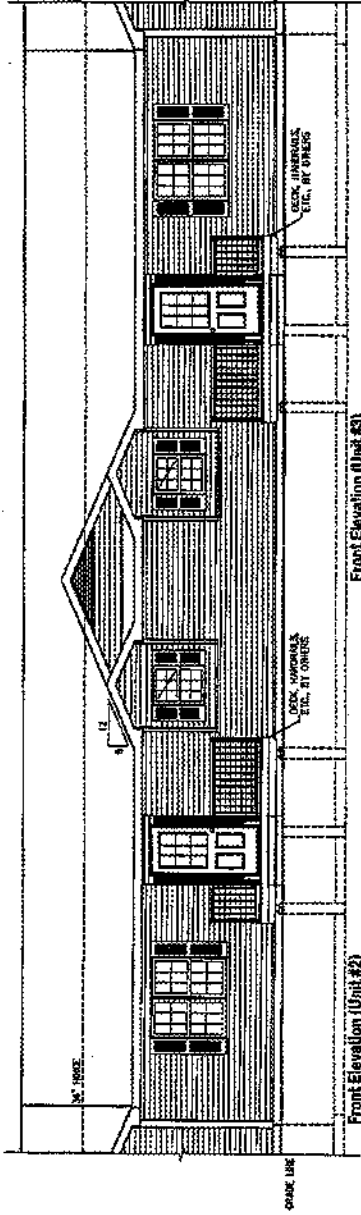
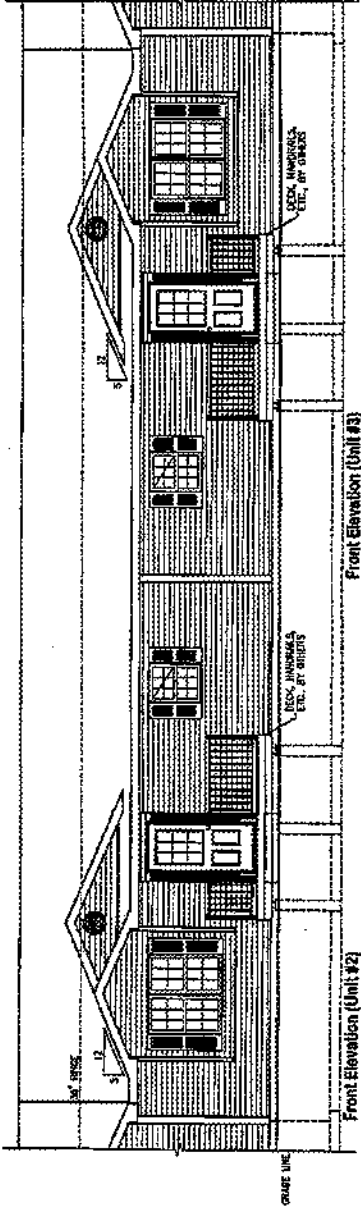
1. The use of the property be limited to a 30 unit townhouse development, contained within 9 separate buildings;
2. The properties be consolidated into one lot;
3. The location of the buildings be generally in accordance with Schedule B, the following minimum setback dimensions for each buildings shall apply:
  - a. 5 metres between buildings;
  - b. 6 metres from Dickey Street;
  - c. 8 metres from Rupert Street;
  - d. 6 metres from the southern and eastern property lines;
  - e. 6 metres from the common driveway;
4. One accessory structure be permitted on the property, subject to the relevant regulations of the Land Use Bylaw;
5. The end of the nearest building(s) facing either Rupert or Dickey Street contain at least one window and a false roof line be incorporated into the design;
6. Access to Rupert Street be substantially in accordance with the attached Schedule B, and to the satisfaction of the Development Officer;
7. No direct vehicular access to Dickey Street be permitted;
8. All driveway and parking areas be maintained with asphalt and kept clear of snow and otherwise be unobstructed at all times so as to be passable by emergency vehicles;
9. The driveway in front of each building be completed with a minimum 7 metre wide strip of asphalt for the entire length of the building, such work to be completed within 6 months of the occupancy permit for the said building being issued;
10. The base of the common driveway, including asphalt, be in accordance with the Town of Amherst Subdivision Bylaw & Development Standards.
11. A minimum of 8 common parking spaces shall be provided on the property;
12. A stop and street name sign be provided by the owner at the Rupert Street entrance to the property and any other traffic control signs be at the discretion and responsibility of the property owner;
13. No two adjacent buildings are to be the same color;
14. Water and sewer services be provided to the buildings in accordance with the Town of Amherst Subdivision Bylaw & Development Standards and the National Building Code;
15. Storm water on the site be channeled so as to not impact adjacent properties and so as not

to flow directly onto adjacent public streets and sidewalks;

16. Separate water metres be installed for each dwelling unit in accordance with the Town of Amherst sewer bylaw;
17. A permanent stone sign, illustrating the name of the development, shall be located off Rupert Street, generally in the location indicated on Schedule B, prior to a building permit being issued for the third building on the property;
18. Each of the three front façade designs forming Schedule C of this agreement shall be applied to at least two of the nine buildings. Included in this agreement are the major features such as number of garages, roof lines, etc., the owner has the right to vary smaller details such as trim, size of windows, etc.;
19. Usual residential outdoor recreation apparatus shall be permitted on the property, subject to the applicable town bylaws and regulations;
20. Garbage pickup for all dwellings units on the property will be private, and the responsibility of the owner;
21. Landscaping be provided in accordance with the following:
  - a. A minimum of eight deciduous trees, a minimum of 2 metres in height, be planted along both Dickey and Rupert Streets at approximately equal intervals. Such planting is to take place prior to the issuance of the building permit for the third building;
  - b. A minimum of eight deciduous or coniferous trees, a minimum of 1.5 metres in height, be planted along both the southern and eastern interior property lines at approximately equal intervals. Such planting is to take place prior to the issuance of the building permit for the third building;
  - c. A minimum of one shrub or tree be planted in the front yard of each dwelling unit. Such planting is to take place within one growing season of the construction of the said unit.
  - d. Grass be maintained in all areas of the property not utilized for buildings, parking or walkways.







Front Elevation (Unit #3)

Front Elevation (Unit #2)

Front Elevation (Unit #3)