



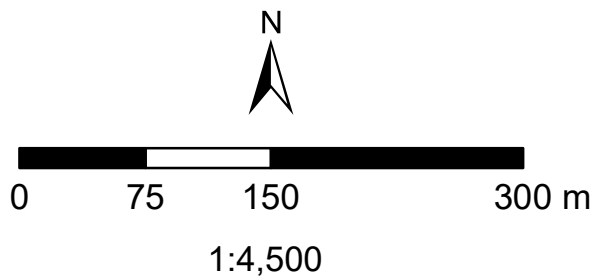
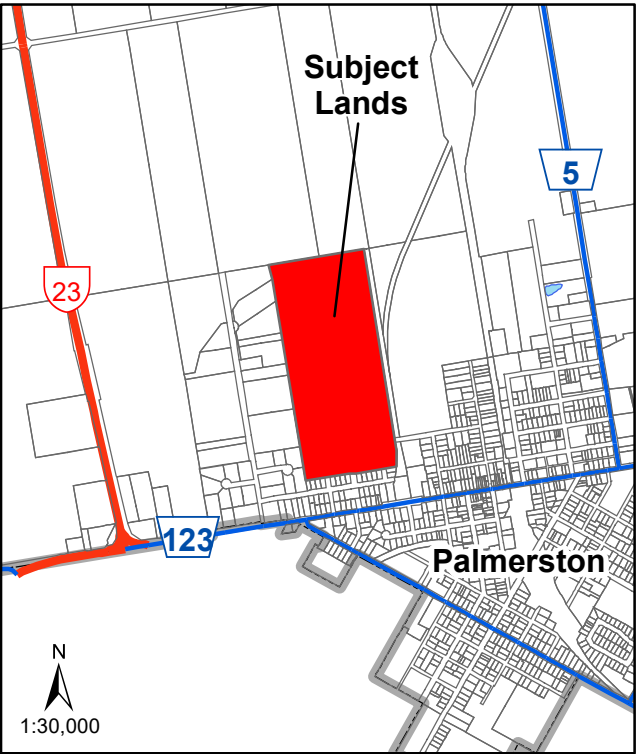
COUNTY OF WELLINGTON
LAND DIVISION

B150-22

Applicant:
Barry Heinmiller

Town of Minto

65 Lorne St. N
(Palmerston)



Date: January 2023
Produced by: County of Wellington Planning & Development Department

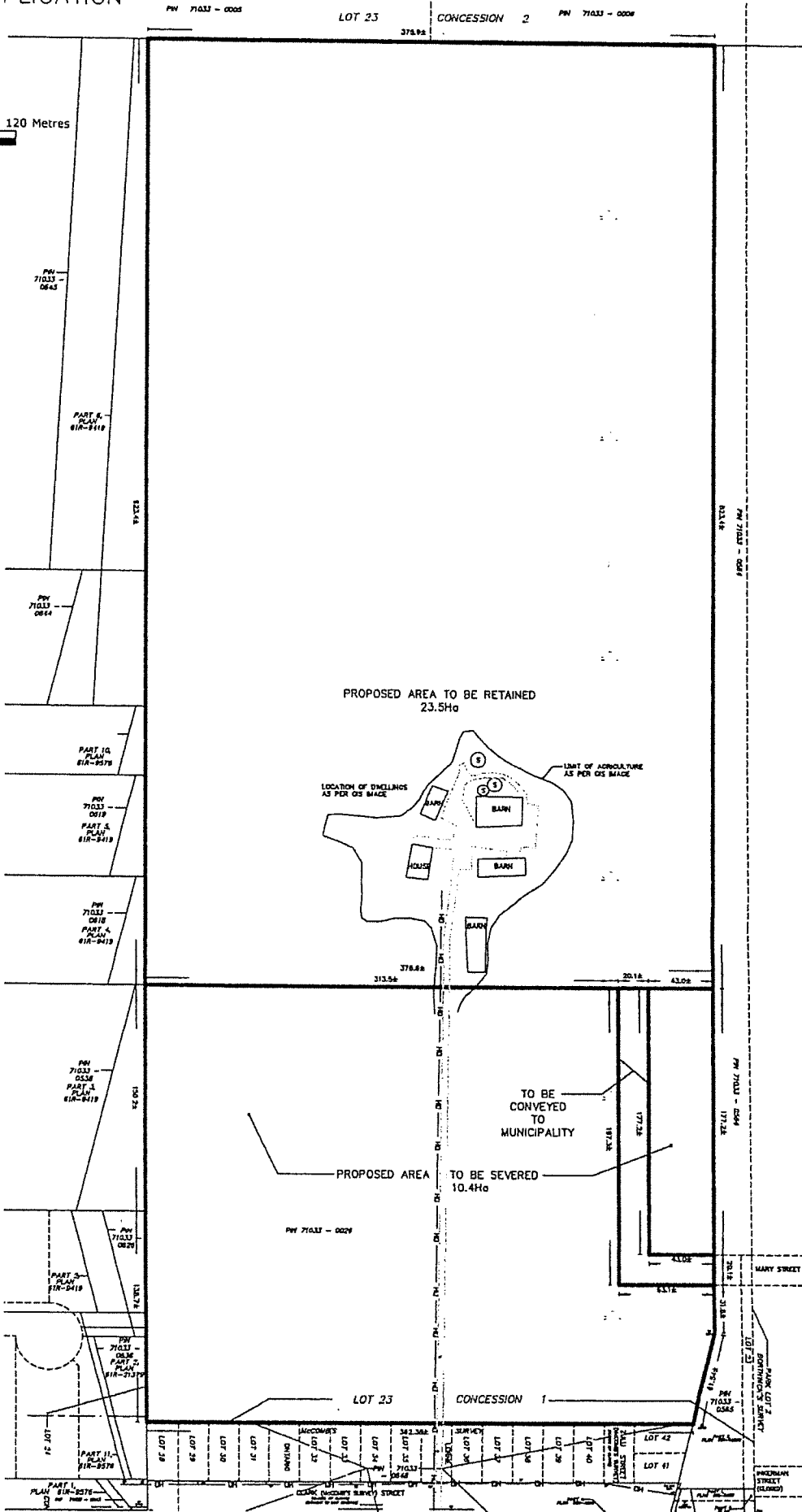
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SKETCH FOR SEVERANCE APPLICATION
(TOWN OF PALMERSTON)
TOWN OF MINTO
COUNTY OF WELLINGTON
Scale 1 : 3000
120 90 60 30 0 60 120 Metres
WILSON-FORD

