

**Bylaw: municipal capital facility (Durham Curling Club)
(67-2010)**

**THE CORPORATION OF THE MUNICIPALITY OF WEST GREY
BY-LAW NUMBER 67 - 2010**

Being a By-Law to authorize an agreement being entered into for the provision of a municipal capital facility, being an existing recreational facility, specifically as a curling club, on premises owned and operated by the Durham Curling Club.

WHEREAS:

(a) Subsection 110 (1) of the Municipal Act, S.O. 2001 c. 25, as amended (hereinafter called "the Act") provides that the council of a municipality may enter into agreements for the provision of "municipal capital facilities" by any person and Ontario Regulation 603/06 as amended by Ontario Regulation 88/10 provides that such an agreement can be entered into for a municipal capital facility used for the provision of recreational services (section 2 paragraph 16 of Ontario Regulation 603/06);

(b) The existing curling club and premises operated by the Durham Curling Club exist for the provision of recreational services.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE MUNICIPALITY OF WEST GREY HEREBY ENACTS AS FOLLOWS:

1. The Corporation of the Municipality of West Grey is hereby authorized to enter into an agreement with the Durham Curling Club for the provision of a municipal capital facility, pursuant to subsection 110 (1) of the Act in the form of the draft agreement attached hereto as Schedule "A".
2. Upon the passing of this by-law, the clerk shall give written notice of the by-law to the Minister of Education pursuant to subsection 110 (5) of the Act.

Read a first and second time, this 15th day of November, 2010.

Read a third time and finally passed, this 15th day of November, 2010.

Kevin Eccles, Mayor

Christine Robinson, CAO

Schedule "A" to By-law Number 67 - 2010

A G R E E M E N T

THIS AGREEMENT is made as of the 15th day of November, 2010.

B E T W E E N:

THE CORPORATION OF THE MUNICIPALITY OF WEST GREY,

hereinafter called "West Grey",
OF THE FIRST PART,
- and -

DURHAM CURLING CLUB,
a corporation without share capital,
hereinafter called the "Curling Club",
OF THE SECOND PART.

WHEREAS:

(a) The Curling Club is the owner of the lands in the Municipality of West Grey (Town of Durham), in the County of Grey being composed of Park Part Lot 8 South N/S, Plan 500, in the said Municipality of West Grey (Town of Durham) municipally known as 279 Kincardine Street South, assessment roll number 42 05 260 005 17600 0000, (hereinafter called "the lands") and operates an existing curling club thereon which service the Municipality;

(b) Subsection 110 (1) of the Municipal Act, S.O. 2001, c. 25, as amended (hereinafter called "the Act") provides that the Council of a municipality may enter into agreements for the provision of "municipal capital facilities" by any person and Ontario Regulation 603/06 as amended by Ontario Regulation 88/10 provides that such an agreement can be entered into for a municipal capital facility used for the provision of recreational services (section 2, paragraph 16 of Ontario Regulation 603/06);

(c) West Grey and the Curling Club have been cooperating and working together to continue to provide a curling club in order to encourage the availability of and participation in recreational services for the community;

(d) West Grey has passed a resolution declaring that the Curling Club is a municipal capital facility for the purposes of the municipality and is for public use.

NOW THEREFORE IN CONSIDERATION OF the terms and conditions contained herein and other good and valuable consideration, the parties hereto agree as follows:

1. This is an agreement for the provision of a municipal capital facility by the Curling Club under subsection 110 (1) of the Act.
2. The municipal capital facility is a curling club providing recreational services to the public.
3. West Grey shall cause its clerk to give the necessary notice of the by-law permitting West Grey to enter into this agreement to the Minister of Education as provided for in subsection 110 (5) of the Act.
4. Upon the signing of this agreement, West Grey shall pass a by-law under subsection 110 (6) of the Act exempting the entirety of the lands and the municipal capital facility located thereon from taxation for municipal and school purposes effective January 1, 2010.
5. The construction of any facilities on the lands to be used for the provision and delivery of recreational services shall be exempt from the payment of any development charges that may otherwise be imposed by the municipality, if any, as otherwise so provided in subsection 110 (7) of the Act.

6. West Grey shall upon the passing of the tax exemption by-law referred to above cause its clerk to give the written notice of the contents of the by-law to the Municipal Property Assessment Corporation, the Clerk of the County of Grey and the secretary of any school board if the area of jurisdiction of any such board included the land that is exempted by the by-law, as required under 110 (8) of the Act.

7. If the lands are no longer used for the provision of recreational services for the benefit of the public, West Grey may at its discretion determine to remove the tax exemption status implemented pursuant to paragraph 4 herein.

8. If the Curling Club ceases to operate for a period of two years then ownership of the municipal capital facility, including the lands where it is situated, will revert to West Grey.

9. This agreement shall endure to the benefit of and be binding upon the parties hereto and their successors and assigns.

THIS AGREEMENT is executed by West Grey this 15th day of November, 2010.

CORPORATION OF THE MUNICIPALITY OF WEST GREY

Per: _____
Kevin Eccles, Mayor

Per: _____
Christine Robinson, CAO

We have authority to bind the corporation.

THIS AGREEMENT is executed by Gallery this 15th day of November, 2010.

DURHAM CURLING CLUB

Per: _____

Per: _____

We have authority to bind the corporation.