

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 08-049

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND THE LIONS CLUB OF PETERBOROUGH

WHEREAS Section 110(1) of the *Municipal Act 2001*, S.O. 2001, c.25, provides that a municipality may enter into agreements for the provision of municipal capital facilities;

AND WHEREAS the Peterborough Community Centre leased by the Peterborough Lions Club and municipally known as 347 Burnham Street, in the City of Peterborough, in the County of Peterborough, is deemed to be a municipal capital facility to be used as a community centre;

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. That the Mayor and the Clerk be and they are hereby authorized to execute an agreement between The Corporation of the City of Peterborough and The Lions Club of Peterborough for the provision of a municipal capital facility at 347 Burnham Street, in the City of Peterborough, and to affix the Seal of the Corporation thereto, in the form attached hereto as Schedule A.

By-law read a first, second and third time this 3rd day of March 2008

(Sgd.) D. Paul Ayotte, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk

SCHEDULE A

A G R E E M E N T made this 26th day of February, 2008.

B E T W E E N :

THE CORPORATION OF THE CITY OF PETERBOROUGH

hereinafter called the "City"

OF THE FIRST PART

- and -

THE LIONS CLUB OF PETERBOROUGH

hereinafter called the "Club"

OF THE SECOND PART

WHEREAS, by By-law Number08- , The Corporation of the City of Peterborough is authorized to enter into this agreement for the provision of a municipal capital facility, namely the Peterborough Lions Community Centre, pursuant to Section 210.1 of the *Municipal Act*,

NOW THEREFORE THE PARTIES HERETO AGREE AS FOLLOWS:

1.00 THE PROPERTY

1.01 The parties acknowledge that the City has entered into a Lease Agreement with the Club (the "Lease"), with respect to the lands and premises municipally known as 347 Burnham Street, in the City of Peterborough, County of Peterborough (the "Property").

2.00 TERM OF AGREEMENT

2.01 This agreement shall be in full force and effect from the date of execution, until it is terminated by the City, pursuant to the provisions of this agreement.

3.00 TERMINATION OF AGREEMENT

3.01 The City may terminate this agreement upon written notice to the Club, in the event that the Club fails to perform any of its obligations, or is in breach of any of its covenants, pursuant to this agreement, or the Lease, and has failed to perform such obligations or remedy such breach within thirty (30) days from the date of written notification to the Club by the City.

4.00 USE OF THE PROPERTY

4.01 The Club shall use the Property only for the purpose of a Community Centre.

5.00 BENEFITS AND ASSISTANCE BY THE CITY

5.01 The City agrees to provide a Grant to the Club in the amount of Two Hundred and Four Thousand, Nine Hundred Dollars (\$204,900.00) to be used to retire a loan made by the City to the Club.

6.00 COVENANTS OF THE CLUB

6.01 The Club covenants as follows:

- (a) to pay all water, gas, electricity, utilities and telephone charges in regard to its use of the Property;
- (b) to maintain the Property in a state of cleanliness, and to repair any damage caused thereto by its own wilful or negligent conduct or that of its employees or persons it permits to use the Property;
- (c) to continuously operate a Community Centre on the Property; and
- (d) to keep the parking areas and driveways clean and free from refuse, snow or ice.

7.00 NOTICES AND CHANGES OF ADDRESS

7.01 Any notice required to be given pursuant to this agreement shall be either personally delivered or sent by facsimile transmission to the parties at the following addresses:

- (a) to the City at: City Hall
500 George Street North
Peterborough, Ontario K9H 3R9
Attention: City Clerk
Facsimile Number: (705) 743-7825
- (b) to the Club at: 347 Burnham Street
Peterborough, Ontario K9H 1T5

8.00 ENUREMENT

8.01 This agreement shall enure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunder set their respective hands and seals.

**THE CORPORATION OF THE
CITY OF PETERBOROUGH**

D. Paul Ayotte, Mayor

Nancy Wright-Laking, Clerk

**THE LIONS CLUB OF
PETERBOROUGH**

Name:
Office:

Name:
Office: