



## BY-LAW

NO. 2024 –

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**Being a By-law to Amend By-law 2010 – 122; being a By-law for an Airport Hanger Lease Agreement and By-law 2024 – 027 for an Airport Hanger Lease Agreement**

(Ian Brown/Chris McCullough/Mathew Reaney/Michael Hahn)

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**Whereas** Sections 8 and 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**Whereas** Council of The Corporation of the Municipality of Kincardine passed By-law 2010 – 122 on 15<sup>th</sup> day of September 2010 authorizing the signing of a Lease Agreement for the rental of land at the Kincardine Airport to Chris McCullough. Section 15 of the said Agreement allows the Tenant the right to assign the Lease; and

**Whereas** Council of The Corporation of the Municipality of Kincardine passed By-law 2024 – 027 on 14<sup>th</sup> day of February, 2024 authorizing Chris McCullough to assign the Airport Hanger Lease Agreement to Ian Brown;

**Whereas** The Corporation of the Municipality of Kincardine wishes to provide written consent to assign the Airport Hanger Lease Agreement from Ian Brown to Ian Brown, Chris McCullough, Mathew Reaney and Michael Hahn; now therefore be it

**Resolved** that the Council of The Corporation of the Municipality of Kincardine **enacts** as follows:

1. That the Mayor and Clerk be authorized to sign and execute the Consent Agreement to transfer the Lease Agreement from Ian Brown to Ian Brown, Chris McCullough, Mathew Reaney and Michael Hahn, attached to this By-law as Schedule 'A'.
2. That Section 1. and the attached Schedule "A" to By-law 2024 – 027, is hereby rescinded.
3. That the Mayor and Clerk be authorized to sign and execute the Consent Agreement to transfer the Airport Lease Agreement from Ian Brown to Ian Brown, Chris McCullough, Mathew Reaney and Michael Hahn, attached to this By-law as Schedule "A".
4. That this By-law shall come into full force and effect upon its final passage.
5. That this By-law may be cited as the "Assign Brown Airport Lease Agreement By-law".

**Read a First, Second and Third Time and Finally passed** this 11<sup>th</sup> day of September, 2024.

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Mayor

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Clerk

## Schedule 'A'

### Assign Airport Lease Agreement By-Law By-law No. 2024 -

#### CONSENT

To: Ian Brown

To: Ian Brown, Chris McCullough, Mathew Reany and Michael Hahn

#### Recitals:

- A. Ian Brown and the Corporation of the Municipality of Kincardine ("Municipality") are parties to a Lease Agreement (the "Contract").
- B. Ian Brown wishes to assign the Airport Lease Agreement to Ian Brown, Chris McCullough, Mathew Reany and Michael Hahn, all of his single right title and interest in and to the Contract.
- C. Ian Brown has agreed that as of 11<sup>th</sup> day of January, 2024, he will assume Hanger D8 and  $\frac{1}{4}$  responsibility for the discharge and performance of Ian Brown's obligations under the Contract, to the extent that such obligations are to be observed paid discharged or performed, as the case may be, at any time after the Effective Date and which arise out of events occurring after such time.
- D. Chris McCullough has agreed that he will assume Hangar E5 and  $\frac{1}{4}$  responsibility for the discharge and performance of Ian Brown's obligations under the Contract to the extent that such obligations are to be observed paid discharged or performed, as the case may be, at any time after the Effective Date and which arise out of events occurring after such time.
- E. Mathew Reany has agreed that as of 29<sup>th</sup> day of May, 2024 he will assume Hangar D6 and  $\frac{1}{4}$  responsibility for the discharge and performance of Ian Brown's obligations under the Contract to the extent that such obligations are to be observed paid discharged or performed, as the case may be, at any time after the Effective Date and which arise out of events occurring after such time.
- F. Michael Hahn has agreed that as of 24<sup>th</sup> day of August, 2024, he will assume Hangar E7 and  $\frac{1}{4}$  responsibility for the discharge and performance of Ian Brown's obligations under the Contract to the extent that such obligations are to be observed paid discharged or performed, as the case may be, at any time after the Effective Date and which arise out of events occurring after such time.

#### Based upon the foregoing:

1. The Municipality acknowledges that the Contract is in full force and effect and that, to the Municipality knowledge, Ian Brown is not in default under the Contract.
2. The Municipality consents to the assignment of the Contract to Ian Brown, Chris McCullough, Mathew Reany and Michael Hahn equally and in consideration of Ian Brown, Chris McCullough, Mathew Reany and Michael Hahn assumption of Ian Brown's obligations under the Contract, agrees that upon assignment, Ian Brown will be released and forever discharged from any obligations or liabilities under the Contract for which Ian Brown, Chris McCullough, Mathew Reany and Michael Hahn equally has assumed responsibility.
3. The Municipality understands that this consent does not in any way derogate from the rights of the Municipality under the Contract or release Ian Brown from the observance and performance of all the terms, covenants and conditions on the part of Ian Brown, Chris McCullough, Mathew Reany and Michael Hahn contained in the Contract.
4. The Municipality understands that this consent does not constitute a waiver of the requirement of consent to any further assignment of the Contract, and for any such assignment to be effective, shall require the prior consent of the Municipality as set out in the Contract.

Dated this 11<sup>th</sup> day of September, 2024 and forming part of By-law No 2024 - ??.

The Corporation of the  
Municipality of Kincardine

Per: \_\_\_\_\_  
Name: Kenneth Craig  
Title: Mayor

Per: \_\_\_\_\_  
Name: Jennifer Lawrie  
Title: Clerk