

Draft Amending Development Agreement

This Amending Agreement made this _____ day of _____, 2024 (hereinafter the "Amending Agreement")

BETWEEN:

Tot's Academy Child Care Society, of Enfield, Nova Scotia,
(hereinafter called the "Developer")

OF THE FIRST PART;

- and -

MUNICIPALITY OF THE DISTRICT OF EAST HANTS, a body corporate pursuant to the *Municipal Government Act* (SNS 1998, c. 18), having its chief place of business at Elmsdale, in the District of East Hants, Nova Scotia,

(hereinafter called the "Municipality")

OF THE SECOND PART.

WHEREAS the **Developer** is the registered owner of certain lands known as PID 45382769 at 480 Highway 2, Enfield, which lands are more particularly described in Schedule "A" to this Amending Agreement (hereinafter called the "**Property**");

AND WHEREAS Council of the Municipality, at a meeting held on the 28th day of October, 2009, approved an application by Monk Mobile Corporation Limited to enter into a development agreement to allow for the development of a childcare facility, the agreement being recorded at the Land Registry Office in Lawrencetown on December 15, 2009 as Document #94934537 (hereinafter called the "**Existing Agreement**");

AND WHEREAS the Developer has requested an unsubstantial amendment to the provisions of the **Existing Agreement** to enable an increase to the number of parking spaces.

AND WHEREAS Council of the Municipality approved this request at a meeting held on the ___th day of _____, 2024;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the parties agree that the **Existing Agreement** be amended as follows:

1. The number of parking stalls shall be increased by locating an additional parking area in the front yard of the main building; trees or evergreen bushes shall be planted between the parking area and the front property line; as shown on the site plan in Schedule "B" of this Amending Agreement. No other site plan changes are applicable to this Amending Agreement.
2. Except as amended by this Amending Agreement all terms and conditions of the **Existing Agreement** shall continue in full force and effect.

[Remainder of page left intentionally blank]

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

SIGNED, SEALED AND DELIVERED
in the presence of:

DEVELOPER

Witness

Andrea Ferguson, Director
Tot's Academy Child Care Society

**MUNICIPALITY OF THE DISTRICT
OF EAST HANTS**

Witness

Kim Ramsay
Chief Administrative Officer & Municipal Clerk

Province of Nova Scotia, County of Hants.

On this ____ day of _____, 2024,
before me the, subscriber personally came and
appeared _____, a subscribing
witness to the foregoing agreement, who
having been by me duly sworn, made oath and
said that the Developer, one 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 Hants.

On this ____ day of _____, 2024,
before me, the subscriber personally came and
appeared _____, a
subscribing witness to the foregoing agreement,
who having been by me duly sworn, made oath
and said that Kim Ramsay, CAO & Municipal
Clerk, signing authority for the Municipality of
East Hants, one of the parties thereto, signed,
sealed and delivered the same in his/her
presence.

A Commissioner of the Supreme
Court of Nova Scotia

**Development Agreement:
Tot's Academy Child Care Society
and the Municipality of East Hants**

Schedule A

Parcel Description of Property

Registration County: HANTS COUNTY
Street/Place Name: NO 2 HIGHWAY /ENFIELD
Title of Plan: PLAN OF S/D BEING A SURVEY OF LOT 09-2, LANDS OF MONK MOBILE
CORP LTD, NO 2 HWY, ENFIELD
Designation of Parcel on Plan: LOT 09-2
Registration Number of Plan: 95920667
Registration Date of Plan: 2010-05-14 11:08:36

Subject to a Development Agreement between Monk Mobile Corporation Limited and The Municipality of the District of East Hants which Agreement was recorded at the Land Registration Office in Windsor, Nova Scotia and recorded as document 94934537.

Schedule B
Site Plan

