

#40. TOWN OF LUNENBURG POLICY
DEVELOPMENT AGREEMENTS

I. POLICY STATEMENT

The purpose of this policy is to ensure that all future development agreements and resolutions of Council regarding development agreements are similar in certain ways which lie outside the control of the Municipal Planning Strategy and Land Use By-law.

This policy is to apply uniformly, fairly and consistently to all future development agreements.

II. POLICIES

1. Mortgages/Debentures

When a development agreement is entered into regarding a property on which there is a mortgage or debenture, the mortgage or debenture holder shall be signatory to the agreement or shall give a written consent to the development agreement being entered into by the developer.

2. Area of Application

All development agreements shall apply to the entire legal parcel of land to which they relate.

3. Discharge of Agreement

All development agreements shall contain the following clause:

That Council of the Town of Lunenburg retains the option of discharging this development agreement should any fact provided by the developer to the Town constitute a material misrepresentation of the facts.

4. Motion of Council

All resolutions to enter into development agreements shall be worded in the following manner:

That Council of the Town of Lunenburg enter into a development agreement with _____ regarding the property located at (civic number and street) in the manner set out in the Draft Development Agreement dated _____ and affixed to the minutes as Schedule ____ and that the Mayor and Clerk be hereby

authorized to execute this agreement only within the next twelve-month period, should the document not be signed within this twelve-month period. Council shall consider any request to sign the development agreement as a new application and follow the entire process required by the Planning Act.

5. Statement of Ownership

All development agreements shall contain a statement of ownership worded in the following form:

I/we hereby certify that I/we am/are the sole owner(s) of the property described in the attached Schedule "A", having received the deed from _____ dated _____ and recorded at the Registry of Deeds at (book and page number). I have not disposed of any interest in the property and there are no judgements, mortgages or other liens or encumbrances affecting the property.

6. Non-Substantive Uses

Any "non-substantial" change or amendment to any executed development agreement which is made by resolution of Council shall be recorded at the Registry of Deeds.

III. RESPONSIBILITIES

A. Lunenburg Town Council ("Council")

Council is responsible for:

1. Ensuring that resolutions of Council are worded appropriately.

B. Town Manager/Clerk ("TM/C")

The Town Manager/Clerk is responsible for:

1. Providing Council with the appropriate wording for such resolutions.

C. Planner

The Planner is responsible for:

1. Drafting agreement in accordance with Council's policies.

IV. PROCEDURE

All procedures as set out in the Planning Act, Municipal Planning Strategy and Land Use By-law from time to time shall be followed.