

AGREEMENT made this 7 day of August 1970

B E T W E E N:

M.A.G.D. DEVELOPMENTS LIMITED

(Hereinafter called M. A. G. D.)

- and -

THE CORPORATION OF THE TOWNSHIP OF COLLINGWOOD

(Hereinafter called the Township)

- and -

GREAT LAKES WATER COMPANY LIMITED

(Hereinafter called Great Lakes)

WHEREAS M. A. G. D. is the owner ~~of~~ of Lot 28 in Concession Seven of the Township of Collingwood upon which a resort subdivision is planned

AND WHEREAS this proposed subdivision has received draft approval from the Department of Municipal Affairs subject to certain conditions.

AND WHEREAS certain of these conditions refer to matters within the proper jurisdiction of the Township.

AND WHEREAS it is deemed expedient for M.A.G.D. to enter into an agreement with the Township respecting the following conditions:

- (i) Installation of water distribution system
- (ii) Construction of roads
- (iii) Granting of easements for utility or drainage purposes
- (iv) Naming of new streets
- (v) Installation of conventional sub-surface sewage disposal systems
- (vi) Conveyance of park lands
- (vii) Passage of a restricted area by-law pursuant to Section 30 of the Planning Act.
- (viii) Installation of a sewerage works to service those lots lying to the North of Highway 26, together with a submersible pump and force main to a communal septic bed to be constructed on lands lying to the South-west of the C.N.R. right-of-way. All of these works hereafter referred to as being "the sewerage system".

NOW THEREFORE WITNESSETH in consideration of the premises and of the sum of one dollar (\$1.00) of lawful money of Canada now paid by each of the parties hereto to the other (the receipt of which is hereby acknowledged), as follows:

1 (a) Forthwith after completion of the installation of a water distribution system, M.A.G.D. shall, at its sole cost, convey said distribution system to the Township for, and in consideration of one dollar of lawful money of Canada.

1 (b) Forthwith after such conveyance, the Township will lease the water distribution system to Great Lakes for a period of 20 years, at a gross rent of \$1.00 of lawful money of Canada, subject to the provision that the Township may require Great Lakes to lease the water distribution system at the same rent for further successive terms of 20 years upon the expiry of such term and each successive renewal thereof;

(c) The Township shall not by reason only of its ownership of the water distribution system, in any event whatsoever be liable or responsible in any way for any personal injury or death that may be suffered or sustained by any officer, agent, employee or contractor of M.A.G.D. and/or Great Lakes, or by any user of the water distribution system or owner of lots in the subdivision, or by members of their respective families, agents, servants or employees, or any person who may be in the subdivision, or for any loss of or damage to any property belonging to any of the foregoing persons or class of persons. M.A.G.D. and/or Great Lakes shall obtain from each purchaser of land in the subdivision an acknowledgement to the Township in terms identical with the foregoing, subject only to such changes as may be required by the context.

(d) M.A.G.D. and/or Great Lakes shall at all times after completion of the water distribution system and so long as it may be Lessee of them from the Township, maintain, keep in repair and operate the water distribution system in accordance with all applicable statutes, by-laws, regulations and rulings of all Government authorities having jurisdiction in the premises, and without limiting the generality of the foregoing, in such manner as it may be directed from time to time by the Ontario Water Resources Commission.

(e) If at any time or from time to time hereafter, the Township shall desire or be required to take over the maintenance, repair and operation of water distribution system, M.A.G.D. and/or Great Lakes will, at the request of the Township and at the sole cost of the Township, surrender its lease of the water distribution system to the Township.

(f) After the completion of the surrender provided for in paragraph 5 here or after the Township shall have allowed the lease of the water distribution system to M.A.G.D. and/or Great Lakes to lapse, as the case may be, M.A.G.D. and/or Great Lakes shall be under no further obligation or liability to the Township in respect of the maintenance, repair and/or operation of the water distribution system.

(g) So long as M.A.G.D. and/or Great Lakes shall maintain, keep in repair and operate said water distribution system in accordance with the provisions of this agreement, M.A.G.D. and/or Great Lakes may require payment of such fees, charges or rates from users of the water distribution system as it may desire so long as such fees, charges or rates do not exceed the annual rate structures as may be established from time to time by the Township and the Ontario Water Resources Commission.

