

THIS AGREEMENT MADE THIS _____ DAY OF _____, 2023

BETWEEN: THE TOWN OF RIVERVIEW, a municipal corporation,
incorporated under the Legislative Assembly of the Province of New Brunswick
and located at 30 Honour House Court, Riverview, County of Albert, Province
of New Brunswick, E1B 3Y9,

hereinafter called the “Town” Of the First Part;

-and-

Diallo Developments Ltd., 356 Ryan Street, Moncton, NB E1G 2W3

hereinafter called the “Proponent” Of the Second Part

WHEREAS the Proponent has applied to rezone the property located on Buckingham Avenue, identified as PIDs 00993915 as shown on Schedule A-10, from R1 – Single Unit Dwelling to R3 – Multiple Unit Dwelling to accommodate two multi-unit buildings;

AND WHEREAS the Planning Advisory Committee has recommended that the Town rezone the lands from R1 to R3 in accordance with, and subject to the provisions contained in section 59 of the *Community Planning Act*, and subject to certain terms and conditions herein set forth;

NOW THEREFORE in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Proponent’s Covenants

The Proponent covenants and agrees to develop the lands in compliance with the following terms and conditions:

- a) That prior to a building/development permit being issued, an overall subdivision plan be submitted to the Development Officer, and that the location of streets and lands for public purpose be approved by Council;
- b) That notwithstanding section 91(1) of the Town of Riverview Zoning By-law, the maximum height of each building shall be four storeys and 15 metres;
- c) That the development shall be in general conformity with the site plan and building elevations attached as Schedules A-10-1 and A-10-2;
- d) That landscaping shall be provided as shown on the site plan attached as Schedule A-10-1 with a minimum buffer width of 10m where the property abuts adjacent R1 properties;
- e) That nothing shall prohibit the proponent from applying for a variance under section 55 of the *Community Planning Act* for zoning provisions that are not addressed within the scope of this agreement; and
- f) That as-built drawings for engineering submissions shall be required within 30 days after construction.

2. The Town’s Covenants

The Town covenants with the Proponent as follows:

- a) That the Town will undertake to carry out all necessary procedures to ensure that modifications to the zoning map shall conform with the attached Schedule A-10 subject to the terms herein contained and for the purposes stated herein.

3. Notices

Any notices under this agreement shall be sufficiently given by personal delivery by registered mail, postage prepaid, and mailed in a Canadian Post Office, addressed:

Proponent	Town
YERO DIALLO DIALLO DEVELOPMENTS LTD. 356 RYAN STREET MONCTON, NB E1G 2W3	TOWN OF RIVERVIEW ATTN: TOWN CLERK 30 HONOUR HOUSE COURT RIVERVIEW, NB E1B 3Y9

4. The Proponent acknowledges and agrees that notwithstanding anything contained herein, the approval of the Town to the amendment to the zoning of the land is wholly conditional upon compliance by the Proponent with the terms and conditions herein, and further shall be of no effect until the zoning amendment is perfected pursuant to subsection 59(2) of the *Community Planning Act* of New Brunswick.

5. Successors

THIS AGREEMENT enures to the benefit of, and binds the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF the Town and the Proponent have caused their authorized officers and themselves to execute this agreement and to affix their seals, the day and year first above written;

