

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2019-064

Being a By-law to Enter into an Extension Agreement with Her Majesty the Queen in Right of Ontario as Represented by the Minister of Agriculture, Foods and Rural Affairs for the Small Community Fund -Application Based Component.

WHEREAS, under Section 8 of the Municipal Act 2001, S.O., 2001, c. 25 as amended, 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.

WHEREAS under Section 9. (1)(a) and (b) of the Municipal Act 2001, S.O., 2001, c. 25, as amended. Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues.

AND WHEREAS the Town of Amherstburg is eligible to receive funding under the Application-Based Component of the Small Community Fund to undertake the Edgewater Diversion Project;

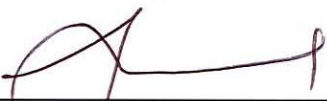
AND WHEREAS the Council of the Town of Amherstburg passed a resolution on September 14th, 2015 agreeing to enter into a contribution agreement Her Majesty the Queen in Right of Ontario as Represented by the Minister of Agriculture, Foods and Rural Affairs for the Small Community Fund – Application Based Component;


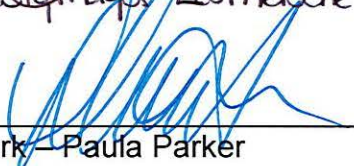
AND WHEREAS Her Majesty the Queen in Right of Ontario as represented the Minister of Agriculture, Foods and Rural Affairs for the Small Community Fund - Application Based Component wishes to amend the current agreement with the Town of Amherstburg to extend the term of the agreement to June 30, 2020.

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. THAT the Council of the Corporation of the Town of Amherstburg agrees to enter into the said agreement as attached hereto as Schedule "A" to this By-law;
2. THAT the Mayor and Clerk are hereby authorized to sign and seal said agreement on behalf of The Corporation of the Town of Amherstburg;
3. THAT this By-Law shall come into force and take effect immediately upon the final passing thereof.

Read a first, second and third time and finally passed this 24th day of June 2019.



Mayor – Aldo DiCarlo

Deputy Mayor – Leo Meloche


Clerk – Paula Parker

This Amendment is effective as of the date of the Province's signature.

AMENDING AGREEMENT #1

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by the **Minister of Agriculture, Food and Rural Affairs**

(the "Province")

AND

The Corporation of the Town of Amherstburg

(the "Recipient")

I. BACKGROUND

The Province and the Recipient (the "Parties") entered into an agreement (the "Agreement") with an Effective Date of October 14, 2015 under the New Building Canada Fund – Small Communities Fund;

The Parties wish to amend the Agreement;

Part V of the Agreement allows the Parties to make amendments to the Agreement, provided such amendments are in writing agreed upon and signed by the Parties;

II. CONSIDERATION

In consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is expressly acknowledged, the Parties agree to amend the Agreement under this amending agreement (the "Amendment") as follows:

1. **Revocation And Replacement Of Clause B.1.4 Project Completion Date of Schedule "B" Of The Agreement.** Clause B.1.4 Project Completion Date of Schedule "B" of the Agreement is revoked and replaced with the following:

B.1.4 Project Completion Date. The Project Completion Date is June 30, 2020.

2. **Referential Incorporation Of Certain Provisions Of Agreement Into Amendment.** Sections 1.1, 1.2, 1.4, 2.1 and 2.2 as well as Articles 19 to 23, 25 and 30 of Schedule "A" of the Agreement are referentially incorporated into this Amendment with any and all necessary modifications to make them applicable to this Amendment.
3. **Defined Terms.** Any capitalized term used in this Amendment but not defined herein shall have the same meaning given to it in the Agreement.

III. THE AGREEMENT

The Parties acknowledge that the Agreement continues as a valid and binding agreement, subject only to this Amendment and that all other terms and conditions of the Agreement apply.

IV. COUNTERPARTS

This Amendment may be signed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

V. ACKNOWLEDGEMENT

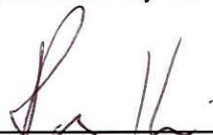
The Recipient:

- (a) Acknowledges that it has read and understands the provisions contained in the entire Amendment; and
- (b) Agrees to be bound by the terms and conditions in the entire Amendment.

IN WITNESS WHEREOF the Parties have respectfully signed this Amendment as of the dates indicated below:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

as represented by the Minister of Agriculture, Food and Rural Affairs




 Name: Randy Jackiw
 Title: Assistant Deputy Minister

July 10/19


 Date

I have the authority to bind the Province pursuant to delegated authority.

The Corporation of the Town of Amherstburg

Signature: 

 Name: LEON MELOCHE
 Title: DEPUTY MAYOR
 Date: July 2, 2019

Signature: 

 Name: PAULA PARKER
 Title: CLERIC
 Date: July 2/19

I/We have the authority to bind the Recipient.