

# THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

## BY-LAW 05/2022

### *Being a By-law to Authorize the Acquisition of Lands from Ontario Power Generation Inc.*

WHEREAS section 8 of the *Municipal Act, 2001*, SO 2001, c. 25, as amended (the "*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable it to govern its affairs as it considers appropriate and enhance its ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides in part that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* authorizes a municipality to pass by-laws with respect to matters within its jurisdiction including the financial management of the municipality;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, SO 2001, c. 25, as amended, authorizes Council to delegate its powers and duties subject to certain restrictions;

AND WHEREAS Ontario Power Generation Inc. and the Municipality have discussed the potential sale of certain of its lands to the Municipality, and municipal staff have, at Council's direction, engaged in confidential negotiations with respect to the potential purchase and executed a conditional agreement of purchase and sale which is subject to Council's final approval and waiver of conditions as generally described in report PD-02-22 dated February 1, 2022;

AND WHEREAS Council is satisfied that the required due diligence has been performed and wishes to proceed with the acquisition of the lands as described herein, and waive all remaining conditions precedent to that purchase;

NOW THEREFORE IT IS ENACTED AS A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE AS FOLLOWS:

1. THAT the Municipality of Port Hope does hereby agree to purchase the lands as described in Schedule A hereto (the "Property") from Ontario Power Generation Inc. and hereby authorizes the Mayor and Clerk to execute all agreements necessary for that purchase; and
2. THAT the Municipality hereby waives all remaining conditions in the Agreement of Purchase and Sale for the property as generally described in report PD-02-22, and hereby authorizes and directs the Mayor and Clerk to execute such agreements and other documents as may be necessary to waive all remaining conditions including municipal due diligence conditions with respect to the purchase of the Property; and
3. THAT that the Mayor and Clerk be hereby authorized and directed to execute such agreements and other documents as may be necessary to secure funding through Infrastructure Ontario for up to \$20,000,000 (Twenty-Million Dollars) to fund the purchase of the Property; and
4. THAT the Mayor and Clerk be hereby authorized and directed to execute a seven-year lease with Ontario Power Generation Inc. for use of portions of the Property as per the terms of the Agreement of Purchase and Sale as generally described in report PD-02-22 and subject to the satisfaction of the CAO in consultation with the Municipality's legal counsel; and

5. THAT the Mayor and Clerk be hereby authorized and directed to execute any agreements and any other documents as may be necessary to facilitate the transactions contemplated in this by-law subject to the satisfaction of the Municipality's Chief Administrative Officer in consultation with the Municipality's legal counsel; and
6. THAT municipal staff be hereby authorized and directed to establish a Financial Reserve for the Property; and
7. THAT municipal staff be hereby authorized and directed to develop a plan for near term property management that includes any potential operating costs; and
8. THAT staff be hereby authorized and directed to prepare a plan for community consultation, property master planning and project management with all associated costs, timelines and activities for future consideration.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 15<sup>th</sup> day of February 2022.

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Bob Sanderson, Mayor

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Brian Gilmer, Clerk

Schedule "A" to By-law 05/2022

Lands – Legal Description

**PIN 51063-0087(LT):**

LT 1-36, A, B, C, D, E, F, G, H, I, J, K, L, P, Q, R, S, T PL 32 HOPE; EAST DR, WILLOW DR PL 32 HOPE; BLK M, N PL 32 HOPE EXCEPT PT 9, 9R330; PT LT 25-33 CON 1 HOPE; PT LT 25-33 CON BROKEN FRONT HOPE; PT RDAL BTN CON 1 AND CON BROKEN FRONT HOPE; PT RDAL BTN LT 26 AND LT 27 CON 1 HOPE; PT RDAL BTN LT 28 AND LT 29 CON 1 HOPE; PT RDAL BTN LT 30 AND LT 31 CON 1 HOPE; PT RDAL BTN LT 32 AND LT 33 CON 1 HOPE; PT RDAL BTN LT 26 AND LT 27 CON BROKEN FRONT HOPE; PT RDAL BTN LT 28 AND LT 29 CON BROKEN FRONT HOPE; PT RDAL BTN LT 30 AND LT 31 CON BROKEN FRONT HOPE; PT RDAL BTN LT 32 AND LT 33 CON BROKEN FRONT HOPE CLOSED BY PH39404, PH38120, PT 1, 9R816, S/T DEBTS IN PH22255, S/T BENEFICIARIES INTEREST IN PH22253; S/T HPT15670, HPT15672, HPT15673, HPT15676, HPT15678, NC320849, NC320850; PORT HOPE

**PIN 51063-0099(LT):**

PT LT 25-30 CON 1 HOPE; PT RDAL BTN LT 28 AND LT 29 CON 1 HOPE; PT RDAL BTN LT 26 AND LT 27 CON 1 HOPE CLOSED BY PH38120, PH39404, PT 2, 9R815, PT 2, 3, 9R999, PT 1, 2, 9R1030, PT 1, 2, 9R749, PT 1-5, 9R994, PT 1, 2, 9R2668, T/W PH29846; S/T HPT15739, PH50230; PORT HOPE

**PIN 51063-0101(LT):**

PT LT 31-32 CON 1 HOPE PT 1, 9R815, PT 1-5, 9R995, PT 1, 2, 9R1110; S/T HPT15678, NC320850; PORT HOPE

**PIN 51063-0121(LT):**

PT LT 26 CON 1 HOPE; PT RDAL BTN LT 26 AND LT 27 CON 1 HOPE CLOSED BY PH39404, PH38120, PT 4, 6, 9R815; PORT HOPE

**PIN 51063-0001(LT):**

PCL WATER LOT-1 SEC LOCATIONHY168; PT BED OF LAKE ONTARIO LYING IN FRONT OF LT 26, 27 CON BROKEN FRONT & RDAL BTN LT 26 & 27 CON BROKEN FRONT HOPE BEING WATER LOT LOCATION HY. 168, PT 1, 9R1033; S/T CONDITIONS AND RESERVATIONS AS IN LT1605; PORT HOPE