

Bill No. 371
2011

By-law No. A.-

A By-law to authorize and approve an agreement between Pathways Skill Development & Placement Centre and The Corporation of the City of London to grant the sum of \$50,000.00 and to authorize the Mayor and City Clerk to execute the agreement.

WHEREAS section 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 section 10 of the *Municipal Act, 2001* provides that the City may provide any service or thing that the City considers necessary or desirable for the public, and may pass by-laws respecting same, and respecting economic, social and environmental well-being of the City, and the health, safety and well-being of persons;

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

1. The agreement attached as Schedule "A" to this by-law between Pathways Skill Development & Placement Centre and The Corporation of the City of London for a payment of part of the rehabilitation of the property, is hereby authorized and approved.
2. The Mayor and City Clerk are authorized to execute the 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 September 19, 2011.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

Schedule "A"

THIS AGREEMENT made in duplicate this day of September, 2011

B E T W E E N:

Pathways Skill Development & Placement Centre
hereinafter called "Pathways"

-and-

THE CORPORATION OF THE CITY OF LONDON
hereinafter called the "City"

WHEREAS subsection 10(1) of the *Municipal Act, 2001*, as amended, authorizes the City to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001*, as amended, provides that the City may pass by-laws respecting matters that are for the economic, social and environmental well-being of the municipality;

AND WHEREAS section 28 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, authorizes that, where an official plan is in effect, a municipal council may pass a by-law that designated in whole or any part of an area covered by such an official plan as a community improvement project area;

AND WHEREAS pursuant to subsection 28(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, for the purpose of carrying out a community improvement plan that has come into effect, authorizes the City to make grants or loans in conformity with the community improvement plan to, amongst others, registered owners within the community improvement project area, to pay for the whole or any part of the eligible costs of the community improvement plan;

AND WHEREAS subsection 28(8) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, provides that eligible costs may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities;

AND WHEREAS Pathways is the registered owner of lands legally identified in Schedule "A" attached and municipally known as 129 Wellington Street in the City of London (hereinafter the "Property");

AND WHEREAS on June 20, 2011, Municipal Council adopted By-law No. C.P.-1479-174, a by-law to designate the SoHo Community Improvement Project Area;

AND WHEREAS on June 20, 2011, Municipal Council adopted By-law No. C.P.1480-175, a by-law to adopt the SoHo Community Improvement Plan;

AND WHEREAS on June 20, 2011, Municipal Council adopted By-law No. C.P.- 1481-176, a by-law to establish financial incentives for the SoHo Community Improvement Project Area;

AND WHEREAS By-law No. C.P.-1479-174, By-law No. C.P.-1480-175, and By-law No. C.P.-1481-176 are in effect;

AND WHEREAS the Property is located within the SoHo Community Improvement Project Area;

AND WHEREAS Pathways has requested a grant from the City in the sum of \$50,000.00 as a payment of part of the rehabilitation of the Property;

Schedule "A"

AND WHEREAS the City desires that it is desirable for the public and in the public interest that the City grant the sum of \$50,000 to Pathways for the purpose of payment of part of the rehabilitation of the Property;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual promises, covenants and agreements hereinafter, the parties agree as follows:

1. The parties agree that the Property is located in the SoHo Community Improvement Area as described in By-law No. CP-1479-174, and the location being more particularly described in Schedule "A" attached hereto.

2. Pathways covenants that it is the registered owner of the Property.

3. Pathways covenants that it has incurred costs in excess of \$150,200 in connection with the restoration of the building located on the Property.

4. The parties agree that part of the costs of the restoration of the building located on the Property to the maximum sum of \$50,000 is an eligible cost as defined by By-law No. C.P.-1480-175

5. Pathways requests and the City agrees that the City shall pay to Pathways the total sum of \$50,000 as a grant to pay part of the costs of the restoration of the building on the Property.

6. Pathways shall not assign this agreement without the consent, in writing, of the City, which consent may be unreasonably withheld.

7. Any notice required hereby to be given may be given:

(1) to Pathways by mailing the same, prepaid registered mail to the following address:

Pathways Skill Development & Placement Centre
210 Dundas Street
London, Ontario
N6A 5J3
Attention: Chair of the Board of Directors

(2) to the City by mailing the same, prepaid registered mail to the following address:

The Corporation of the City of London
300 Dufferin Avenue, P. O. Box 5035
London, Ontario
N6A 4L9
Attention: City Clerk

7. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective administrators, successors and assigns.

8. This Agreement shall be read with such changes in number and gender as the circumstances require.

Schedule "A"

IN WITNESS WHEREOF the City has hereunto affixed its corporate seal under the hands of its Mayor and Clerk and Pathways has hereunto affixed its corporate seal under the hands of Chair of the Board of Directors.

DATED this day of , 2011.

THE CORPORATION OF THE CITY OF LONDON

Joe Fontana, Mayor

Catharine Saunders, City Clerk

Pathways Skill Development & Placement Centre

_____c/s

Name:

Position: Chair of the Board of Directors

I/we have authority to bind the Corporation

DESCRIPTION OF SCHEDULES

Schedule "A"

PT LT 1 , N/W HILL STREET , AS IN LC152349; CITY OF LONDON, COUNTY OF MIDDLESEX