

THIS AGREEMENT MADE THIS _____ DAY OF _____, 2024

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-

J.D. IRVING, LIMITED, a corporation duly incorporated and maintained under the laws of the Province of New Brunswick, maintaining an office at 35 Micmac Blvd, Suite 100, Dartmouth, Halifax Regional Municipality, County of Halifax, Province of Nova Scotia B3A 4Y8

hereinafter called the “Owner” Of the Second Part

WHEREAS the Owner has applied to rezone a portion of the property located within the boundaries of the Town on Coverdale Road bearing PID 00645754 as shown on Schedules A-17-1 and A-17-2 (hereinafter the “Lands”) from “RA” (Rural Area) to “MD” (Manufactured Dwelling), for the purpose of a manufactured dwelling community;

AND WHEREAS the proposed purpose is not a permitted use under the present zoning of the Lands;

AND WHEREAS the Planning Advisory Committee has recommended that the Town rezone said Lands 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 Owner’s Covenants

The Owner covenants and agrees to develop the Lands in compliance with the following terms and conditions:

- a) That the Lands must be developed as a manufactured dwelling community in substantial conformity with the site plan, phasing plan, and lot layout dated June 11, 2024, attached hereto as Schedules A-17-1, 2, and 3, (the “Development”) including maintaining the 60m buffer on the northern and eastern boundaries of the Lands;
- b) That the Development be considered a private development, and that the Owner be solely responsible at its sole cost, to install and maintain all infrastructure services on the Lands including, but not limited to, private streets, water and sanitary sewer infrastructure, streetlamps, garbage collection and amenity space within the Development;
- c) That the private streets within the Development shall be designed and the construction supervised by a licenced professional engineer in the Province of New Brunswick, and installed by a qualified contractor with all applicable codes met and at the sole cost of the Owner;
- d) A left-hand turn lane shall be installed on Coverdale Road prior to occupancy of the Development by any residents and shall be built to the Town’s standards and at the sole cost of the Owner;
- e) Temporary turnrounds shall be installed at the end of each street phase of the Development per Town specifications at the Owner’s sole cost;
- f) That a gated emergency exit driveway be developed per the Town of Riverview Emergency Access Policy, and that a master key or access code to the gate be provided to the Town of Riverview Fire Department for emergency access;

- g) That the Development’s water and sanitary sewer connection to the municipal system include a transfer vault and must be maintained by the Owner at its sole cost, based on industry best practices;
- h) That a stormwater management system be installed and maintained by the Owner on the Lands, at its sole cost, per the servicing strategy provided to and approved by the Town, and that the off site pre flow is maintained or reduced from pre-peak levels. The stormwater pond shall be installed prior to occupancy of the Development by any residents in Phase 1; and
- i) That a civic addressing plan for the Development be submitted prior to any building/development permits being issued.

2. The Town’s Covenants

The Town covenants with the Owner as follows:

- a) That the Town will undertake to carry out all necessary procedures for the zoning amendment to have the Lands zoned to “MD” (Manufactured Dwelling) subject to 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:

Owner	Town
J.D. IRVING, LIMITED 35 MICMAC BLVD, SUITE 100 DARTMOUTH, NS B3A 4Y8 ATTENTION: STEFAN HODDINOTT	TOWN OF RIVERVIEW ATTN: TOWN CLERK 30 HONOUR HOUSE COURT RIVERVIEW, NB E1B 3Y9

- 4. The Owner 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 Owner 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 Owner 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

