

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NUMBER 2008-12**

A BY-LAW TO AUTHORIZE THE SUBMISSION OF AN APPLICATION TO THE ONTARIO INFRASTRUCTURE PROJECTS CORPORATION ("OIPC") FOR FUNDING FROM THE MUNICIPAL INFRASTRUCTURE INVESTMENT INITIATIVE FOR A NEW AMHERSTBURG RECREATIONAL COMPLEX (CAPITAL PROJECT) OF THE CORPORATION OF THE MUNICIPALITY OF AMHERSTBURG, AND TO APPROVE THE EXPENDITURE OF FUNDS ON SAID ELIGIBLE CAPITAL PROJECT;

WHEREAS the Municipal Act, 2001 (Ontario), as amended, (the "Act") provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Province of Ontario has recently announced an investment of \$300 million dollars for municipal infrastructure as a one-time grant for eligible municipal infrastructure initiatives to Ontario municipalities and Local Services Boards;

AND WHEREAS on behalf of the Province of Ontario, OIPC will be administering the Municipal Infrastructure Investment Initiative available to Ontario municipalities and Local Services Boards for the purposes of new eligible municipal infrastructure initiative projects;

AND WHEREAS it is now deemed to be expedient to authorize for the municipal purposes of the Municipality the new capital project described in column (2) of Schedule "A" (the "Project") attached hereto and forming part of this By-law ("Schedule "A") in the amount of the estimated expenditure set out in column (3) of Schedule "A";

AND WHEREAS OIPC has invited eligible Ontario municipalities and Local Services Boards desirous of obtaining funding pursuant to the Municipal Infrastructure Investment Initiative in order to meet capital expenditures in connection with a new eligible capital project to apply to OIPC for such funding by completing and submitting an application through the form provided by OIPC (the "Application");

AND WHEREAS the Town of Amherstburg will be submitting an Application to OIPC to request funding in respect of the Project;

AND WHEREAS the Corporation of the Town of Amherstburg deems it advisable to repeal By-law 2008-09 being a by-law to authorize the submission of an application to the Ontario Infrastructure Projects Corporation ("OIPC") for funding from the Municipal Infrastructure Investment Initiative for a new Amherstburg Recreational Complex as the amount has been revised;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF
AMHERSTBURG ENACTS AS FOLLOWS:**

1. The Council of the Town of Amherstburg hereby confirms, ratifies and approves the completion by Chief Administrative Officer of an Application and the submission by such authorized official of an Application, duly executed by such authorized official, to OIPC for the funding of the Project in connection with the Municipal Infrastructure Investment Initiative in the maximum aggregate principal amount of four million five hundred thousand dollars (\$ 4,500,000.00).
2. (a) Construction of the Project in the amount of the respective Estimated Expenditure set out in column (3) of Schedule "A" is hereby approved and authorized;

- (b) any one or more of the Mayor or Clerk are hereby authorized to conclude contracts on behalf of the Town of Amherstburg for the construction of the Project in accordance with the Municipality's usual protocol;
 - (c) any one or more of the Mayor or the Clerk are hereby authorized to submit to OIPC or the Minister of Public Infrastructure Renewal on behalf of the Town of Amherstburg such reports or other documents regarding the Project as may be requested in connection with the Municipal Infrastructure Investment Initiative;
 - (d) where applicable, the Engineer or designate of the Town of Amherstburg will forthwith make such plans, profiles and specifications and furnish such information as in the opinion of the Engineer or designate is necessary for the construction of the Project;
 - (e) where applicable, the construction of the Project shall be carried on and executed under the superintendence and according to the direction and orders of such Engineer or designate; and
 - (f) the Engineer, or such other official of the Town of Amherstburg charged with the management of the Project shall report semi-annually to the Council of the Town of Amherstburg on the status of the Project.
3. The Council of the Town of Amherstburg hereby confirms that the Funding will be applied and shall be used exclusively for financing the Project eligible under the Municipal Infrastructure Investment Initiative as set out in Schedule "A" to this By-Law and for no other purposes.
4. By-law 2008-09, being a by-law to authorize the submission of an application to the Ontario Infrastructure Projects Corporation ("OIPC") for funding from the Municipal Infrastructure Investment Initiative for a new Amherstburg Recreational Complex is hereby repealed.
5. This By-law takes effect on the day of passing.

GIVEN THREE READINGS AND PASSED this 11th day of February 2008.


MAYOR


CLERK

SCHEDULE "A"
 TO BY-LAW NUMBER 2008-12

(1) <u>Project Name</u>	(2) <u>Description of Eligible Capital Work</u>	(3) <u>Estimated Expenditure</u>	(4) <u>Grant Amount</u>
Amherstburg Recreational Complex	<p>The design and building of a Recreation Complex within the Town of Amherstburg.</p> <p>The complex will include 2 ice pads with seating, an enclosed soccer facility, recreation facilities and administrative space.</p> <p>The complex will be built On lands owned by the Town.</p>	\$ 18 million plus lands	\$ 4.5 million