PAGE 1-2



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THIS SKETCH WAS PREPARED FOR BREYMARK HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES

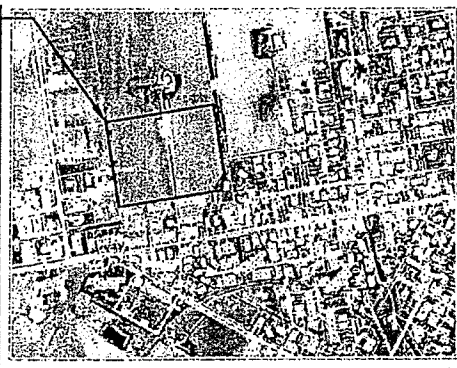
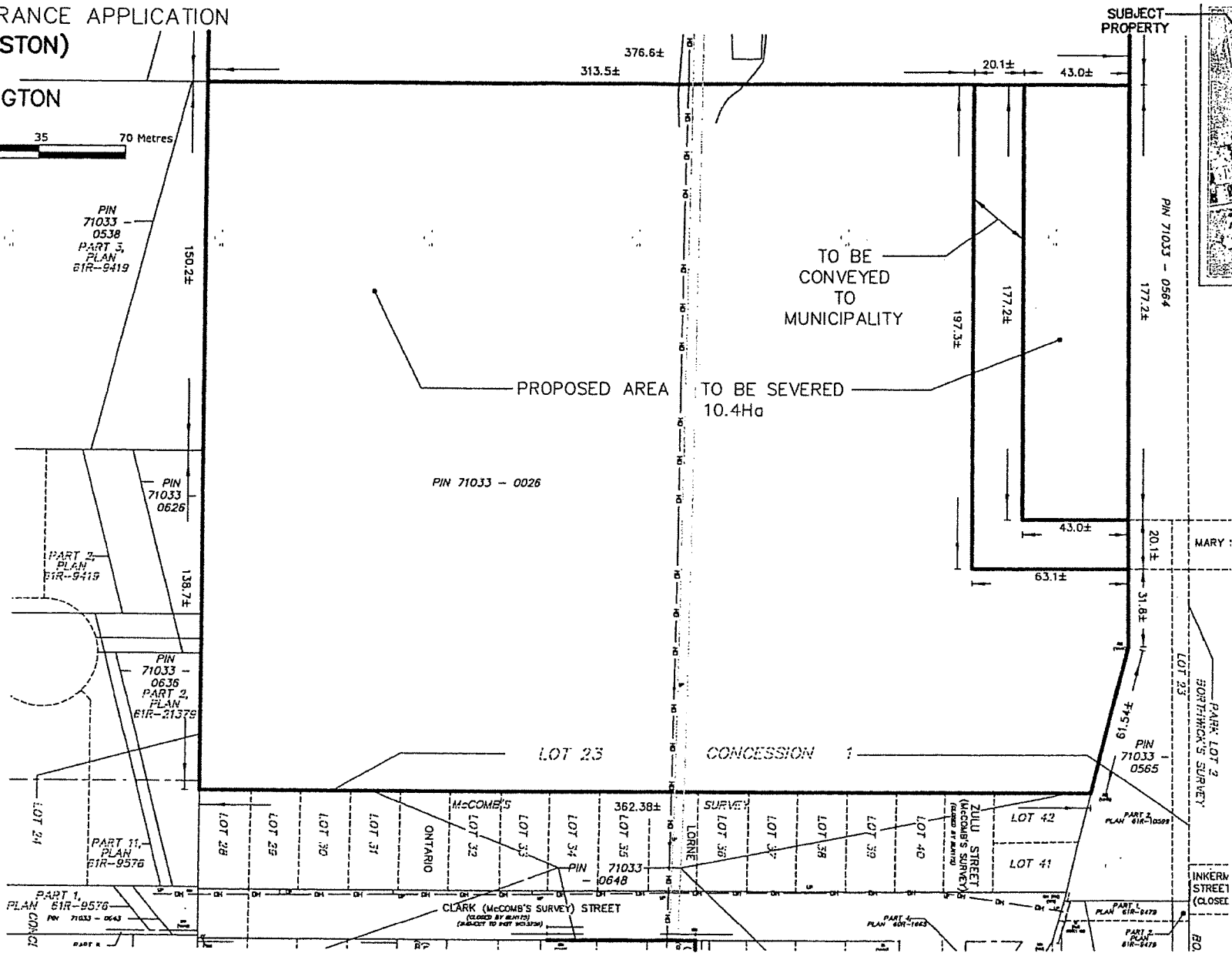
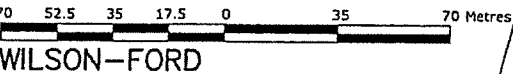
6 OCTOBER, 2022

