

DOCUMENT 2

BY-LAW NO. 2018 - XX

A by-law of the City of Ottawa to designate a portion of 1221 Cyrville Road as municipal capital facilities.

WHEREAS Section 110 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act, 2001*") permits a municipality to enter into agreements for the provision of municipal capital facilities;

AND WHEREAS Section 110 of the *Municipal Act, 2001* permits a Council of a municipality to designate lands within the classes of lands described in Ontario Regulation 603/06, as amended, as municipal capital facilities and to exempt such facilities from taxation for municipal and school purposes;

AND WHEREAS a portion of the land located at 1221 Cyrville Road owned by Sedco Limited which are leased to the City of Ottawa and are more particularly described in Schedule "A" to this by-law ("the Lands"), are facilities used for the general administration of the municipality and parking facilities ancillary to that facility, being permitted classes under Ontario Regulation 603/06 as amended (the "Lease Agreement");

AND WHEREAS, in accordance with the authorization of the Council on July 11, 2018 the City and Sedco Limited, will enter into a municipal capital facilities agreement, conditional on the passage of this by-law, in the form attached as Schedule "B," that provides for the use the Lands as a municipal capital facilities (the "Municipal Capital Facilities Agreement");

THEREFORE the Council of the City of Ottawa enacts as follows:

1. The Council hereby designates as municipal capital facilities the portion of the Lands leased by the City of Ottawa and used as facilities for the general administration of the municipality, and parking facilities ancillary to those facilities, and all present and future improvements thereto, and the implementation of such designation by way of the attached Municipal Capital Facilities Agreement, a copy of which is hereto as Schedule "B".
2. The Lands and all present and future related improvements thereto are hereby exempt from the payment of taxation for municipal and school purposes and shall be so exempt until the earliest of:

(a) the day the Lease Agreement and any renewal thereof expires, is surrendered or terminates for any reason whatsoever;

(b) the day that the *Municipal Act, 2001* or such other applicable or successor legislation is repealed or amended such that the designation of the Lands as a municipal capital facility is no longer available to be made or applicable; or

(c) the day the lands cease to be used as municipal capital facilities as that term is described in Ontario Regulation 603/06 or amendments thereto.

3. The City shall cause its Clerk to give written notice of the by-law permitting the City to enter into this agreement to the Minister of Education as provided for in subsection 110(5) of the *Municipal Act, 2001*.

4. The City shall cause its Clerk to give written notice of the contents of this by-law to the Municipal Property Assessment Corporation and the secretary of any school board if the area of jurisdiction of any such board included the land that is exempted by this by-law, as required under section 110(8) of the *Municipal Act, 2001*.

5. This by-law shall be effective as of the date of passing.

ENACTED AND PASSED this ___ day of ____, 2018.

CITY CLERK

MAYOR

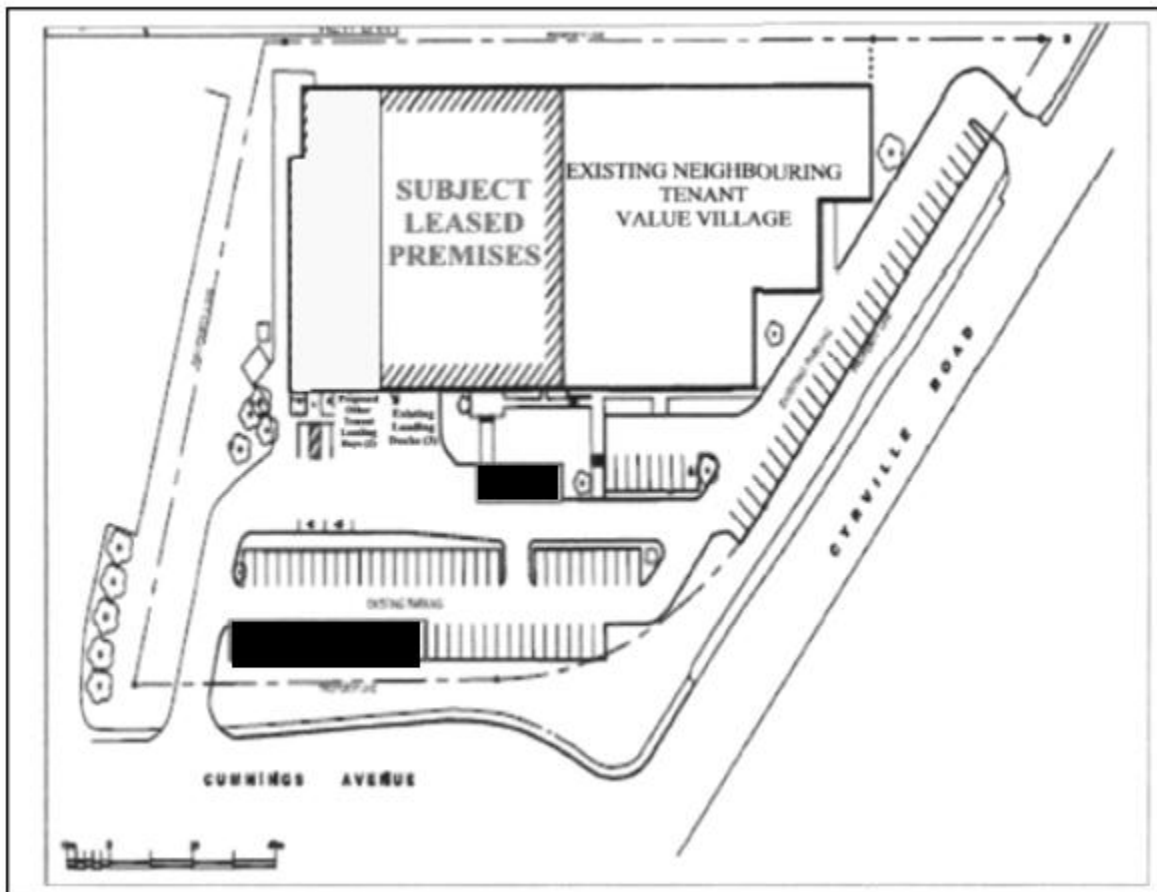
SCHEDULE "A"

