



## The Corporation of the Town of Pelham

By-law No. 53-2024

### **Being a By-law to Authorize the Mayor and Clerk to enter into an Agreement with Sterling Realty (Niagara) Inc. for the Refund of Development Charges Relating to the Construction of Station Street from Port Robinson Road to Walker Road.**

**WHEREAS** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

**AND WHEREAS** the Developer is a corporation engaged in the development of lands within the Town of Pelham, including lands in the vicinity of a road municipally known as Station Street;

**AND WHEREAS** the development of the Lands requires an extension of Station Street from Port Robinson Road to Walker Road;

**AND WHEREAS** the development charges study undertaken by the Town in 2018 identified a portion of the Station Street Extension as being fundable by development charges;

**AND WHEREAS** the Town and the Developer agree that coordinated completion of the Station Street Extension is in their mutual best interests;

**AND WHEREAS** the Town and the Developer agree that the Developer shall complete the Station Street Extension in accordance with the terms and conditions of the future Subdivision Agreement and this Agreement;

**AND WHEREAS** the Council of the Corporation of the Town of Pelham deems it necessary and desirable to enter into the Agreement;

**NOW THEREFORE** the Council of the Corporation of the Town of Pelham enacts as follows:

- 1. THAT** the Development Charges Refund Agreement attached hereto and made part of this by-law between the Sterling Realty (Niagara) Inc. be and is hereby approved; and
- 2. THAT** the Mayor and Clerk be and are hereby authorized and directed to execute the agreement annexed hereto as Schedule "A" to the by-law and to affix the corporate seal thereto.

### **3. Effective Date**

3.1. This By-law shall come into force on the date that it is passed.

Read, enacted, signed and sealed this 14th day of August, 2024.

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Marvin Junkin, Mayor

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Holly Willford, Town Clerk