GREG FORD, P.Eng(CIVIL)
ONTARIO LAND SURVEYOR

WILSON - FORD
Surveying & Engineering
120 KING ST. E., Box 294,
MOUNT FOREST ON, N0G 2L0
PHONE (519)323-2451

PROJECT No.: 21-9522-1 ROBSON CARPENTER

SKETCH FOR SEVERANCE APPLICATION
(TOWN OF PALMERSTON)
TOWN OF MINTO
COUNTY OF WELLINGTON
Scale 1 : 1750



KEY MAP
PAGE 2-2

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NOTES:
DIMENSIONS SHOWN HEREON REPRESENT A COMPILATION OF VARIOUS PLANS AND DEEDS AND DO NOT REFLECT THE RESULTS OF AN ACTUAL CURRENT FIELD SURVEY.

THIS SKETCH WAS PREPARED FOR BREYMARK HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.
6 OCTOBER, 2022
GREG FORD, P.Eng(CIVIL)
ONTARIO LAND SURVEYOR

WILSON - FORD
Surveying & Engineering
120 KING ST. E., Box 294.
MOUNT FOREST ON, N0G 2L0
PHONE (519)323-2451
PROJECT No.: 21-9522-1 ROBSON CARPENTER

REPORT SUMMARY

OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION
NOTE: IF EXPEDITED ATTENDANCE NOT REQUIRED BEFORE THE LAND DIVISION COMMITTEE.
SIGN AND RETURN 'AGREEMENT TO CONDITIONS' LETTER IMMEDIATELY.

Date of Consideration: 06/08/2023 ITEM #6
File Number: B150-22
Applicant: Barry Heinmiller
Subject Lands: Town of Minto (Palmerston) - Part Lot 23
Concession 1

Proposal is a request for consent to convey fee simple for a proposed severed parcel 10.4 ha, existing agricultural use – proposed future subdivision phasing Note – municipal condition to address registered ROW in favour of retained; retained lands are agricultural 23.5 ha, existing buildings

ISSUES: previously deferred to address additional information related to access on site

SUMMARY of FILED REPORTS and COMMENTS:

Planning Review	notice cards were posted at time of site visit; application is consistent with Provincial Policy and conforms to Official Plan - Urban Centre of Palmerston; subject lands are currently within a dual designation and zoning. Intent of application to sever the subject lands so that each parcel of land is in a singular designation and zone. Result of severance is a loss of frontage for the retained; subject lands currently accessed via an existing entrance. understood there are future plans to gain access to severed and retained lands for future and existing use; zoning compliance and driveway access conditions
County Roads Department	no objections; no entrance condition required
Town of Minto	council recommends approval of Consent with conditions; application conforms with County of Wellington's Official Plan provided conditions included and addressed; severed and retained comply with Zoning By-law with recommended conditions; sever the residentially developable portion from the future development portion of the subject property; retained parcel has existing buildings. a portion of the severed is also proposed to be conveyed to the Town so the retained parcel can maintain legal frontage.
Maitland Valley CA	no formal comments
Source Water	application can be screened out and does not require a Section 59 notice under the Clean Water Act.
Miscellaneous	Cuesta Planning Consultants UPDATED COMMENTS as a result of deferral (May 16, 2023); a copy of a draft Access Agreement has been provided between Barry Heinmiller, Breymark Homes Inc. and Town of Minto; also a signed confirmation from neighbour Steve Heinmiller addressing conditions within Access Agreement; (Condition #7 on Report Summary; Items 8 & 9 on Access Agreement)
Miscellaneous	Steven Heinmiller c/o James Burns - Monteith Ritsma Phillips Professional Corp. - request notification of consideration and decision.