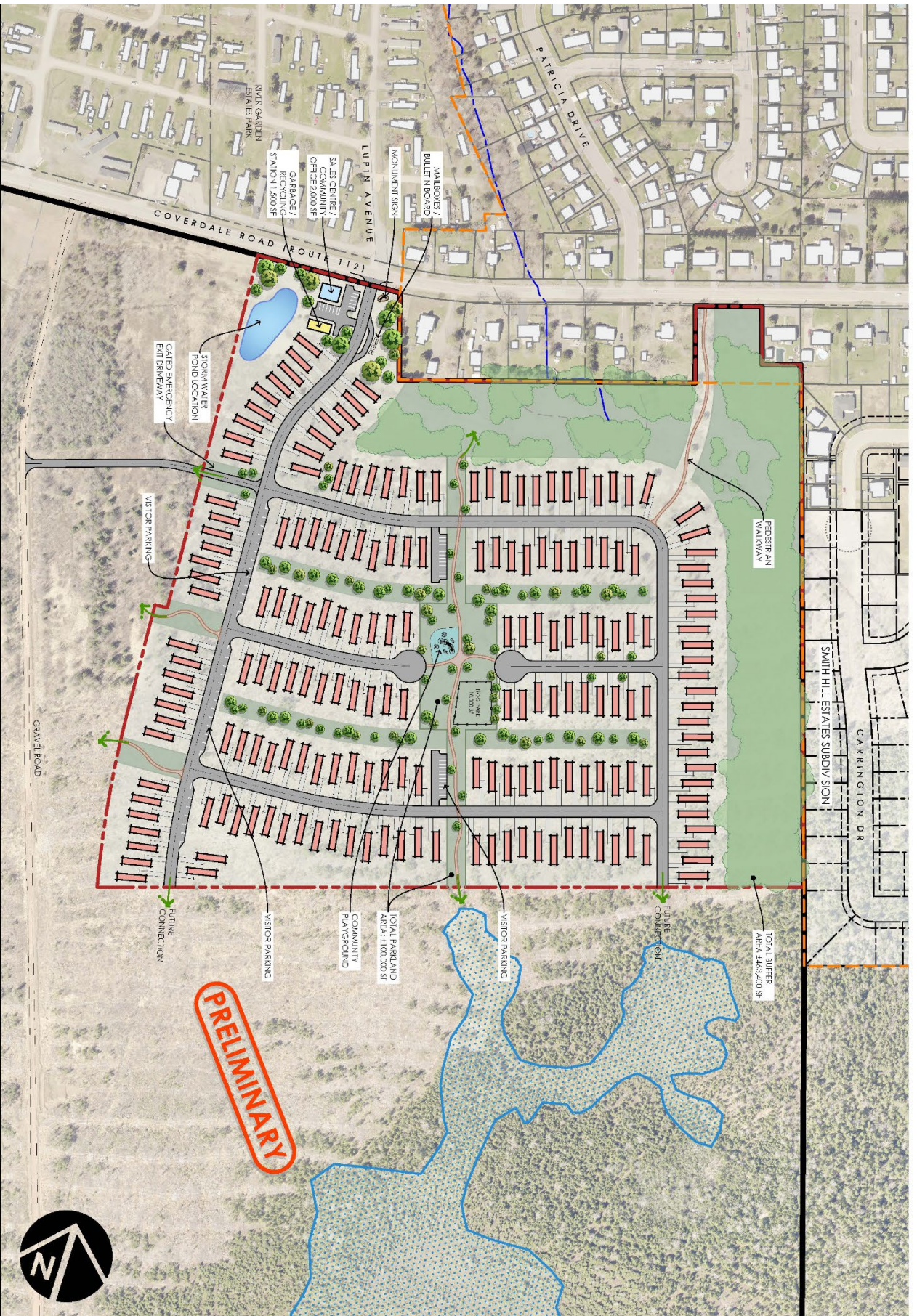
J.D. IRVING, LIMITED

Per:

Per:

DRAFT

SCHEDULE A-17-1



LEGEND

- Boundary (PID: 004572)
- Site Boundary
- Adjacent Property Bound
- Wetland
- Urban Growth Boundar

SITE SUMMARY:

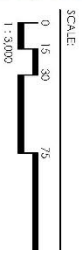
- PID: 0045724
- Site Area: 21.9 Ha
- Total Land Area: 21.61 Ha
- Existing Zone: RM / BA
- No. of Units: 196 dwellings
- Main Driveway Length: 1,756m
- Emergency Driveway Length: 187m

NOTES:

- Subject to survey. Property lines on topographic features are approx only.
- Site subject to by-law review and regulations.

