

**NEPEAN COUNCIL
SPECIAL MINUTES
WEDNESDAY, JANUARY 12, 2000
BEN FRANKLIN PLACE, 101 CENTREPOINTE DRIVE, NEPEAN**

The Special Meeting was called to order by Mayor Pitt at 6:30 p.m.

Members Present:

Mayor Mary Pitt

Councillor Rick Chiarelli
Nepean Centre Ward

Councillor Lee Farnworth
Merivale Ward

Councillor Merv Sullivan
Lakeshore Ward

Councillor Wayne Phillips
Evergreen Ward

Councillor Jan Harder*
Barrhaven Ward

01 Resolution - To release restrictive covenants from registered Instrument Nos. NS119764, NS266906, NS241818 and NS281554 and authorize the Mayor and City clerk to execute a Partial Release and Acknowledgement document.

A Special Meeting of Council was called to accommodate a request for release from restrictive covenants registered against title to a number of properties, currently the subject of a property transaction. The City Solicitor explained the urgency of the matter from the perspective of the parties in view of a pending purchase. He noted that the covenants were registered against title when the Business Park was first developed to ensure City interests were protected while developing the Park. He added that while the granting of a release was unnecessary, the City has accommodated such requests on a number of occasions in the past. The City Solicitor advised that there was no impact upon the City in the granting or not granting of the release.

Councillor Harder arrived at 6:40 p.m.

* Councillor Harder arrived at 6:40 p.m.

Item No. 01cont'd:

Moved by Councillor Sullivan
Seconded by Councillor Phillips

BE IT RESOLVED THAT consideration of the request to release restrictive covenants from registered Instrument Nos. NS119764, NS266906, NS241818 and NS281554 be deferred to the next regular meeting of Council.

- Motion Lost -
Mayor Pitt and Councillors Harder, Farnworth, Rywak and Chiarelli dissented

MOTION NUMBER 001-2000

Moved by Councillor Farnworth
Seconded by Councillor Rywak

WHEREAS at the time of sale of properties in the Merivale Acres Business Park, the City of Nepean registered on title with each Deed of Land restrictive covenants pertaining to the development of each property;

AND WHEREAS the said covenants were registered on title with Deeds from the City of Nepean to Gandalf Data Limited and Gandalf Technologies Inc. as Instrument Nos. NS119764, NS166906, NS241818 and NS281554;

AND WHEREAS the current owners of these properties (known as 100 - 130 Colonnade Road) have requested that three of these restrictive covenants be 'released' (Covenant Nos. 1, 2 and 18) which pertain to the owners' obligation to construct buildings and the City's right to re-purchase land;

BE IT RESOLVED THAT the said three restrictive covenants be 'released' from the aforementioned Instrument Numbers and that the Mayor and City Clerk be and are hereby authorized to execute on behalf of the City a Partial Release and Acknowledgement document.

- Carried -
Councillors Phillips and Sullivan dissented

02 Resolution - To approve By-law 10(01)2000 confirming the proceedings of Council at its Special Meeting held on January 12, 2000.

MOTION NUMBER 002-2000

Moved by Councillor Chiarelli
Seconded by Councillor Farnworth

BE IT RESOLVED THAT By-law No. 10(01)2000, being a by-law to confirm the proceedings of Council at its Special Meeting held on January 12, 2000, be introduced and read a first and second time and deemed to have been read a third time and passed.

- Carried -

There being no further business, the meeting adjourned 6:41 p.m.

John LeMaistre, City Clerk

Mary Pitt, Mayor