PROPOSED CONDITIONS of APPROVAL

- 1) THAT the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
- 2) THAT the Solicitor for the Owner give a signed undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document including the Form 2 Certificate for Consent
- 3) THAT the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review and issuance of the Certificate of Consent for the severed parcel.
- 4) THAT the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor shall provide a full print of that deposited reference plan(s) as well as a digital PDF copy to the secretary-treasurer of the Planning and Land Division Committee.
- 5) THAT the owner/applicant satisfies all the requirements of the Town of Minto, financial and otherwise, which the Town of Minto may deem to be necessary for the proper and orderly development of the subject lands, including but not limited to, the payment of any monies owed to the Town of Minto, and that all accounts are in good standing; and further that the Town of Minto file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 6) THAT the owner enters into an Agreement that should the existing driveway currently used by the owner to access Lorne St become compromised, it is the owners sole responsibility to install a new driveway connecting to Mary St over the portion of land to be conveyed to the Town; and further that the Town of Minto file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

- 7) **THAT** the Agreement is legally registered on title by the owner and proof is provided to the Town; and further that the Town of Minto file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 8) **THAT** the ownership of the lands shown to connect Mary Street to the retained land be conveyed to the Town, in a manner deemed acceptable by the Town; and further that the Town of Minto file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 9) **THAT** the owner/applicant is aware that any new driveways require an entrance permit from the road authority with jurisdiction and to the satisfaction of the Town of Minto; and further that the Town of Minto file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 10) **THAT** the owner/applicant obtains a written statement from the Town of Minto confirming the proposed lots and associated land uses, buildings and structures comply with applicable requirements in the Town of Minto; and further that the Town of Minto file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 11) **THAT** zoning compliance be achieved for the retained lands to the satisfaction of the local municipality; and further that the Town of Minto file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

*****Conditions may be deleted, added to, or changed at meeting*****

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph, ON N1H 3T9

May 25, 2023

NOTICE OF CONSIDERATION IN PUBLIC FORUM

Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations

with respect to Application for consent,

File B150-22

<u>APPLICANT</u>	<u>LOCATION OF SUBJECT LANDS</u>
Barry Heinmiller 65 Lorne St. N Palmerston NOG 2P0	Town of Minto (Palmerston) Part Lot 23 Concession 1

Proposed severance is 10.4 hectares, existing agricultural land to establish lands for future subdivision phasing. Note: a municipal condition will address a registered right-of-way in favour of retained.

Retained parcel is 23.5 hectares with 20.1m frontage from conveyance to Town of Minto, existing and proposed agricultural use with existing dwelling, barn/workshop and outbuildings.

ITEM #6 ON AGENDA

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, JUNE 08, 2023 AT 09:00 AM** for the purpose of considering this matter.

CONSIDERATION WILL BE HELD IN THE: 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

PLEASE NOTE: To avoid application deferral, any **new** information addressing comments presented in the attached Report Summary are to be submitted to the Secretary Treasurer of Land Division **no later than THURSDAY, JUNE 1, 2023 by 1:00 pm.**

NOTICE is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR SHOULD ATTEND THIS CONSIDERATION.** Any person may be represented by counsel who has been duly authorized for that purpose.

Even if the owner/applicant does not attend, the Committee will consider the application as scheduled, and the applicant, except as otherwise provided in the Planning Act, will not be entitled to any further notice in the Proceedings.

Please also be advised that if a person or public body that filed an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Land Tribunal may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

Additional Information regarding the application is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office - 74 Woolwich St. Guelph ON N1H 3T9
Phone - (519) 837-2600 x2170 Fax - (519) 837-3875

To view comments for this application on our website www.wellington.ca follow these steps:

- ⇒ **Government**
- ⇒ **Council and Standing Committees**
- ⇒ **Agenda & Minutes**
- ⇒ **Select Land Division Committee**
- ⇒ **choose month & year in drop down menus**
- ⇒ **open appropriate agenda**

To: Barry Heinmiller
Cuesta Planning Consultants
Others: Steven Heinmiller

B150-22 - MINUTES

Appearing Before the Committee: Genevieve Scott – agent; Zachary Prince – P&D Staff;
Steve Heinmiller – neighbour

NOTE: agent and neighbour not in attendance at start of consideration

Public Hearing Notes: Land Division Committee considered aerial views and pictures of the site and written reports; Zachary Prince – neighbour concerns with driveway through property; existing draft plan of subdivision has been red-lined; severed parcel is for future subdivision; legal access for retained agricultural land in back; severed condition - dedicate Mary Street extension to provide frontage to retained;

- Neighbour arrival (application reintroduced)

