

Bill No. 418  
2016

By-law No. A.-\_\_\_\_\_

A by-law to approve the Amending Agreement to the Funding and Project Agreement with the London District Catholic School Board for construction of a Neighbourhood Family Centre at St. Francis Catholic Elementary School; and to authorize the Mayor and City Clerk to execute the Amending Agreement.

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS The Corporation of the City of London and the London District Catholic School Board entered into a Funding and Project Agreement dated March 2016, for construction of a Neighbourhood Family Centre at St. Francis Catholic Elementary School, pursuant to City of London By-law A.-7377-103 ("Funding and Project Agreement");

AND WHEREAS the Ministry of Education has announced conditional funding for the Board of \$1,182,401 towards the capital costs of the renovation of the premises, which substantially alters the basis upon which the parties' previously agreed-upon financial arrangements for the renovation of the premises was negotiated;

AND WHEREAS it is now anticipated that the maximum amount sufficient to cover all of the City's costs in this matter will not exceed \$369,233;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Amending Agreement to the Funding and Project Agreement entered into between the London District Catholic School Board and The Corporation of the City of London attached as Schedule "A" to this by-law, is authorized and approved.
2. The Mayor and City Clerk are authorized to execute the Amending Agreement authorized and approved under section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on November 22, 2016.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First reading - November 22, 2016  
Second reading - November 22, 2016  
Third reading – November 22, 2016

## SCHEDULE "A"

### THIS AMENDING AGREEMENT

B E T W E E N:

**LONDON DISTRICT CATHOLIC SCHOOL BOARD**  
(the "Board")

- and -

**THE CORPORATON OF THE CITY OF LONDON**  
(the "City")

**WHEREAS** the Board and the City entered into a Funding and Project Agreement dated March 2016, for the purpose of constructing space for a Neighbourhood Family Centre consisting of a renovation of existing space and an addition at the St. Francis Catholic Elementary School (the "Agreement");

**AND WHEREAS** the Ministry of Education has announced conditional funding for the Board of \$ 1,182,401 towards the capital costs of the renovation of the premises, which substantially alters the basis upon which the parties' previously agreed-upon financial arrangements for the renovation of the premises was negotiated;

**AND WHEREAS** it is now anticipated that the maximum amounts sufficient to cover all of the City's costs in this matter will not exceed \$ 369,233 ;

**AND WHEREAS** the Board and the City wish to amend the Agreement;

**NOW THEREFORE THIS AMENDING AGREEMENT WITNESSES** that in consideration of the premises and the mutual covenants contained in the Agreement, and subject to the terms and conditions of this Amending Agreement, the parties agree as follows:

#### 1.0 AMENDMENTS

1.1 Section 2.03 of the Agreement is amended by deleting the phrase "The Board shall pay the first \$440,975" and replacing it with the phrase "The Board shall pay the first \$1,182,401".

1.2 Section 4.03 of the Agreement is amended by deleting the name "Ian Gibb" and replacing it with the name "Trevor Fowler" and deleting the email address [igibb@london.ca](mailto:igibb@london.ca) and replacing it with the email address [tfowler@london.ca](mailto:tfowler@london.ca).

#### 2.0 AGREEMENT BINDING

2.1 Except as amended in accordance with the provisions of this Amending Agreement, the Agreement shall remain binding and in full force and effect.

2.2 This Amending Agreement shall be binding on the parties and their respective successors and assigns.

#### 3.0 EXECUTION

3.1 The City and the Board acknowledge that it has each read this Amending Agreement, understands it and agrees to be bound by its terms and conditions.

**IN WITNESS WHEREOF** the parties have duly executed this Amending Agreement.

**SIGNED, SEALED AND DELIVERED**

**THE CORPORATION OF THE CITY OF LONDON**

Date:

\_\_\_\_\_  
Mayor, Matt Brown

\_\_\_\_\_  
City Clerk, Catharine Saunders

**LONDON DISTRICT CATHOLIC SCHOOL BOARD**

Date:

Per:

Name:

Title:

Date:

Per:

Name:

Title: