

THIS AMENDMENT AGREEMENT made in triplicate this ~~15th~~ <sup>14th</sup> day of April, 2001.<sup>22</sup>  
 BETWEEN:

HER MAJESTY THE QUEEN in right of the Province of Ontario,  
 represented by the Minister of Transportation for the Province of Ontario  
 (hereinafter referred to as "the Ministry"),

OF THE FIRST PART;

-AND-

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH  
 (hereinafter referred to as "the Region"),

OF THE SECOND PART:

WHEREAS by an Agreement made between the Ministry and the Region, dated October 11, 1998, the Parties agreed upon the cost sharing arrangements for the construction of the Red Hill Creek Expressway, whereby the Region would be financially responsible for the design and construction of the first phase of the expansion of the interchange at King's Highway 403, Mohawk Road and Lincoln Alexander Parkway, in the Town of Ancaster, Regional Municipality of Hamilton-Wentworth, (hereinafter, the "403 Interchange") as more particularly shown in Part 3 of Schedule "A" of the Agreement.

AND WHEREAS by an Amendment Agreement, made on the 15th day of August, 2000, the Parties agreed to modify the 403 Interchange configuration and to provide for the construction of a noise barrier wall adjacent to Filman Road and King's Highway 403, (hereinafter, the "First Amendment Agreement").

AND WHEREAS the Parties wish to further amend the Agreement so that the Region shall purchase and supply the aforementioned noise barrier at the expense of the Ministry upon the terms set out in this Amendment Agreement.

AND WHEREAS the Parties wish to continue to be bound by the Agreement, as amended by the First Amendment Agreement and by this Amendment Agreement.

AND WHEREAS paragraph 19 of Schedule "B" of the First Amendment states that, "any changes, alterations or amendments hereto, other than as herein specifically authorized shall be made in writing signed by the Region and by the Director."

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and covenants herein contained and the sum of Ten (\$10.00) Dollars paid by each of the parties to the other, the receipt and sufficiency whereof is acknowledged, the parties hereto for themselves and their respective successors and assigns agree each with the other as follows:



1. Paragraph 5 of Schedule "B" to the Agreement is deleted and the following substituted therefore:

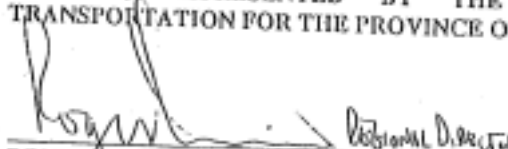
"5. As part of the Project, the Ministry wishes to include a noise barrier wall construction along King's Highway 403, adjacent to Filman Road. The Ministry will provide to the Region the design requirements for the noise barrier and the Region shall purchase on behalf of the Ministry the noise barrier materials, being only the concrete panels and steel posts, from Durisol Inc. The Ministry shall pay all costs associated with the purchase and supply of the noise barrier material, which is estimated to cost, \$381,420.71, including GST." \*

2. The Parties agree that all of the terms and conditions of the Agreement, save as amended by the First Amendment Agreement and by this amending Agreement, shall be binding upon the Parties.

IN WITNESS WHEREOF the Regional Director in accordance with the delegation set out in the Agreement from the Minister of Transportation on behalf of the Party of the First Part has hereunto set his hand and the Party of the Second Part has hereunto affixed its Corporate Seal under the hands of its proper officers duly authorized in that behalf.

SIGNED AND SEALED this 14<sup>th</sup> day of April, A.D. 2001

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO, REPRESENTED BY THE MINISTER OF TRANSPORTATION FOR THE PROVINCE OF ONTARIO

  
REGIONAL DIRECTOR  
DELEGATED REPRESENTATIVE OF  
MINISTER OF TRANSPORTATION (ONTARIO)

SIGNED AND SEALED this 15<sup>th</sup> day of June, A.D. 2001

FINANCIAL  
CONTENT  
APPROVED  
BY  
  
FINANCE

Approved  
as to form  
  
Services

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH \*

  
MAYOR, Robert Wade

OFFICE OF THE CLERK  
APPROVED BY COUNCIL  
DATE May 16 2001  
REPORT 01-006 ITEM 2210W  
WIL A TERMITE 2001-202

  
Clerk, Kevin Christenson  
Deputy J. Lee

\*Now known as the City of Hamilton in accordance with the provisions of the City of Hamilton Act, 1999.