Steve Heinmiller – was concerned with Right-of-Way through my property (Lorne Street) to Barry's; possible closed off; Z. Prince – retained piece will have legal frontage (Mary Street); M. Lloyd – Red Line? Z. Prince – adjusting boundaries of old draft approved plan; Steve Heinmiller has shared driveway now; S. Heinmiller – will Town put up or will I be allowed to put up a barricade? Z. Prince – Town will provide when subdivision developed; S. Heinmiller – don't want my access overburdened when developed; Barry Heinmiller (applicant) has a Right-of-Way access; hoping blocked off through my property; Warden Lennox – legal ROW that exists on property;

- Agent arrived 10 minutes into consideration (application reintroduced)

Genevieve Scott – application here today – consent intended for Phase 2; original subdivision – Breymark Homes; red line from 40 – 61 units; severed is next Phase of development; not sure the number of units yet; sufficient capacity with sewer and water; farm lands brought into urban limits; lands severed R2; rest of farm – Holding; Barry Heinmiller has existing access through severed parcel; second access – convey ROW condition of consent frontage on Mary Street; Warden Lennox - concern is the ROW current access and if ROW exists legally through the subdivision and make a condition that the ROW is not an encumbrance going forward; G. Scott - Mary Street built out; Barry has access – will lift this; right now maintain access; if necessary build access from Mary Street; Warden Lennox – access condition? G. Scott – access dealt with through red-line; M. Lloyd – close Lorne Street – become driveway; Warden Lennox - This on red line? G. Scott – no – discussion with Mr. Heinmiller to purchase; ROW across private lands; M. Lloyd – heavy traffic through to the land; S. Heinmiller – when excavating what happens? Will they be coming through ROW or on Ontario Street? Single driveway; G. Scott – could look into the timing of build out; don't know whether severance of second phase affects – could add wording into red-line revision; that application is not in front of us today; Ontario Street and intersection; Z. Prince – if were to start earth works on site now – how? G. Scott – if now – might be through Lorne Street; we are not there yet; could discuss with Breymark; right now if work done it would be through that access; Warden Lennox – if granted we are not granting an access easement; M. Dehn – is there access to retained off Minto Road? S. Watters – how to proceed? M. Lloyd- premature if comments look at other file and changes are settled; M. Dehn – concern with heavy equipment going through – needs to be resolved; Warden Lennox – in favour of severance and land locked; just unfair with access through Lorne St; staff working on red line plan needs to address easement ROW; G. Scott – Ontario Street – when the original Clark/Heinmiller – thought it was owned by Town, but it is owned by the developer; they do own portion of Ontario Street and can be used as well; is an option to build a route in; if concern of impact on Lorne Street; S. Watters – good to have an understanding;

Moved by Councilor Lloyd

Seconded by Councilor Dehn

THAT application B150-22 be deferred to have the agent provide additional information as it relates to access onto the site.

Carried (4-0)

Jana Poechman

From: Deborah Turchet
Sent: Friday, May 19, 2023 11:05 AM
To: Jana Poechman
Subject: FW: B150/22 (Phase 2 Clark-Heinmiller)
Attachments: Access_Agreement_for_ConsentDRAFT.pdf; May8_23SHeinmillersignltr.pdf

From: Cuesta Cuesta Planning <cuesta@cuestaplanning.com>
Sent: Friday, May 19, 2023 9:41 AM
To: Deborah Turchet <debt@wellington.ca>
Cc: Zachary Prince <zacharyp@wellington.ca>; Keith Rey craft <keith@breymark.com>; Brett <brett@breymark.com>; Annie Bailey <abailey@rc llp.ca>
Subject: B150/22 (Phase 2 Clark-Heinmiller)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you know the contents to be safe.

Dear Deborah:

Attached please find a draft Access Agreement which provides details related to provision of access to Mary Street for Mr. Barry Heinmiller once the Phase 2 lands are transferred. Access to the retained parcel will be provided through a conveyance of lands to the Town of Minto (Town).

The Agreement also requires the Town re-convey some or all of these lands if necessary during the design/development of Phase 2 of the Clark-Heinmiller lands.

The Agreement has also included Breymark as a party and provides details related to construction traffic access to Phases 1 and 2 of the Clark-Heinmiller subdivision during development (see Clauses 8 and 9).

The entering into this Agreement can form a condition of the subject consent.

Requirements related to access for construction traffic during Phases 1 and 2 development can also be reiterated as a condition of draft plan approval for the redline amendment and can include a requirement to relinquish the access easement over Mr. Steven Lorne Heinmiller's lands as a condition of final approval.

The attached draft Agreement (Agreement to form a condition of approval of the Phase 2 consent as noted above) and above noted suggested draft plan approval condition/requirement should address the concern outlined by Mr. Steven Heinmiller at the Land Division Committee.

In addition to the Agreement, I have attached a signed and dated letter from Mr. Heinmiller indicating he is accepting of the approach noted above.

Please accept this email and attached supporting materials, as a request to have the consent application brought forward again to the Land Division Committee for consideration.

Please advise this office if you have any questions and thanks in advance,
Genevieve

Cuesta Planning Consultants Inc.

