



36738772  
Feb. 7. 2017  
12:39

I, MELANIE FROST, Clerk of Hanwell, a municipality incorporated as a rural community under Regulation 2014-30 of the Municipalities Act of the Province of New Brunswick, do hereby certify that the following is a true and correct copy of Resolution #06-01-2017 duly adopted at a meeting of the rural community Council duly held and convened on 11 January 2017, at which meeting a duly constituted quorum of the Council was present and acting throughout, and that such resolution has not been modified, rescinded or revoked, and is at present in full force and effect:

**Moved by** Deputy Mayor Darren MacKenzie and **seconded by** Councillor Dave Morrison the following motion: I move for the third reading by title and enactment of By-Law #12-2016 A By-Law to amend By-Law #11-2016, rezoning of PID #75381699 Jardine property.  
**Unanimously Carried #06-01-2017**

***By-Law #12-2016 was hereby enacted.***

**IN WITNESS WHEREOF**, the undersigned has affixed her signature this 31st day of January, 2017.

I certify that this instrument  
is registered or filed in the  
York  
County Registry Office,  
New Brunswick

J'atteste que cet instrument est  
enregistré ou déposé au bureau  
de l'enregistrement du comté de  
\_\_\_\_\_  
Nouveau-Brunswick

Feb 7 2017 12:39 36738772  
date/date time/heure number/numero  
Melanie Frost  
Registrar-Conservateur

Melanie Frost  
Clerk/Treasurer  
Hanwell





**Rural Community of Hanwell**

**By-law 12-2016**

**A By-Law to Amend the Rural Plan By-Law 11-2016**

The Council of the rural community of Hanwell, under authority vested in it by the Community Planning Act, enacts as follows

1. That this by-law # 12-2016 and attached Schedule 12-2016 B1 dated September 2016, amends by-law # 11-2016 the rural community of Hanwell rural plan by:
  - a) adding the following definition to Part C. Section 1: "towing and recovery service" means: a use where trucks are dispatched to transport vehicles and includes the secure outdoor storage of towed vehicles.
  - b) adding "Towing and Recovery Service" to the permitted main uses of the Commercial Light Industrial zone, listed in Section 4.6, and
  - c) amending the Rural Plan of Hanwell Zoning Map by rezoning PID 75381699 from Residential – "R" Zone to Commercial Light Industrial – "CLI" Zone, as shown on schedule 12-2016 B1 subject to terms and conditions contained in attached schedule 12-2016 B, pursuant to section 39 of the Community Planning Act.

First Reading:

December 14, 2016

Second Reading (in entirety):

December 14, 2016

Third Reading:

January 11, 2017

Chris Melvin, Mayor



Melanie Frost, Clerk



Schedule 12-2016-B1  
Dated: October 2016  
By-Law Number 12-2016

This By-Law Rezones property of Francis Jardine on Route 640 shown from Residential - "R" Zone to Commercial and Light Industrial - "CLI" Zone, under Section 39 of the Community Planning Act.



