

THIS DISCHARGE OF DEVELOPMENT AGREEMENT made this ___ day of _____, 2023.

BETWEEN:

MUNICIPALITY OF THE DISTRICT OF EAST HANTS, a municipal body corporate pursuant to the *Municipal Government Act*, 1998, c 18

(hereinafter the "Municipality")

- and -

WITHROW'S FARM MARKET LIMITED, a body corporate, incorporated under the laws of the Province of Nova Scotia, with a registered office at RR 1, 2129 Highway 14, Upper Rawdon, Nova Scotia, B0N 2N0

(hereinafter "Developer")

WHEREAS the Developer is the registered owner of certain land located at 1040 Highway 214, Belnan and identified as PID 45201480 and which said land is more particularly described in Schedule A hereto (hereinafter called the "Land");

AND WHEREAS the Municipality entered into a development agreement with the Developer, to allow for an 1800 square foot one story expansion to an existing farm market commercial structure on the Land on February 23, 2005, and which said development agreement was registered at the Registry of Deeds in Windsor on March 29, 2005, Document #81618432 (hereinafter called the "Existing Agreement"), and which applies to the Land;

AND WHEREAS the developer has requested that the Existing Agreement be discharged from the Lands;

AND WHEREAS pursuant to Section 229 (2) of the *Municipal Government Act*, Council for the Municipality approved the discharge of the Existing Agreement, from the Land by resolution at a meeting held on January 25, 2023.

NOW THEREFORE IN CONSIDERATION of the benefits or non-benefits accrued to each party from the covenants herein contained the parties agree as follows:

1. The Existing Agreement is hereby discharged from the Land and shall no longer have any force or effect with respect to the Land.
2. Any future development of the Land shall comply with the Municipality's Land Use Bylaw and Subdivision Bylaw, as amended from time to time.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals on the day and year first above written.

SIGNED, SEALED AND DELIVERED) **WITHROW'S FARM MARKET LIMITED**

in the presence of:)

_____)

(Witness))

_____)

Per: Brian Withrow
Director)

) **MUNICIPALITY OF THE**
) **DISTRICT OF EAST HANTS**

_____)

(Witness))

_____)

Per: Kim Ramsay,
Chief Administrative Officer)

**PROVINCE OF NOVA SCOTIA
HANTS COUNTY**

I HEREBY CERTIFY that on this ___ day of _____, 2023, the Municipality of the District of East Hants, one of the parties hereto, caused the foregoing Indenture to be executed in its name and on its behalf by its proper officer(s) in my presence I have signed as a witness to such execution.

A Commissioner of the Supreme
Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
HANTS COUNTY**

I HEREBY CERTIFY that on this ___ day of _____, 2023 Withrow's Farm Market Limited, one of the parties hereto, caused the foregoing Indenture to be executed in its name and on its behalf by its proper officer(s) in my presence I have signed as a witness to such execution.

A Commissioner of the Supreme
Court of Nova Scotia

Schedule "A"

PID 45201480

Parcel Description
<p>SCHEDULE "A"</p> <p>ALL that lot of land situate at Belnan, in the County of Hants, Province of Nova Scotia, shown as LOT 02-1A on plan entitled "Plan of Subdivision Showing Lot 02-1A: Consolidation of Lot 02-1 & Parcel A, Lands of The Estate of Christena Burk and Lot 02-2B; Consolidation of Lot 02-2 & Parcel B, Lands of The Estate of Christena Burk" and dated September 9, 2002 by E.C. Keen, N.S.L.S., the said lot of land being more particularly bounded and described as follows:</p> <p>BEGINNING at a survey marker found on the western boundary of Highway #214 at the northeast comer of Lot 92-1 lands of Michael Joseph McGrath & Lucy Lambert;</p> <p>THENCE 235° 32' 09" a distance of 311..91 feet along said Lot 92-1 and Lot 89-2, lands of Kathrin Lyon to a survey marker;</p> <p>THENCE 341 ° 28' 33" a distance of 435.84 feet along Lot 02-2B, lands of the Estate of Christena Burk lo a survey marker;</p> <p>THENCE 71 ° 28' 33" a distance of 300.00 feet along said Lot 02-2B to a survey marker found on the aforementioned boundary of Highway #214;</p> <p>THENCE 161 ° 28' 33" a distance of 288.47 feet along the said road boundary to a point;</p> <p>THENCE 161 ° 33' 20" a distance of 61.71 feet along the said highway boundary to the point of beginning.</p> <p>Said lot of land containing 2.707 acres and being a portion of lands conveyed to Christena Burk by deed as recorded at the Registry of Deeds for the County of Hants in Book 452. Page 101.</p> <p>All azimuths referable to Grid North, Nova Scotia Co-Ordinate system, Zone 5, Central Meridian 64 ° 30' West, 1979 adjustment."</p>