978 First Avenue West

Owen Sound, ON N4K 4K5

Phone: 519-372-9790

Fax: 519-372-9953

ACCESS AGREEMENT

BETWEEN:

BARRY LAVERNE HEINMILLER (“Heinmiller”)

- and -

BREYMARK HOMES INC. (“Breymark”)

- and -

THE CORPORATION OF THE TOWN OF MINTO (“TOWN”)

WHEREAS:

- A. Heinmiller owns the lands legally described as Part Lot 23 Concession 1 Minto as in RO695148; Minto (being PIN 71033-0026 (LT)) (the “Heinmiller Lands”);
- B. Breymark owns the lands south of the Heinmiller Lands which are legally described as Lots 16 to 19, 22 to 42 Plan McComb’s Palmerston; Zulu Street Plan McComb’s Palmerston; Clark Street Plan McComb’s Palmerston; Ontario Street Plan McComb’s Palmerston; Reserve Plan McComb’s Palmerston; Part of Lorne Street Plan McComb’s Palmerston as in RO695149 as closed by BLN175; Town of Minto (being PIN 71033-0648 (LT)) (the “Breymark Lands”);
- C. Heinmiller applied to the Town for consent to convey a portion of the Heinmiller Lands (the “Severance”) as described in Town File Number B150-22 and shown in Schedule A as the “Proposed Area to be Severed” and referred to herein as the “Severance Lands”;
- D. As a condition of granting the Severance, the Town requires Heinmiller to convey to the Town the portion of the Severance Lands labelled “To Be Conveyed to Municipality” in Schedule A which are herein referred to as the “Town’s Lands”;
- E. The purpose of conveying the Town’s Lands to the Town is to ensure Heinmiller maintains pedestrian and vehicular access to an open, public street after the Severance is complete;
- F. Breymark intends to develop the Breymark Lands into a residential subdivision (“Phase 1”) and, following Breymark’s purchase of the Severance Lands from Heinmiller, Breymark intends to develop the Severance Lands into a residential subdivision (“Phase 2”, with both Phase 1 and Phase 2 being collectively referred to as the “Development”); and
- G. The parties hereto wish to enter this agreement to govern the manner in which Heinmiller shall maintain frontage on an open, public street at all times following the Severance and during the Development.

NOW THEREFORE, for the sum of Two Dollars (\$2.00) and other good and valuable consideration, now paid and delivered by each party to the other, the receipt and sufficiency of which is hereby acknowledged by each party, the parties agree as follows:

- 1. To facilitate the Development, Breymark may require Heinmiller’s access road to change location from the Town’s Lands partially or completely to a new location approved by the Town pursuant to the draft plan of subdivision approval process that is required to allow the Development to proceed. The foregoing is referred to herein as the “Reconfiguration”. Breymark shall have sole discretion to determine the location of streets within Breymark’s plan of subdivision, subject only to the usual subdivision approval process.
- 2. The Town shall re-convey the Town’s Lands to Heinmiller (if the Severed Lands are still owned by the Heinmiller) or convey the Town’s Lands to Breymark (if the Severed Lands have been conveyed to Breymark) promptly upon written request by Breymark or its solicitors to the Town

or the Town's solicitor (the "Conveyance") to the extent required to complete the Reconfiguration once:

- a. the draft plan of subdivision approval process has established the final location of the required subdivision plan street(s) in proximity to the Town's Lands if the location of such street(s) does not completely align with the Town's Lands; and,
- b. any reference plan required on account of such Conveyance has been prepared and registered at the cost of Breymark,

for nominal consideration of two dollars (\$2.00) and no fees or other charges on a mutually agreeable day.

3. If the final location of the required subdivision plan street(s) shall be amended from time to time through the usual subdivision approval process, the Town agrees to complete the Conveyance in accordance with the foregoing paragraph to such revised location as required pursuant to the amended subdivision plan.
4. Concurrently with the Conveyance, if required by the Town, the parties agree to convey such portion of the Severance Lands to the Town as required to complete the Reconfiguration. Alternatively, if all parties agree in writing, this purpose may be accomplished by the granting of an easement in favour of Heinmiller.
5. The Town's Lands, or any replacement to the Town's Lands conveyed to the Town for a relocated access road, shall be opened as a public street by the Town promptly following registration of Breymark's Phase 2 plan of subdivision.
6. Any easement in favour of Heinmiller for pedestrian and vehicular access purposes (if any) shall expire upon Heinmiller having pedestrian and vehicular access to another viable access point to a public street.
7. Heinmiller agrees to use, and restrict his access to, any alternative access road required and provided by Breymark in lieu of the Town's Lands provided the same provides adequate access for pedestrian and vehicular traffic to and from Heinmiller's remaining lands and an open public street.
8. During the development of Phase 1, Breymark shall use best efforts to ensure construction traffic travels across Ontario Street only and will not allow any construction traffic to pass through the lands of Steven Lorne Heinmiller described as LT 20 PL MCCOMB'S PALMERSTON; LT 21 PL MCCOMB'S PALMERSTON; PT LORNE ST PL MCCOMB'S PALMERSTON AS IN DN41228 AS CLOSED BY BLN175; S/T DN41228; MINTO (being all of PIN 71033-0049 (LT)).
9. During the development of Phase 2, Breymark shall use best efforts to ensure construction traffic travels across Ontario Street and Mary Street only and will not allow any construction traffic to pass through the lands of Steven Lorne Heinmiller described as LT 20 PL MCCOMB'S PALMERSTON; LT 21 PL MCCOMB'S PALMERSTON; PT LORNE ST PL MCCOMB'S PALMERSTON AS IN DN41228 AS CLOSED BY BLN175; S/T DN41228; MINTO (being all of PIN 71033-0049 (LT)).
10. Upon registration of the plan of subdivision for Phase 2, the obligations under this Agreement shall be at an end other than as to opening the Town's Lands as a public street as Heinmiller will have permanent vehicular access over public streets created upon registration of the plan of subdivision.
11. Breymark shall provide Heinmiller with continuous pedestrian and vehicular access to an open public street throughout the Development until such time the registration of the plan of subdivision for Phase 2.