SOURCES:

- Plan based on WSP file: 21.1.13542 - Coverdale Rd Development_Tp CI [2023-09-22].dwg

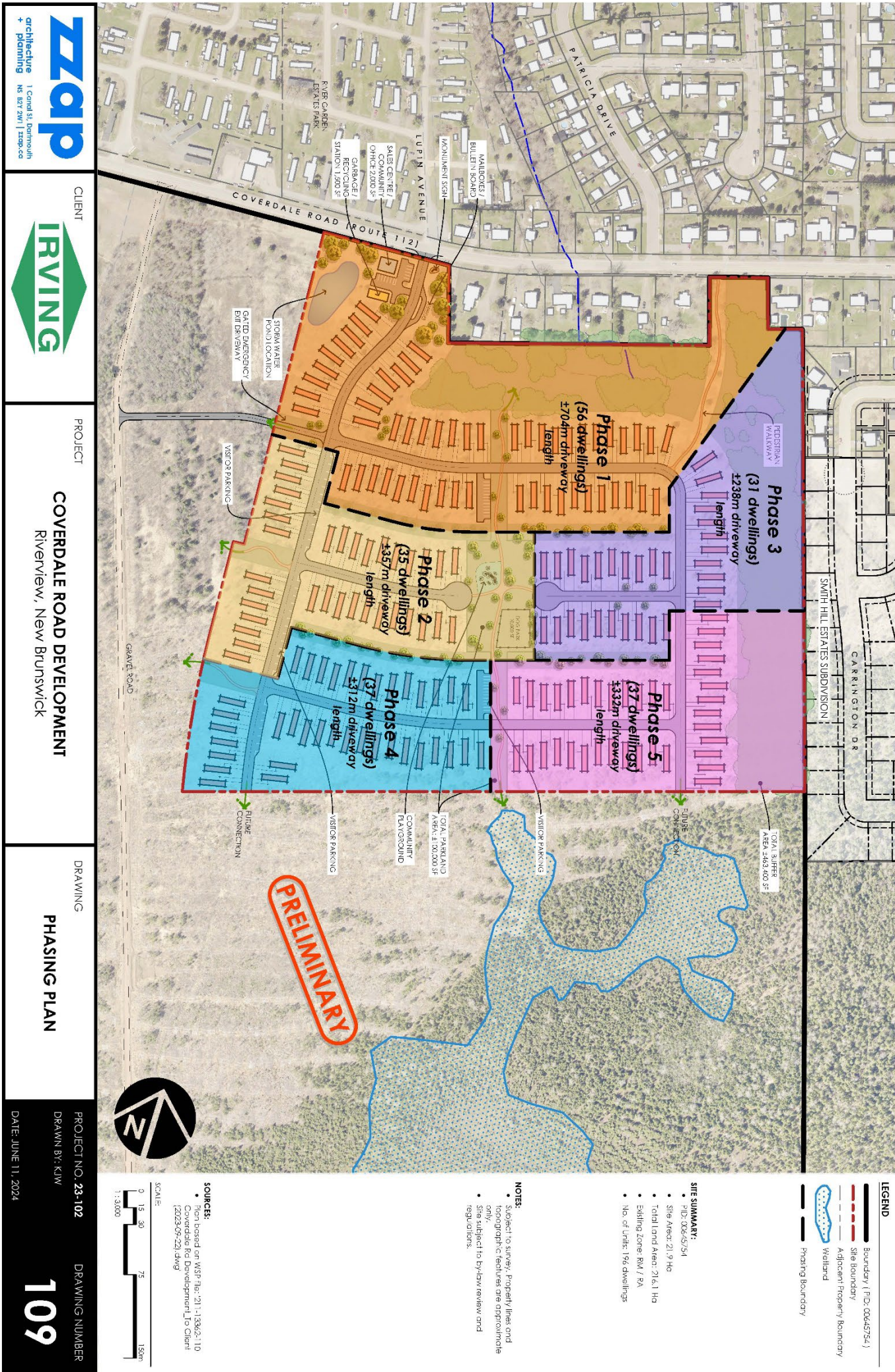


PRELIMINARY

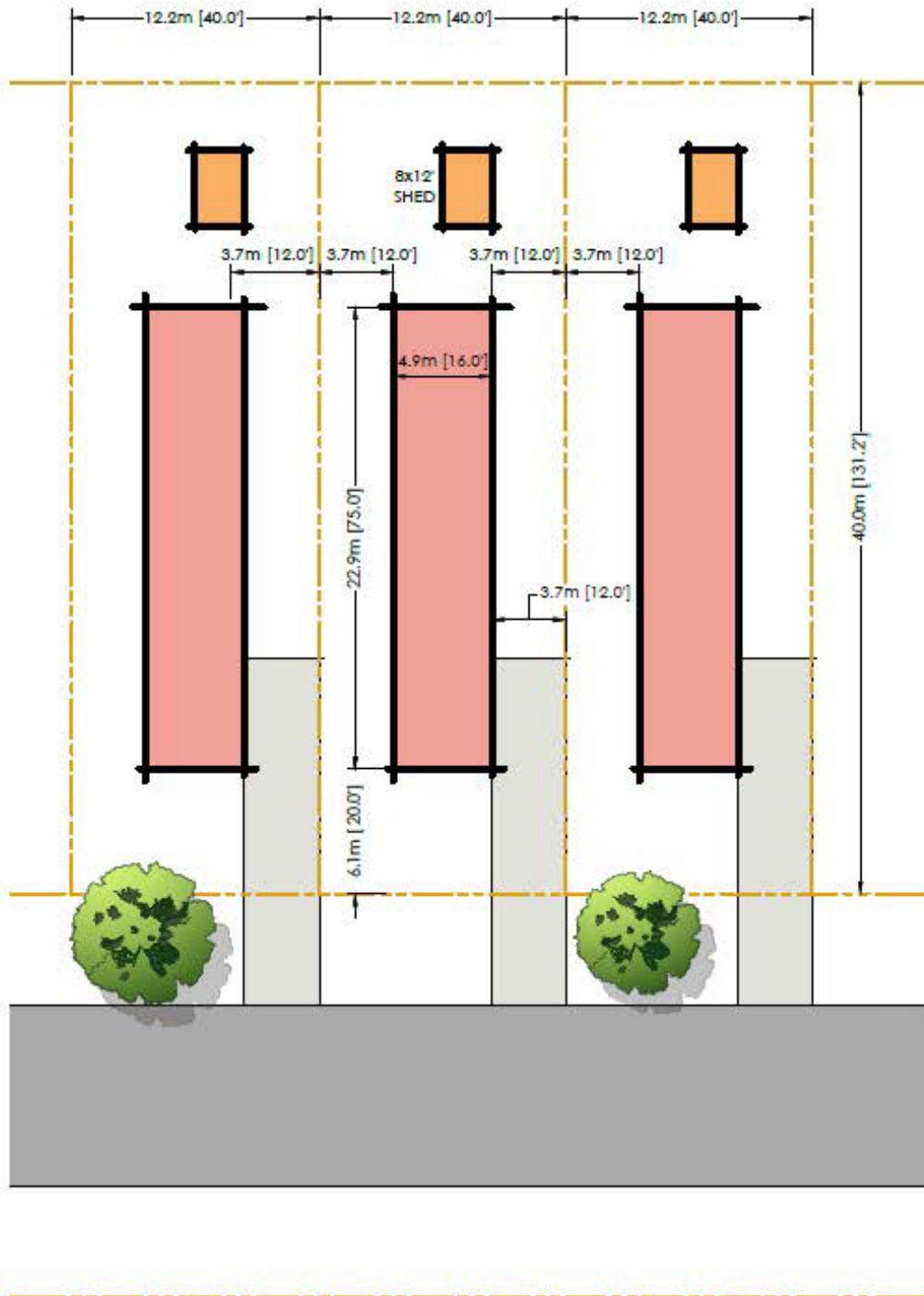
 <p>CLIENT</p> 	<p>PROJECT</p> <p>COVERDALE ROAD DEVELOPMENT</p> <p>Riverview, New Brunswick</p>	<p>DRAWING</p> <p>SITE PLAN</p>
	<p>PROJECT NO. 23-102</p> <p>DRAWN BY: KJW</p> <p>DATE: JUNE 11, 2024</p>	<p>DRAWING NO.</p> <p style="font-size: 48px; font-weight: bold;">108</p>

SCHEDULE A-17-2

FILE: C:\Users\Ken\Zwickler Zoreski Architecture & Planning\Projects - 2023 Projects\23-102 JDI RiverView Rezoning\4_Planing\1-DWG\23-102-SITE_PLAN-109.dwg SHEET: Phasing



SCHEDULE A-17-3



40' LOT LAYOUT