SIGNED, SEALED AND DELIVERED

THE TOWN OF RIVERVIEW

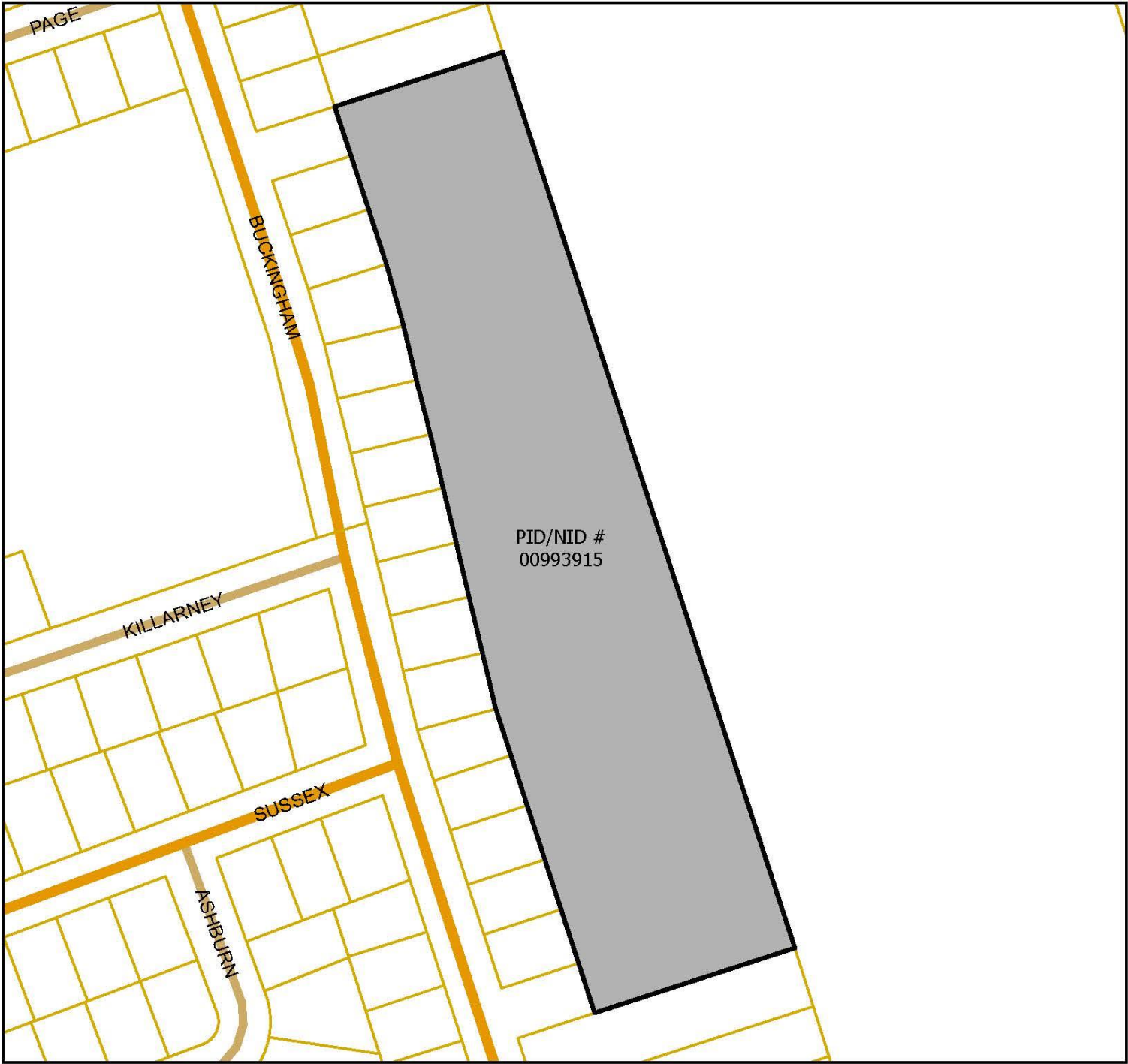
MAYOR

CLERK

PROPONENT

YERO DIALLO
DIALLO DEVELOPMENTS

Schedule A-10
Town of Riverview
ZONING MAP
Date: 2022-11-12



Legend

 Rezoning from R1, Single Unit Dwelling to R3, Multiple Unit Dwelling



0 25 50 m



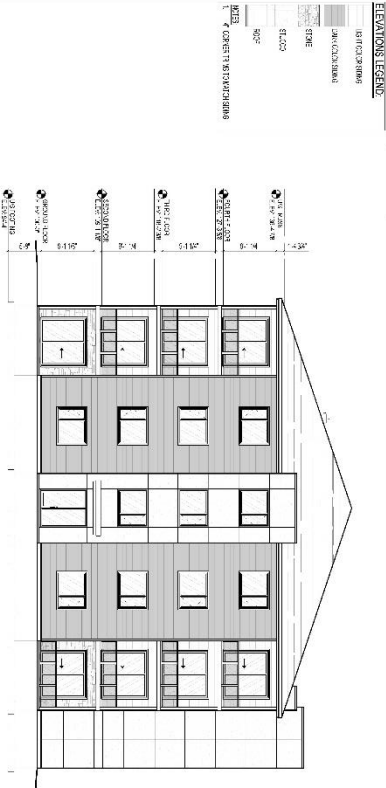
1 WEST ELEVATION (BUILDING 1)



BUCKINGHAM APARTMENTS

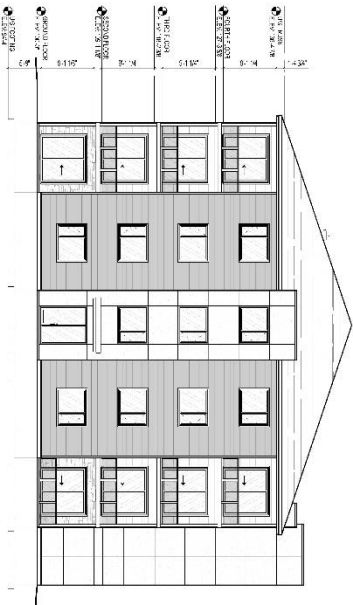
RENDERING NO.

2 EAST ELEVATION (BUILDING 1)

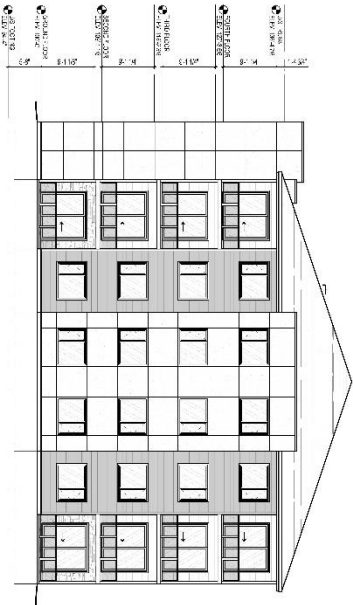


SCALE 3/32"=1'-0"

3 NORTH ELEVATION (BUILDING 1)



4 SOUTH ELEVATION (BUILDING 1)



SCALE 3/32"=1'-0"