

CORPORATION OF THE COUNTY OF DUFFERIN

BY-LAW NUMBER 2023-51

A BY-LAW TO RATIFY THE ACTIONS OF THE WARDEN AND THE CLERK FOR EXECUTING AN AGREEMENT BETWEEN THE CORPORATION OF THE COUNTY OF DUFFERIN, SCONE DEVELOPMENTS INC & DUFFERIN COMMON CONDOMINIUM CORPORATION NO. 44. (Assumption Agreement)

BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE COUNTY OF DUFFERIN AS FOLLOWS:

1. That the Agreement between the Corporation of the County of Dufferin, Scone Developments Inc and Dufferin Common Condominium Corporation No. 44, in a form substantially the same as attached hereto as Schedule "A" be approved.
2. That the staff of the County of Dufferin is hereby authorized to take such actions as are appropriate, and the Warden and Clerk are hereby authorized to execute such documents as are appropriate to implement the agreement referred to herein.

READ a first, second and third time and finally passed this 12th day of October, 2022.



Wade Mills, Warden



Michelle Dunne, Clerk

ASSUMPTION AGREEMENT

This Assumption Agreement made as of the 28 day of September, 2023

BETWEEN:

SCONE DEVELOPMENTS INC. (the "Declarant")

- and -

THE CORPORATION OF THE COUNTY OF DUFFERIN (the "County")

- and -

DUFFERIN COMMON ELEMENTS CONDOMINIUM CORPORATION NO. 44 (the "Condominium Corporation")

WHEREAS:

- (a) the Declarant and the County are parties to a storm sewer easement agreement made 25th day of April, 2023, between the Declarant and the County (the "**Storm Sewer Easement Agreement**") which was registered in the Dufferin Land Registry Office on April 25, 2023, as Instrument No. DC252380;
- (b) the Condominium Corporation was created by way of the registration of a Declaration registered as Instrument No. DC255811 under the *Condominium Act, 1998*;
- (c) the Condominium Corporation hereby agrees to assume the obligations of the Declarant under the Storm Sewer Easement Agreement and, in accordance with the terms of the Storm Sewer Easement Agreement, the parties hereto are entering into this Assumption Agreement.

Now therefore this Assumption Agreement witnesses that in consideration of the sum of Ten Dollars (\$10.00) of lawful money of Canada now paid by each of the parties hereto to the other and for other good and valuable consideration (the receipt and sufficiency of which are hereby expressly acknowledged), the parties hereto confirm the truth of the foregoing recitals in substance and in fact and agree as follows:



1. The Condominium Corporation hereby agrees with the County to observe and perform all of the obligations of the Declarant under the Storm Sewer Easement Agreement from and after the date hereof and agrees to be bound by the terms and conditions of the Storm Sewer Easement Agreement as if it were an original party thereto and executed the same in the place and stead of the Declarant.
2. The Declarant shall not be released, relieved or discharged from any obligations and/or liabilities arising under the Storm Sewer Easement Agreement prior to the date hereof.
3. The County agrees that the Condominium Corporation shall have the benefit of the Storm Sewer Easement Agreement from and after the date hereof.
4. Capitalized terms used, but not defined herein, have the meanings attributed to them in the Storm Sewer Easement Agreement.
5. This Assumption Agreement may be executed in one or more counterparts, each of which so executed shall constitute an original and all of which together shall constitute one and the same Amending Agreement. This Assumption Agreement may be transmitted by electronic transmission, in which case all signatures and initials shall be deemed to be original.

In witness whereof the parties have executed this Assumption Agreement.


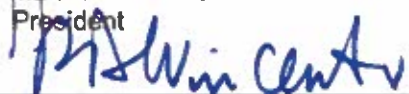
SCONE DEVELOPMENTS INC.

Per: 
Name: Matthew Melchior
Title: Authorized Signing Officer
I have the authority to bind the Corporation.

THE CORPORATION OF THE COUNTY OF DUFFERIN

Per: 
Name: Wade Mills
Title: Warden
Per: 
Name: Michelle Dunne
Title: Clerk
I/We have the authority to bind the Corporation.

DUFFERIN COMMON ELEMENTS CONDOMINIUM CORPORATION NO. 44

Per: 
Name: Matthew Melchior
Title: President
Per: 
Name: Rick De Vincenzo
Title: Secretary
I/We have the authority to bind the Corporation.