

APPENDIX "A"

Excerpt from Minutes of Settlement dated August 18, 2014 between 1804482 Ontario Limited, DiCenzo Construction Company Limited, 1804487 Ontario Inc., and City of Hamilton:

"27. The SWM Resolution, as herein and hereinbefore referred to, shall be:

- a. a resolution of City Council directing and authorizing that:*
 - i. the City will commence construction of the SWM Facility within three years; and*
 - ii. any future reimbursement that may be required from DCCL for a proportionate share of the costs associated with the construction of services within the SWM Facility and the East-West Storm Sewer Corridor shall not in any circumstances to be adjusted to include an increase or component based upon imputed or actual interest charges, inflation or, generally, the passage of time between the costs being incurred and the payment for such costs being made, including, without limiting the generality of the foregoing, that such reimbursements are not be adjusted by the CanaData Construction Cost Index or by any another measure of inflationary or cost trends (such adjustment being referred to in these Minutes as "indexing", "index" or "indexed" as the context requires); and*
- b. A written undertaking to DCCL binding the City to the resolution described in subparagraph a."*