(h) M.A.G.D. and/or Great Lakes shall obtain an acknowledgement to the Township from each owner of land in the subdivision and/or person with whom M.A.G.D. and/or Great Lakes shall contract to permit to use the utilities or any part thereof that, upon M.A.G.D. and/or Great Lakes ceasing to operate the water distribution system by reason of the Township having ceased to lease them to M.A.G.D. and/or Great Lakes, then such owner and/or person shall have no right to continue to use the water distribution system except upon the terms and subject to the conditions to be imposed by the Township.

2. All roads shall be constructed in a proper workmanlike manner in accordance with the Department of Highways specifications for "Resort Subdivisions" and without limiting the foregoing, the following standards shall apply except where the Township road superintendent deems otherwise.

(a) General

The minimum road top width shall be 30 feet made up of 22 foot gravelled surface and 4 foot shoulders.

The edge of the roadway gravelled surface shall have a minimum radius of 30 feet at intersections.

Minimum grade on any roadway shall be 0.2% and the maximum grade shall be 6%.

Finished roadways shall have a cross fall of 2% from the centre line to each outside edge of shoulder.

On all streets, horizontal and vertical sight distances of 300 feet shall be provided. Vertical curves meeting these requirements are acceptable.

On all fill sections requiring guide posts, the shoulder widths shall be 2 feet wider than the specified widths above.

Cul-de-sac allowances to have a minimum of 75 feet radius.

(b) Clearing and Grubbing

Trees shall be removed so that the specifications for sight distances, grading ditching, etc., may be met. Generally all stumps, logs, brush, boulders, debris, etc., shall be removed from the entire street allowance but the Township Road Superintendent may give special permission to leave trees on the street allowance providing they are situated beyond the back slope of the ditches.

(c) Grading

The area between the edge of the road shoulder and the street line shall be graded and the ditches cut with side slopes of 3 feet horizontal to 1 foot vertical from the edge of the shoulder to the bottom of the ditch and from the bottom of the ditch to the original ground. In fills over 5 feet as measured below, the fill slope shall not be steeper than 2:1 and the ditch shall be located at the toe of the fill slope.

On fills higher than 7 feet, measured vertically from the edge of shoulder to the toe of slope, timber guide posts shall be installed conforming to Department of Highways of Ontario Standards.

(d) Base Construction

Sub-grade shall be excavated or filled to the required grade for the required width of surface plus shoulders plus the additional width necessary for the required depth of granular roadbase. Where earth fill is required, it shall be placed in lifts not exceeding six inches in depth and each lift shall be thoroughly consolidated.

All vegetation, boulders, over 6 inches in diameter, topsoil and organic or frost-heave susceptible materials, shall be removed from the roadbase to a depth of at least 3 feet below finished grade and replaced with suitable material. In swamp or other areas where the material at this depth is unsuitable, such special treatment as the Township Road Superintendent or Council may direct, shall be carried out.

All unsuitable excavated material shall be removed entirely clear of the street allowance.

The sub-grade shall be shaped to conform to the required longitudinal grade and cross-section and shall have a crossfall of 2% from the centre line of roadway to each side. If considered necessary by the Township Road Superintendent the sub-grade shall be compacted with suitable mechanical compaction equipment as required to produce a solid base for the road gravel. All soft spots shall be excavated and backfilled with granular base material. The granular base shall be

laid on dry, smooth, properly graded sub-grade and shall be spread for the required width of surface plus shoulders and tapered at the edges to meet the edge of sub-grade. The granular road base shall consist of EITHER a bottom course of 9 inches minimum consolidated Selected Granular Base Course Class "B" and a top course of 4 inches minimum consolidated Selected Granular Base Course Class "A" OR a bottom course of 9 inches minimum consolidated Sand Cushion and a top course of 6 inches minimum consolidated Selected Granular Base Course Class "A", both bottom and top courses shall be spread for the required width of surface plus shoulders and tapered at the edges to meet the edge of the sub-grade and the material and placing shall conform in all respects to the Department of Highways Standard Specifications. If the sub-soil in the area is predominantly sand and if the Township Road Superintendent is satisfied that the existing road sub-grade compares favourably with the Department of Highways Sand Cushion specification, then he may allow the 6 inch thickness of Granular Base Course Class "A" (Crushed Gravel) to be placed directly on the sub-grade. The granular materials shall be spread in layers of 6 inches maximum compacted depths, and each layer shall be thoroughly compacted. No granular base or surface material shall be placed until the grade on which it is to be laid has been inspected and approved by the Township Road Superintendent. During and between construction seasons, the granular base shall be maintained suitable for vehicular and pedestrian traffic and renewed if required, to the satisfaction of the Township Road Superintendent.