12. This Agreement shall be executed prior to completion of the Severance, and shall be registered on title to the Severance Lands and the Town's Lands following completion of the Severance and within a reasonable period of time once new Property Identifier Numbers ("PINs") are available for the Severance Lands and the Town's Lands.

13. Any notice required or contemplated by any provision of this Agreement which any party may desire to give to the others shall be in writing and sufficiently given if given by:

- a. personal delivery to the party at the party's address set out below, or the respective solicitor for each party, which notice is effective when given; and/or
- b. delivery by prepaid courier or otherwise to the address for the party and leaving same in the mailbox or taped to the door for each party or to the respective solicitor for each party during regular business hours, in which case such notice is effective when delivered; and/or
- c. by postage prepaid, registered mail addressed to the party or the party's solicitor to whom the said notice is to be given, to the addresses listed below, as applicable. Notice by mailing shall be deemed to have been validly and effectively given and received three (3) Business Days following such posting (provided there is no postal strike or other postal service disruption), as the case may be. In the event that the postal services are interrupted due to strike, lockout or similar event, then during the interruption the mailing of any such notice shall not be an effective means of sending such notice; and/or,
- d. by email to the email address set out below to the party or the party's solicitor or as changed by written notice to the other party or the other party's solicitor.

Heinmiller's information for service:

[Address]

[Email]

Heinmiller's solicitor's information for service:

[Address]

[Email]

Breyemark's information for service:

1315 Bishop Street, Suite 200
Cambridge, Ontario N1R 6Z2

Attn: Brett Cormier
Email: brett@breymark.com

Breyemark's solicitor's information for service:

Robson Carpenter LLP
99 Stanley Street
Ayr, Ontario N0B 1E0

Attn: Annie Bailey
Email: abailey@rcllp.ca

Town's information for service:

[Address]

[Email]

Town's solicitor's information for service:

[Address]

[Email]

14. This Agreement as well as any other document to be signed on account of or which is related to or arising out of this Agreement or executed on account of or pursuant to the provisions of this Agreement (any of which other document is referred to herein as a "Related Document"):

- a. may be executed (including by electronic means) in any number of counterparts, each of which is deemed to be an original, and such counterparts together constitute one (1) and the same Agreement and/or Related Document, as the case may be; and
- b. may be transmitted and delivered by electronic transmission;

and any such delivery of this Agreement and/or Related Document so executed shall be deemed to be the equivalent of the delivery of an executed original of this Agreement and/or Related Document as the case may be. The parties consent and agree to the use of electronic signatures pursuant to the Electronic Commerce Act, 2000 as amended from time to time with respect to the execution of this Agreement and/or any Related Document.

15. This Agreement shall be binding upon and enure to the benefit of the parties and their respective successors and permitted assigns.

[signature page to follow]

The parties have executed this agreement as evidenced below.

Witness:
(Witness not required if signed electronically)

