



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 272-98

To authorize the entering into of a Ground Lease and Park Purchase Agreement in connection with the development, operation, and management of a municipal capital facility, and to exempt a municipal capital facility from all taxes for municipal and school purposes.

WHEREAS section 210.1(2) of the Municipal Act, R.S.O. 1990, c.M.45, as amended, (the "Municipal Act") provides that the Council of The Corporation of the City of Brampton (the "City"), may enter into agreements for the provision of municipal capital facilities by any person;

AND WHEREAS section 210.1(7) of the Municipal Act provides that, despite any act, the Council of the City may exempt from taxation for municipal and school purposes, land or a portion of it on which municipal capital facilities are or will be located that is the subject of an agreement under section 210.1(2) of the Municipal Act, that is owned or leased by a person who has entered an agreement to provide facilities under section 210.1(2) of the Municipal Act, and that is entirely occupied and used or intended for use for a service or function that may be provided by the City;

AND WHEREAS sections 2(16) and 2(17) of Ontario Regulation 46/94, as amended (the "Regulation"), provide that municipal facilities used for cultural, recreational or tourist purposes, and ancillary parking facilities thereto, constitute two of the classes of municipal capital facilities for which a municipality may enter into an agreement under section 210.1(2) of the Municipal Act;

AND WHEREAS section 6 of the Regulation provides that the council of a municipality may enter into an agreement respecting municipal capital facilities described in sections 2(16) and 2(17) of the Regulation or grant a tax exemption for them only if, (a) the municipality owns or agrees to purchase or will own, on reversion of the property, the municipal capital facilities, including the land where they are situate, and (b) the council has declared by resolution that the municipal capital facilities are for the purposes of the municipality and are for public use;

AND WHEREAS the City owns or has agreed to purchase such municipal capital facilities, including the land where they are situate;

AND WHEREAS the City deems it appropriate to enter into a ground lease (the "Ground Lease") and a park purchase agreement (the "Park Purchase Agreement") with Sandringham/Wellington Community Management Inc. for the development, operation, and management of a mixed-use integrated, cultural, and/or recreational, municipal capital facility as described in the

attached Schedule A (the "Facility") and for the leasing and purchasing of a certain parcel or tract of lands underlying the facility as described in Schedule B (the "Lands");

AND WHEREAS upon the execution of the aforementioned agreements and all other necessary collateral documents and upon substantial completion of the Facility, it will be entirely occupied and used for a service or function that may be provided by the City;

AND WHEREAS the City deems it appropriate to exempt the Lands and the Facility from taxation for municipal and school purposes.

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

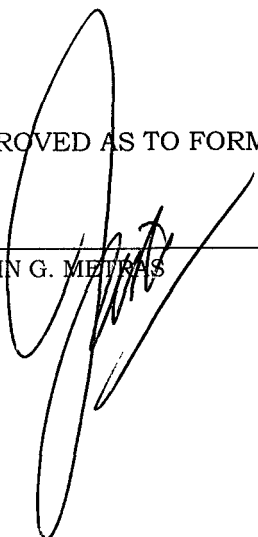
1. The City is authorized to enter into, deliver, and perform its obligations under the following agreements for the provision of municipal capital facilities pursuant to section 210.1(2) of the Municipal Act.
 - (a) the Ground Lease to be entered into in December 1998 in respect of the development and future operation of the Facility, the lease of the Lands, and all other related transactions contemplated in the Ground Lease; and
 - (b) the Park Purchase Agreement to be entered into in December 1998 in respect of purchasing the Lands and all other related transactions contemplated in the Park Purchase Agreement.
2. The City hereby confirms that the Facility and the Lands are a municipal capital facility pursuant to section 2(16) and 2(17) of Ontario Regulation 46/94.
3. All elements of the Facility and the Lands are for the purposes of the City and are for public use.
4. Effective from the date this by-law is finally passed, the City exempts the Lands and the Facility from taxation for municipal and school purposes other than with respect to rates and levies under sections 218 and 221 of the Municipal Act.
5. The Mayor and Clerk are authorized to execute the Ground Lease and the Park Purchase Agreement and all other documents necessary to complete the transactions contemplated by the Ground Lease and Park Purchase Agreement in forms satisfactory to the Commissioner of Community Services and the Commissioner of Legal Services and City Solicitor.
6. Upon the passing of this by-law, the Clerk of the City shall give written notice of the passing of this by-law to the Minister of Education and Training pursuant to section 210.1(6) of the Municipal Act.
7. Upon the passing of this by-law, the Clerk of the City shall give written notice of the passing of this by-law to (a) the Assessment Commissioner; (b) the Clerk of any other municipality that would,

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but for this by-law, have authority to levy rates on the assessment for the land and property exempted by this by-law; and (c) the secretary of any school board that would, but for this by-law, have the authority to require a municipality to levy rates on the assessment for the land exempted by this by-law.

READ a FIRST, SECOND, and THIRD TIME and passed in Open Council this **14th day of December, 1998.**

APPROVED AS TO FORM AND CONTENT



JOHN G. METRAS



PETER ROBERTSON MAYOR



LEONARD J. MIKULICH CLERK

SCHEDULE A TO BY-LAW No. 272-98

Facility means all of the buildings, structures, facilities, and improvements which the City, in its sole discretion, considers necessary for the development of a community park on the Lands, or any part or parts thereof and any alterations, removal, replacement, reconstruction, or restoration thereof, and without limiting the generality of the foregoing, includes arenas, recreation centres, tennis courts, swimming pools, lit and unlit playing fields of all kinds, play-ground structures, walkways, landscaping, driveways, and parking lots.

SCHEDULE B TO BY-LAW NO. 272-98

LEGAL DESCRIPTION

Part of Lot 13, Concession 3, East of Hurontario Street
(formerly in the Township of Chinguacousy,
Designated as Parts 1, 2, 3, 4, 5, 6, 21, 22, 23, and 24, on reference
plan 43R-23025
Town of Brampton)
City of Brampton
Regional Municipality of Peel