(e) Ditches and Culverts

Ditches and Culverts shall be sized to take the total expected storm run-off. Ditches shall be constructed on all roads as follows:-

(a) Distance centre to centre of ditches to be as required for the depth of ditch and side slopes.

(b) depth below finished centre line grade.

Maximum	4.0 feet
Minimum	2.0 feet

(c) ditch grade

Maximum	6%
Minimum	0.2%

(d) In exceptional cases and where ditches are on easements off the road allowance, ditches with grades greater than 6% may be allowed by the Township Road Superintendent, but these shall be suitably protected against erosion by sodding, rip-rap or gabions.

Normal ditch to ditch road culverts shall be installed where required as follows

- | | |
|--------------------|--|
| (a) Minimum length | - as required from centre of ditch to centre of ditch |
| (b) Minimum size | - 18" diameter or as directed by the Township Road Superintendent |
| (c) Material | - standard galvanized corrugated pipe |
| (d) Gauge | - as recommended by manufacturer for H2O Highway loading, Minimum 14 Gauge |
| (e) Cover | - 12" Minimum for road crossings
9" Minimum for entrance culverts |
| (f) Bedding | - culverts to be bedded and backfilled with granular material in accordance with Department of Highways Ontario Standards. |

Where it is necessary to construct culverts under roadways or driveways larger than the minimum size, the cross-sectional end area shall be calculated by the Rational Design Method as noted previously. The culverts shall be of reinforced concrete or corrugated metal and detail drawings and calculations shall be submitted for the approval of the Township Road Superintendent and the Department of Highways, Ontario. The Township Road Superintendent may require guide posts to be placed.

Driveway entrance culverts for each lot shall be installed prior to the erection of any buildings at the expense of the Registered Lot Owner, and minimum size 15" diameter, minimum gauge 16 and minimum length 22 feet.

3. All easements required for road drainage, Bell Canada, Ontario Hydro or Union Gas shall be granted by M.A.G.D. to the Township or Utility Company requiring same.

4. The Township consents to the use of the names listed herewith to designate the roads in the subdivision:-

- 1) WOODLAND PARK ROAD
- 2) LAKEWOOD DRIVE

The Township further covenants that upon completion of construction of roads within the subdivision and subsequent approval by the Township Road Superintendent and/or District Department of Highways, Ontario Municipal Engineer, it will forthwith assume by passage of by-law said roads into the Township Road System

5. (a) M.A.G.D. hereby covenants that the lots situate between Highway 26 and the C.N.R. right-of-way shall have conventional sub-surface sewage disposal system subject to pre-construction approval of individual sites by the Owen Sound-Green Health Unit..

5. (b) Forthwith after construction of the "sewerage system", M.A.G.D. shall at its sole cost, convey said system to the Township for and in consideration of one dollar of lawful money of Canada.

(c) M.A.G.D. further covenants that it will assume all maintenance of the sewerage system until such time as 75% of all lots serviced by this system are sold at which time the Township will assume such maintenance subject to a written statement by its Engineer that the system has been constructed to meet Ontario Water Resources Commission requirements and is in good working order.

6. Forthwith upon registration of the final plan in the North Grey Registry Office, M.A.G.D. shall deliver to the Township conveyances in registerable form of (1) the land designated for Public Park and noted as "Block A" and (2) the lands proposed to be occupied by the communal septic bed.

9. M.A.G.D. hereby covenants that upon registration of the final plan in the North Grey Registry Office, it will forthwith deliver a conveyance registerable form of a "one foot reserve" as required by the Department of Highways to the Honourable Minister of Highways.

10. To comply with the requirement of the Canadian National Railway Act, M.A.G.D. shall erect a chain link fence on the boundary of the subdivision abutting the Railway right-of-way.

11. M.A.G.D. covenant that they will not oppose passage of By-law No. 70-4 being a restricted area by-law regulating use of land and buildings within the subdivision being developed by M.A.G.D.