Barry Laverne Heinmiller
Dated: _____

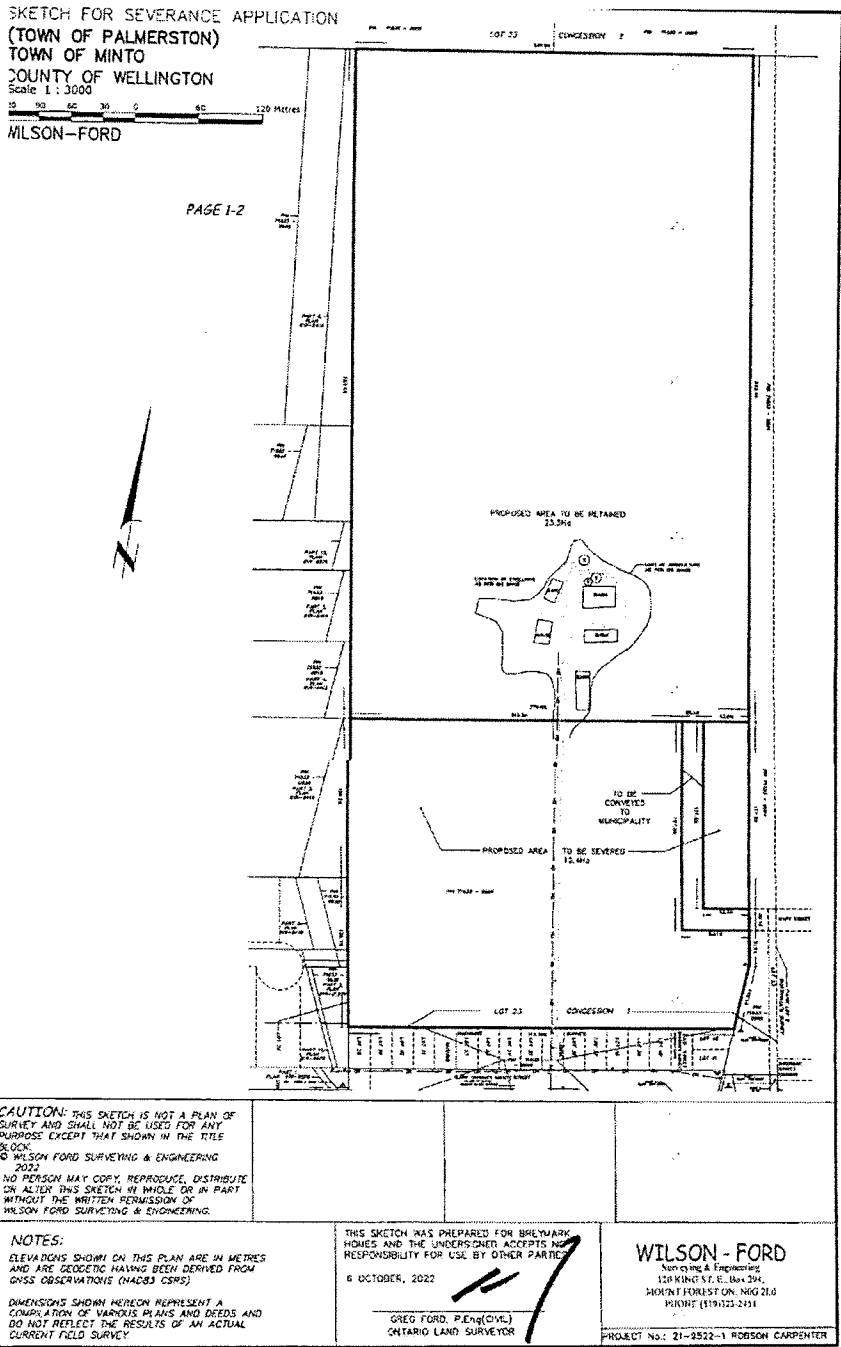
BREYMARK HOMES INC.

Per: _____
Name: _____
Title: _____
I have authority to bind the corporation
Dated: _____

THE CORPORATION OF THE TOWN OF MINTO

Per: _____
Name: _____
Title: _____
I have authority to bind the corporation
Dated: _____

Schedule A



Mr. Zach Prince
Planner
County of Wellington
74 Woolwich Drive
Guelph ON N1H 3T9

RECEIVED

MAY 16 2023

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

April 26, 2023.

Subject: Proposed Consent (Clark-Heinmiller Phase 2 lands)
Lot 23, Concession 1, Palmerston

Dear Mr. Prince:

Please be advised that I have had an opportunity to speak with staff of Cuesta Planning Consultants Inc. who confirmed the following:

- 1) As a condition of consent, Breymark Homes Inc., (Breymark) owner of the Phase 1 lands and future owner of the Phase 2 lands, will commit in writing to use Ontario Street as the sole access to the Phase 1 lands during site preparation and construction of the residential development. Breymark will not access the Phase 1 lands via the existing right-of-way across the portion of Lorne Street under my ownership.
- 2) As a condition of consent, Breymark Homes Inc., (Breymark) owner of the Phase 1 lands and future owner of the Phase 2 lands, will commit in writing to use Ontario Street and/or Mary Street as the sole accesses to the Phase 2 lands during site preparation and construction of the development. Breymark will not access the Phase 2 lands via the existing right-of-way across the portion of Lorne Street under my ownership.
- 3) As a condition of draft plan approval of the redline amendment (currently submitted to the County of Wellington), Breymark agrees to relinquish its right-of-way across my lands. The right-of-way will be required to be relinquished prior to final approval of the draft plan.
- 4) Mr. Barry Heinmiller has a separate right-of-way across my lands. I agree to Mr. Barry Heinmiller continuing to use this right-of-way to access Main Street West until such time as another access is provided (via Clark Street to Ontario Street or via Mary Street) and the right-of-way is no longer required.

Thank you and if you have any questions, please contact me at 519-343-3252.

Steven Heinmiller • MAY 8/23
Mr. Steven Heinmiller

-HOME
-CELL-519-291-7355-