

**Bylaw: municipal capital facility (Durham Art Gallery)
(91-2009)**

**THE CORPORATION OF THE MUNICIPALITY OF WEST GREY
BY-LAW NUMBER 91 - 2009**

Being a By-Law to authorize an agreement being entered into for the provision of a municipal capital facility, being an existing art gallery on premises owned and operated by the Durham Art Gallery.

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 46/94 as amended by Ontario Regulation 401/02 provides that such an agreement can be entered into for a municipal capital facility used for the provision of cultural services (section 2 paragraph 16 of Ontario Regulation 46/94);
- (b) The existing art gallery and premises operated by the Durham Art Gallery exist for the provision of cultural 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 Art Gallery 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 21st day of December, 2009.

Read a third time and finally passed this 21st day of December, 2009.

Mayor – Kevin Eccles

CAO/Clerk, Christine Robinson

Schedule "A" to By-law Number 91 - 2009

A G R E E M E N T

THIS AGREEMENT is made as of the _____ day of _____, 2009.

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 ART GALLERY,
a corporation without share capital,
hereinafter called the "Gallery",
OF THE SECOND PART.

WHEREAS:

(a) The Gallery is the owner of the lands in the Municipality of West Grey (Town of Durham), in the County of Grey being composed of Part Lots 16 & 17, Plan 502, east of Albert, west of Elgin, RP17R2024 Part 1, in the said Municipality of West Grey (Town of Durham) municipally known as 251 George Street East, assessment roll number 42 05 260 002 10901 0000, (hereinafter called "the lands") and operates an existing art gallery 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 46/94 as amended by Ontario Regulation 401/02 provides that such an agreement can be entered into for a municipal capital facility used for the provision of cultural services (section 2, paragraph 16 of Ontario Regulation 46/94);

(c) West Grey and the Gallery have been cooperating and working together to continue to provide an art gallery in order to encourage the availability of and participation in cultural services for the community.

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 Gallery under subsection 110 (1) of the Act.
2. The municipal capital facility is an art gallery providing cultural 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 cultural 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 cultural 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. 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 the Municipality of West Grey this _____ day of _____, 2009.

CORPORATION OF THE MUNICIPALITY OF WEST GREY

Per: _____
Kevin Eccles, Mayor

Per: _____
Christine Robinson, CAO/Clerk

We have authority to bind the corporation.

THIS AGREEMENT is executed by the Durham Art Gallery this ____ day of _____, 2009.

DURHAM ART GALLERY

Per: _____

Per: _____

We have authority to bind the corporation.