

**THE CORPORATION OF THE CITY OF KENORA**

**BY-LAW NUMBER 40 - 2004**

**A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AMENDING AGREEMENT OF PURCHASE AND SALE BETWEEN THE CORPORATION OF THE CITY OF KENORA AND 1286730 ONTARIO LIMITED**

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**WHEREAS** the Corporation of the City of Kenora entered into a Purchase and Sale Agreement for the current Public Works Yard on February 13, 2003; and

**WHEREAS** the parties agree and wish to amend the provisions of that Agreement and find it necessary and expedient to execute an Amending Agreement for this purpose;

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

1. **THAT** the parties hereby enter into an Amending Agreement to include certain additional lands, extend the Condition Date and the Closing Date and to provide for certain other amendments as set out on the attached Agreement.
2. **THAT** the Mayor and Clerk of the Corporation of the City of Kenora are hereby authorized to execute the Amending Agreement between the Corporation of the City of Kenora and 1286730 Ontario Limited in accordance with the terms and conditions therein, and to affix the Seal of the Corporation thereto.
3. **THAT** this by-law shall come into force and be in effect from and after the final passing thereof.

**BY-LAW read a FIRST & SECOND Time this 13 day of April, 2004.**

**BY-LAW read a THIRD & FINAL Time this 13 day of April, 2004.**

**THE CORPORATION OF THE CITY OF KENORA**

.....**MAYOR**  
**David S. Canfield**

.....**CITY CLERK**  
**Joanne L. McMillin**

## AMENDING AGREEMENT

Made This 29<sup>th</sup> Day of March, 2004.

BETWEEN:

**The Corporation of the City of Kenora**  
(collectively the "Vendor")

OF THE FIRST PART

AND

**1286730 Ontario Limited**  
(the "Purchaser")

OF THE SECOND PART

WHEREAS:

- (a) The Vendor and 1376273 Ontario Limited entered into an agreement of purchase and sale dated February 13, 2003 and accepted by the Vendor on February 18, 2003 (the "APS"), as amended and assigned to the Purchaser by an assignment and amending agreement dated June 4, 2003, as further amended by amending agreements dated August 25, 2003, November 20, 2003, December 18, 2003 and February 23, 2004 (the APS, as amended, hereafter referred to as the "Agreement") for the purchase of approximately 15.43 acres of land fronting on Highway 17 East, in the City of Kenora, Province of Ontario as more particularly described in the Agreement (the "Property");
- (b) The Purchaser and Vendor wish to amend the Agreement,

NOW THEREFORE, IN CONSIDERATION of the payment of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, the Vendor and the Purchaser agree as follows:

1. The following lands are hereby added to and included in the definition of "Property" pursuant to the Agreement:

Part of Parcel 27650, being part of Lot 335, as shown on Plan M-63; Part of Parcel 32558, being part of the lane lying between Lots 335 and 223, as shown on Plan M-63; Part of Parcels 22978 and 2771, being part of Sixth Street South (formerly Gertie Street);

which lands are shown as the shaded triangle area of 0.04 acres labelled "Additional Area" on the plan attached hereto as Schedule "A".

2. The Condition Date in Section 6.2 of the Agreement is hereby extended to April 27, 2004 for the satisfaction or waiver of the Purchaser's Conditions set out in Subsection 6.2(b) of the APS.
3. The closing date is hereby extended to May 27, 2004, provided the lands listed in Clause 1 herein may have to be transferred at a later date.
4. Any terms which are not specifically defined herein shall have the same meaning as set out for such terms in the Agreement.
5. This Amending Agreement may be executed in any number of counterparts. A party may send a copy of its executed counterpart to the other party by facsimile transmission instead of delivering a signed copy original of that counterpart. Each executed counterpart (including each copy sent by facsimile transmission) shall be deemed to be an original and all executed counterparts taken together shall constitute one agreement.
6. Save and except as amended herein, the Agreement is unamended and in full force and effect.

IN WITNESS WHEREOF the parties have executed this Amending Agreement as of the date first written above.

**The Corporation of the City of Kenora**

Per: \_\_\_\_\_  
D. Canfield-MAYOR

Per: \_\_\_\_\_  
J. McMillin-CLERK

I/we have authority to bind the Corporation

**1286730 Ontario Limited**

Per: \_\_\_\_\_

I have authority to bind the Corporation