The legal description of the property municipally known as 1221 Cyrville Road, City of Ottawa is as follows:

Property Identifier Number (PIN): 042640170

Property Description: PT LT 26, CON 2OF, PART 1 & 2, 5R2414; S/T CT234295 GLOUCESTER;

1221 Cyrville Road – City Leased Space - 23,587 square feet – plus 23 parking spaces as shown in black.



SCHEDULE "B"

Municipal Capital Facilities Agreement

THIS AGREEMENT dated the ___ day of ___, 2018.

BETWEEN:

CITY OF OTTAWA
(hereinafter referred to as the "City")

AND:

SEDCO LIMITED
(hereafter referred to as the "Sedco")

WHEREAS:

- A. Sedco is the owner of 1221 Cyrville Road (the 'subject property'), more particularly described in Annex "A" hereto (the "Annex "A" Lands");
- B. The City has entered into a Lease Extension and Amending Agreement with Sedco dated April 10, 2018 providing for an extended lease term to June 30, 2023 for a portion of the subject property (the "Lease Agreement"), more particularly described in Annex "A" hereto (the "Annex "A" Lands");
- D. Sedco wishes, pursuant to Section 110 of the *Municipal Act, 2001*, to enter into a municipal capital facilities agreement with the City for the use of the portions of Annex "A" Lands leased by the City and all present and future improvements thereto as municipal capital facilities;
- E. The City wishes, pursuant to Section 110 of the *Municipal Act, 2001*, to exempt from taxation for municipal and school purposes the portions of the Annex "A" Lands which are leased by the City;
- F. The portion of the Lands leased by the City of Ottawa are facilities used for the general administration of the municipality and parking facilities ancillary to that facility, thus qualifying those portions of the Lands as classes of municipal capital facilities described in subsection 2.(1)(2) and 2.(1)(13) of Ontario Regulation 603/06 as amended;

THEREFORE, in consideration of the making of this Agreement and the mutual covenants contained herein, the parties undertake, covenant and agree as follows:

DESIGNATION

1. The City will by by-law, substantially in the form attached as Annex “B”, designate relevant portions of the Annex “A” Lands as municipal capital facilities and exempt the Lands from taxation for municipal and school purposes.

TERM

2. The term of this Agreement and the designation of the Lands as municipal capital facilities shall be from July 11, 2018 to the earliest of:
 - a. the day the Lease Agreement and any renewal thereof expires, is surrendered or terminates for any reason whatsoever;
 - b. the day that the *Municipal Act, 2001* or such other applicable or successor legislation is repealed or amended such that the designation of the Lands as a municipal capital facility is no longer available to be made or applicable; or
 - c. the day the Lands cease to be used as municipal capital facilities as that term is described in Ontario Regulation 603/06 as amended or amendments thereto.

TAX EXEMPTION

3. The City shall, pursuant to subsection 110(6) of the *Municipal Act, 2001*, exempt the Lands from property taxation for municipal and school purposes.

ZONING

4. For the purposes of clarity, the City acknowledges and agrees that neither this Agreement nor the by-law shall in any way affect the zoning of the Lands or the permitted uses of the Lands under applicable laws.

REGISTRATION

5. The by-law referred to in section 1 of this Agreement may be registered by the City on title of the Lands.

OBLIGATIONS AS COVENANTS

6. Each obligation expressed in this Agreement, even though not expressed as a covenant, is considered to be a covenant for all purposes.

ENTIRE AGREEMENT

7. This Agreement contains all the covenants, Agreements and understandings between the parties concerning its subject matter.

ENUREMENT

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

PARTIAL INVALIDITY

9. If any provision of this Agreement or the application of it to any person or circumstances is held to any extent invalid or unenforceable, the remainder of this Agreement or the application of the provisions to persons or circumstances other than those as to which it is held invalid or unenforceable is not affected.

FURTHER ASSURANCES

10. The parties shall do and execute all such further acts, deeds, instruments or things as may be necessary or desirable for the purpose of carrying out the intent of this Agreement.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

CITY OF OTTAWA

Name:
Title:

SEDCO LIMITED

Name:
Title:
I have authority to bind the Corporation.

ANNEX "A"

DESCRIPTION OF THE LANDS

The legal description of the property municipally known as 1221 Cyrville Road, City of Ottawa is as follows:

Property Identifier Number (PIN): 042640170

Property Description: PT LT 26, CON 2OF, PART 1 & 2, 5R2414; S/T CT234295 GLOUCEESTER;

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