12. This agreement shall enure to the benefit of and be binding upon M.A.G.D. and the Township and their respective successors and assigns and furthermore this agreement shall be registered on title to the land involved in the North Grey Registry Office.

13. IN WITNESS WHEREOF the parties have executed these presents this 7 day of August, 1970.

M.A.G.D. Developments Limited

(J. C. Mitchell) Secretary

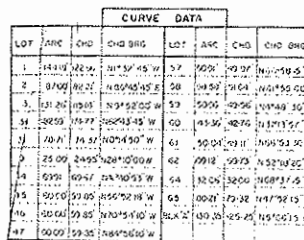
(G. D. Abercrombie) President

The Corporation of the Township of Collingwood

(R. J. Heslip) Clerk-Treasurer

ZUBEK & EMO, ONT. LAND SURVEYORS

ZUBEK & EMO, ONT. LAND SURVEYORS



NOTES

READING HEREON ARE ASTRONOMICAL AND ARE
 RESTRICTED TO THE READING PERSONS THROUGH THE
 JUDICIAL CASE AND/OR OF THE CONGRESSIONAL ONE

- DENOTES A 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132nd, 133rd, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 141st, 142nd, 143rd, 144th, 145th, 146th, 147th, 148th, 149th, 150th, 151st, 152nd, 153rd, 154th, 155th, 156th, 157th, 158th, 159th, 160th, 161st, 162nd, 163rd, 164th, 165th, 166th, 167th, 168th, 169th, 170th, 171st, 172nd, 173rd, 174th, 175th, 176th, 177th, 178th, 179th, 180th, 181st, 182nd, 183rd, 184th, 185th, 186th, 187th, 188th, 189th, 190th, 191st, 192nd, 193rd, 194th, 195th, 196th, 197th, 198th, 199th, 200th, 201st, 202nd, 203rd, 204th, 205th, 206th, 207th, 208th, 209th, 210th, 211st, 212th, 213th, 214th, 215th, 216th, 217th, 218th, 219th, 220th, 221st, 222nd, 223rd, 224th, 225th, 226th, 227th, 228th, 229th, 230th, 231st, 232nd, 233rd, 234th, 235th, 236th, 237th, 238th, 239th, 240th, 241st, 242nd, 243rd, 244th, 245th, 246th, 247th, 248th, 249th, 250th, 251st, 252nd, 253rd, 254th, 255th, 256th, 257th, 258th, 259th, 260th, 261st, 262nd, 263rd, 264th, 265th, 266th, 267th, 268th, 269th, 270th, 271st, 272nd, 273rd, 274th, 275th, 276th, 277th, 278th, 279th, 280th, 281st, 282nd, 283rd, 284th, 285th, 286th, 287th, 288th, 289th, 290th, 291st, 292nd, 293rd, 294th, 295th, 296th, 297th, 298th, 299th, 300th, 301st, 302nd, 303rd, 304th, 305th, 306th, 307th, 308th, 309th, 310th, 311st, 312th, 313th, 314th, 315th, 316th, 317th, 318th, 319th, 320th, 321st, 322nd, 323rd, 324th, 325th, 326th, 327th, 328th, 329th, 330th, 331st, 332nd, 333rd, 334th, 335th, 336th, 337th, 338th, 339th, 340th, 341st, 342nd, 343rd, 344th, 345th, 346th, 347th, 348th, 349th, 350th, 351st, 352nd, 353rd, 354th, 355th, 356th, 357th, 358th, 359th, 360th, 361st, 362nd, 363rd, 364th, 365th, 366th, 367th, 368th, 369th, 370th, 371st, 372nd, 373rd, 374th, 375th, 376th, 377th, 378th, 379th, 380th, 381st, 382nd, 383rd, 384th, 385th, 386th, 387th, 388th, 389th, 390th, 391st, 392nd, 393rd, 394th, 395th, 396th, 397th, 398th, 399th, 400th, 401st, 402nd, 403rd, 404th, 405th, 406th, 407th, 408th, 409th, 410th, 411st, 412th, 413th, 414th, 415th, 416th, 417th, 418th, 419th, 420th, 421st, 422nd, 423rd, 424th, 425th, 426th, 427th, 428th, 429th, 430th, 431st, 432nd, 433rd, 434th, 435th, 436th, 437th, 438th, 439th, 440th, 441st, 442nd, 443rd, 444th, 445th, 446th, 447th, 448th, 449th, 450th, 451st, 452nd, 453rd, 454th, 455th, 456th, 457th, 458th, 459th, 460th, 461st, 462nd, 463rd, 464th, 465th, 466th, 467th, 468th, 469th, 470th, 471st, 472nd, 473rd, 474th, 475th, 476th, 477th, 478th, 479th, 480th, 481st, 482nd, 483rd, 484th, 485th, 486th, 487th, 488th, 489th, 490th, 491st, 492nd, 493rd, 494th, 495th, 496th, 497th, 498th, 499th, 500th, 501st, 502nd, 503rd, 504th, 505th, 506th, 507th, 508th, 509th, 510th, 511st, 512th, 513th, 514th, 515th, 516th, 517th, 518th, 519th, 520th, 521st, 522nd, 523rd, 524th, 525th, 526th, 527th, 528th, 529th, 530th, 531st, 532nd, 533rd, 534th, 535th, 536th, 537th, 538th, 539th, 540th, 541st, 542nd, 543rd, 544th, 545th, 546th, 547th, 548th, 549th, 550th, 551st, 552nd, 553rd, 554th, 555th, 556th, 557th, 558th, 559th, 560th, 561st, 562nd, 563rd, 564th, 565th, 566th, 567th, 568th, 569th, 570th, 571st, 572nd, 573rd, 574th, 575th, 576th, 577th, 578th, 579th, 580th, 581st, 582nd, 583rd, 584th, 585th, 586th, 587th, 588th, 589th, 590th, 591st, 592nd, 593rd, 594th, 595th, 596th, 597th, 598th, 599th, 600th, 601st, 602nd, 603rd, 604th, 605th, 606th, 607th, 608th, 609th, 610th, 611st, 612th, 613th, 614th, 615th, 616th, 617th, 618th, 619th, 620th, 621st, 622nd, 623rd, 624th, 625th, 626th, 627th, 628th, 629th, 630th, 631st, 632nd, 633rd, 634th, 635th, 636th, 637th, 638th, 639th, 640th, 641st, 642nd, 643rd, 644th, 645th, 646th, 647th, 648th, 649th, 650th, 651st, 652nd, 653rd, 654th, 655th, 656th, 657th, 658th, 659th, 660th, 661st, 662nd, 663rd, 664th, 665th, 666th, 667th, 668th, 669th, 670th, 671st, 672nd, 673rd, 674th, 675th, 676th, 677th, 678th, 679th, 680th, 681st, 682nd, 683rd, 684th, 685th, 686th, 687th, 688th, 689th, 690th,