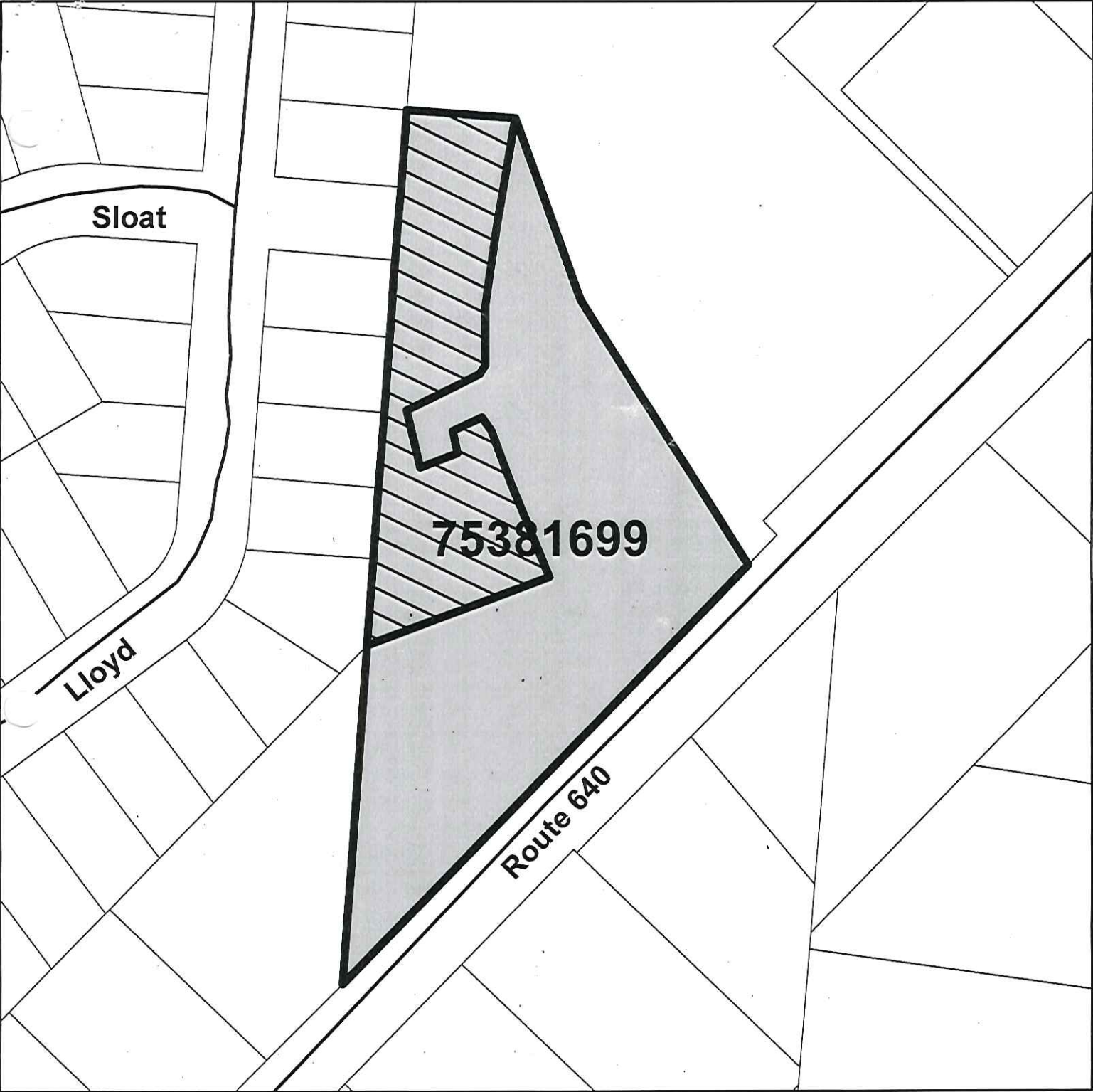
**Subject Property**

0 20 40 60 80 metres

Scale 1:1,500







**Schedule 12-2016B2**



**Subject Property**



**Area where no activities or construction  
related to the Towing and Recovery Service  
or Auction Centre is to take place**



Scale 1:1,500



## Schedule 12-2016 B

THIS AGREEMENT MADE THIS 10 day of Jan 2017

BETWEEN: THE RURAL COMMUNITY OF HANWELL, a Municipal Body Corporate, being situated in the County of York and in the Province of New Brunswick (hereinafter referred to as the "Municipality")

AND: Frank Jardine, owner of Jardine's Auctions and J.A. Towing and Recovery, 1875 Hanwell Rd, Hanwell NB (hereinafter referred to as the "Owners")

WHEREAS the Municipality has been asked to rezone property currently owned by Francis Steven Jardine and Mary Ellen Jardine and located on 1875 Hanwell Rd, in the rural community of Hanwell, County of York and Province of New Brunswick, having PID 75381699, from "Residential - "R" Zone to Commercial Light Industrial - "CLI" Zone" under section 39 of the Community Planning Act, for the purpose of a Towing and Recovery Service, and activities related to the Auction Centre on the adjacent property,

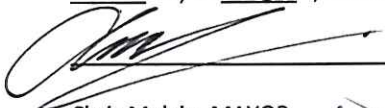
AND WHEREAS the Municipality is authorized by the provisions of Section 39 of the Community Planning Act to enter into an Agreement with the Owners imposing reasonable terms and conditions, as a Resolution of Council,

NOW THEREFORE WITNESSETH that for and in consideration of mutual covenants and agreements contained herein, the Municipality and the owner covenant and agree to as follows:

1. THAT the building(s) and property be maintained and kept neat in appearance, suitable to a residential area,
2. THAT any outdoor lighting be located, arranged or shielded as not to interfere with traffic proceeding along the public street or with nearby landowners in the reasonable enjoyment of their properties,
3. THAT any vehicles stored on the property having PID 75381699 are in good repair,
4. THAT any and all activities and construction related to the Towing and Recovery Service and/or Auction Centre occur within the existing residence, cleared area around the existing garage, and to the east of the existing access road, as shown on Schedule 12-2016 B2, and no activities related to the Towing and Recovery Service and/or Auction Centre occur outside these areas,
5. THAT the property shall not be used for any purpose other than the stated purpose of a Towing and Recovery Service and activities related to the Auction Centre or a single family residence, or business office. The use of the property for any other purpose requires a new amendment to the Rural Plan or a revised section 39 agreement, and
6. THAT the existing vegetation along the western property, where residential properties are directly abutting the property line, is maintained, or a fence is constructed to provide visual and audio screening,

Any violation of the terms and conditions as set out by Council resolutions and contained within these agreements may result in the termination and cancellation of this rezoning within 30 days Witten notices.

In WITNESS WHEREOF the heretofore parties mentioned have hereunto set their hands and seals this 31 day of Feb., 2017.

  
Chris Melvin, MAYOR

  
Melanie Frost, CLERK

  
WITNESS

  
Francis Stephen Jardine

  
Mary Ellen Jardine

  
WITNESS

