

## Amending Development Agreement

This Amending Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (hereinafter the "Amending Agreement")

**BETWEEN:**

**3337637 Nova Scotia Limited**, of Elmsdale, 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 45084969 at 251 Highway 214, Elmsdale, 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 25<sup>th</sup> day of October, 2023, approved an application by 3337637 Nova Scotia Limited to enter into a development agreement to allow for the development of a multi-premise commercial building including a restaurant, drive-thru on lands located in Elmsdale, the agreement being recorded at the Hants County Land Registry Office on January 25, 2024 as Document #123649817 and attached document #123649957 (hereinafter called the "**Existing Agreement**");

**AND WHEREAS** the Developer has requested an unsubstantial amendment to the provisions of the **Existing Agreement** to enable changes to the parking lot layout and changes to the external elevation design of the multi-premise commercial building.

**AND WHEREAS** Council of the Municipality approved this request at a meeting held on the 20<sup>th</sup> day of November, 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 property shall be developed and used generally as shown on the site plan in Schedule "B" of this Amending Agreement. Schedule "B" in this Amending Agreement shall replace Schedule "B" in the Existing Agreement.
2. The multi-premise commercial building shall be developed generally in accordance with the Rendering Drawing attached to this Amending Agreement as Schedule "C".
3. Amend Section 8 Time Limits, Subsection (b) of the Existing Agreement by replacing the words 'this development agreement' with the words 'this amending agreement'.
4. 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

\_\_\_\_\_  
Andrew Kim  
3337637 Nova Scotia Limited

**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 \_\_\_\_\_, 20\_\_,  
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 \_\_\_\_\_, 20\_\_,  
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

## **Schedule A**

### **Parcel Description of Property**

Registration County: HANTS COUNTY

Street/Place Name: ELMSDALE

Title of Plan: PLAN SHOWING LOTS "C" AND "D" SUBDIVISION OF LANDS OWNED BY JAMES HINES, ELMSDALE, HANTS CO., N.S.

Designation of Parcel on Plan: LOT C AS ADDITION TO LOT B

Registration Number of Plan: 196802660591

SUBJECT TO an Easement in favour of the Municipality of the District of East Hants recorded as Document Number 111752219.

SUBJECT TO a Development Agreement with the Municipality of the District of East Hants registered on January 25, 2024 as Document Number 123649817.

SUBJECT TO an Indemnity Agreement with the Municipality of the District of East Hants registered on June 6, 2024 as Document Number 124220451.

\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

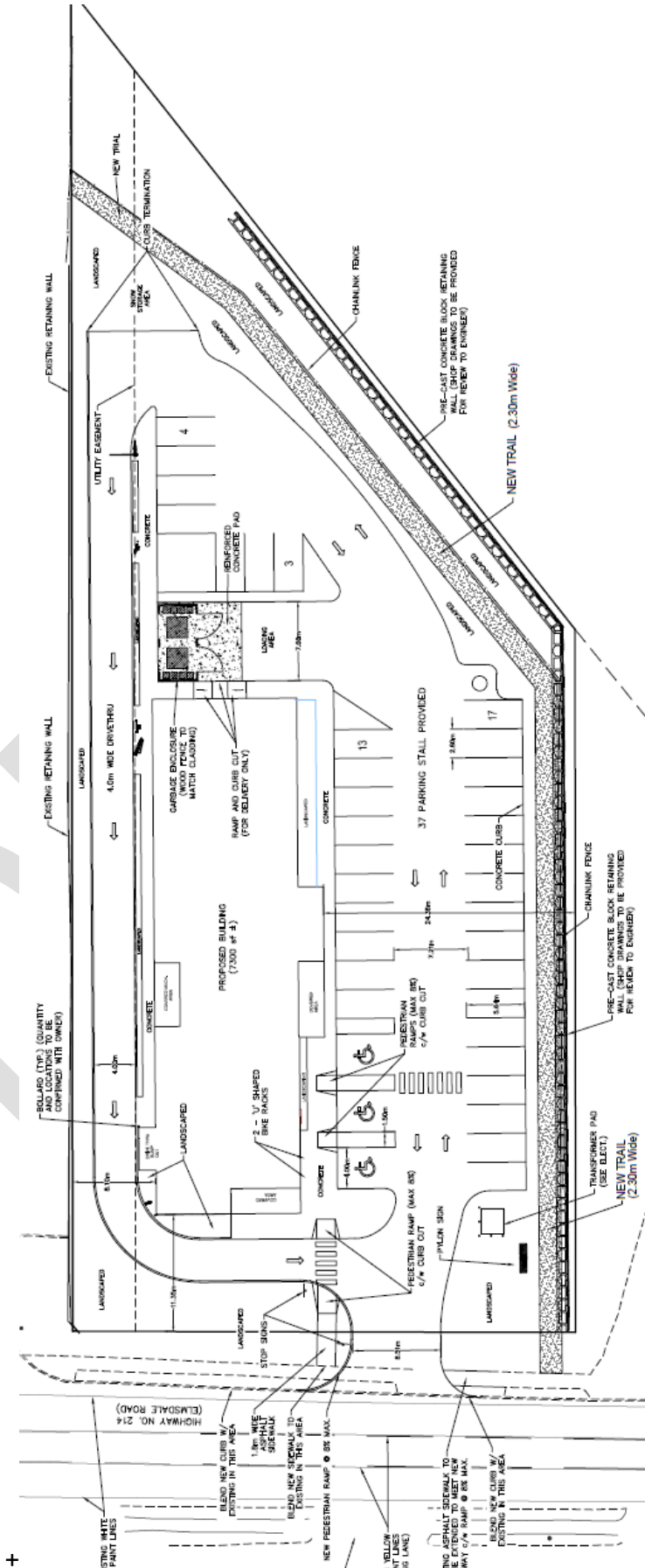
Registration District: HANTS COUNTY

Registration Year: 1968

Plan or Document Number: 196802660591

**Schedule B**  
**Site Plan**

(NOTE - the full version of the site plan will be appended to the DA)



**Schedule C**

**Rendering Drawing of multi-premise commercial building**



DRAFT