FIELD NOTES

I HEREBY CERTIFY, THAT THIS
PLAN REPRESENTS A TRUE COPY
OF THE FIELD NOTES TAKEN IN
CONNECTION WITH THE SURVEY
HEREOF

SEPT. 15, 1970. *Kelly* *Emo* OL
RONALD J. EMO
ONTARIO LAND SURVEYOR

CERTIFICATE of REGISTRATION

I HEREBY CERTIFY, THAT THIS PLAN IS ONLY
REGISTERED IN THE REGISTRY OFFICE FOR THE
REGISTRY DIVISION OF THE NORTH RIDING OF
THE COUNTY OF GNEY AT 2:30 O'CLOCK ON THE
22ND DAY OF October, 1970 AS BE 325

S. C. Dunbar
S C DUNBAR
REGISTRAR OF DEEDS

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT
(1) LOTS 1 TO 66, BOTH INCLUSIVE, BLOCKS
A AND B AND G AND H STREETS, NAMELY LAKEWOOD
DRIVE AND WOODLAND PARK ROAD, AS DESIGNATED
WITHIN THE AREA OF SURVEY OUTLINED, HAVE BEEN
LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS
(2) THE STREETS ARE HEREBY DEDICATED AS
PUBLIC HIGHWAYS

PER *John C. Mifflin* JOHN C. MIFFLIN
(SECRETARY) (SECRETARY)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY, THAT
(1) THIS PLAN AND SURVEY ARE CORRECT AND
IN ACCORDANCE WITH THE SURVEYS ACT, THE REGIS-
TRY ACT AND THE REGULATIONS MADE THEREUNDER

100-6-22