

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 129-2003

A BY-LAW TO AUTHORIZE DEBENTURE FINANCING IN THE AMOUNT OF \$8,476,338.13 THROUGH THE ISSUANCE OF DEBT TO KMTS MOBILITY TO OFFSET THE COSTS OF THE TJW DEVELOPMENT

WHEREAS the Council of the Corporation of the City of Kenora, pursuant to Section 401(1) of the Municipal Act, S.O. 2001 may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt; and

WHEREAS the Council of the Corporation of the City of Kenora, through By-law 61-03, has previously issued a construction debenture for the TJW development that requires payment in full within five years of the original date of issue, pursuant to Section 408(4)(d) of the Municipal Act; and

WHEREAS a debenture, pursuant to Section 408(6) may be dated as specified in the issuing by-law if the by-law provides for the first amount for repayment being raised in the year in which the debentures are dated or in the next year; and

WHEREAS the intent of the TJW Development project was to repay any required debenture funding entirely from new tax revenue generated through that development; and

WHEREAS the City has received notice of supplementary assessment information related to the TJW Development; and

WHEREAS the Corporation of the City of Kenora is within the prescribed limits as set out by the Ontario Municipal Board (OMB) in accordance with Section 401(4)(c) of the Municipal Act for issuing debt without application to the OMB; and

NOW THEREFORE the Council of the Corporation of the City of Kenora enacts as follows:

1. For the purposes aforesaid, there shall be borrowed upon the credit of the Corporation at large, the sum of \$8,476,338.13 in lawful money of Canada, and the Corporation shall issue debt in that amount to KMTS Mobility.
2. The debt shall be dated the 31st day of December 2003, and shall be repayable in accordance with the attached amortization schedule. This debenture shall bear interest at a rate of 3.55% per annum, with principal and interest payable on the 31st day of December annually.

3. The construction debenture issued under By-law 61-03 shall be paid in full, including interest as calculated per the attached schedule, effective 31 December 2003.
4. The debt shall be payable to principal in lawful money of Canada at the City's appointed financial institution.
5. The debt shall not be issued in any paper format other than this By-law.
6. THAT this By-law shall become law and take effect as of the 31st day of December, 2003.

By-law read a First & Second Time this 22nd day of September, 2003.

By-law read a Third & Final Time this 22nd day of September, 2003.

THE CORPORATION OF THE CITY OF KENORA:

.....**D. Canfield, MAYOR**

.....**P. Grouda, D/CLERK**