



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 140-97

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 Sections 2(16) and 2(17) of Ontario Regulation 46/94 (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 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 Section 6 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 a public use;

AND WHEREAS (a) the Council of the City has passed a resolution C198-97 dated June 9, 1997 pursuant to which the Council of the City has declared that all elements of the Project (defined below) constitute municipal capital facilities pursuant to Section 210.1 of the Municipal Act and pursuant to the Regulation and that all elements of the Project are for the purposes of the City and are for a public use, and (b) the City owns or will own on reversion of the property such municipal capital facilities, including the land where they are situate;

AND WHEREAS the City deems it appropriate to enter into certain agreements pursuant to Section 210.1(2) of the Municipal Act for the development, operation and management of a mixed-use integrated cultural, recreational and/or tourist municipal capital facility, as described in the attached Schedule A, (the Facility), for the

making of a non-revolving loan to Brampton Sports Centre Limited Partnership (the Limited Partnership) in the principal amount of \$6,000,000.00 evidenced by the accounts and records maintained by the City, on an interest-free basis maturing on August 31, 2034 or earlier at the option of the Limited Partnership for the purpose of funding the pre-construction phase expenses relating to the Facility and the construction and development of the Facility and any improvements thereto, for the granting of a limited guarantee in favour of the Limited Partnership and/or Royal Bank of Canada and/or Royal Trust Corporation of Canada in the principal amount of \$600,000 annually with respect to shortfall in payments due under the project loan, and for the leasing of a certain parcel or tract of lands underlying the Facility as more particularly described in the attached Schedule B (the Lands) (the Facility and the Lands are collectively referred to as the Project);

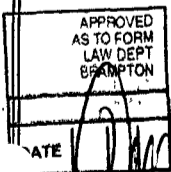
AND WHEREAS, upon the execution of the aforementioned agreements and all other necessary collateral documents, and upon substantial completion of the Facility, it will be entirely occupied and used for a service or function that may be provided by the City;

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. That the City hereby confirms that the Project is a municipal capital facility pursuant to Sections 2(16) and 2(17) of Ontario Regulation 46/94.
2. That 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 levied under Sections 218 and 221 of the Municipal Act.
3. That upon the passing of this By-law, the Clerk of the City shall give written notice of the contents of this By-law to (a) the assessment commissioner, (b) the Clerk of any other municipality that would, but for this By-law, have had 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 had 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 finally passed, signed and sealed this 9th day of June, 1997.




PETER ROBERTSON MAYOR


LEONARD J. MIKULICH CLERK

SCHEDULE "A" to By-law 140-97

Facility means the mixed-use integrated cultural, recreational and/or tourist Municipal Capital Facility, including:

- A. (a) a fully air-conditioned spectator facility capable of accommodating major Junior A hockey, figure skating championships, trade/consumer shows, conventions, concerts, theatrical shows, wrestling, speedskating, classical music performances, international tournaments, basketball, ice shows, circuses, boxing, community events, curling, college activities and community ice usage with spectator capacity (inclusive of all arena viewing seating) of approximately
- (1) 5,000 spectators for ice related events; and
 - (2) 6,000 spectators for all other events,
- including private suites and an exclusive club seat section;
- (b) three (3) additional ice pads; and
- (c) uses ancillary thereto, including:
- (1) a licensed bar and restaurant, together with support facilities;
 - (2) a retail sports store or stores and ancillary facilities;
 - (3) a 1,300 stall paved outdoor parking facility; and
 - (4) facilities to provide vehicular and pedestrian access to and from the improvements, driveways, lighting, landscaped areas and facilities for storage of garbage and other waste material, disposal of storm, surface and waste water, public utilities and the like.
- B. The baseball, rugby and model airplane flying facilities located on the Lands.

LEGAL DESCRIPTION OF LANDS

FIRSTLY:

Part of Lot 13, Concession 2, East of Hurontario Street
City of Brampton
Regional Municipality of Peel
(formerly the Geographic Township of Toronto)
Registry Division of Peel (No. 43)

More particularly described as follows:

Bearings are astronomic and are referred to the Southwest limit of Lot 13, Concession 2, East of Hurontario Street having a bearing of N44° 12' 05" W as shown on Reference Plan 43R-2995.

Commencing at an iron bar which may be located as follows:

Starting at the Southerly corner of the West half of Lot 13, Concession 2, East of Hurontario Street.

Thence N44° 12' 05" W along the Southwesterly limit of Lot 13, being also the Southwesterly limit of Part 6 on Reference Plan 43R-2995, 890.17 feet to an iron bar being the point of commencement.

Thence N39° 00' 25" E, 197.29 feet to an iron bar;

Thence N44° 08' 55" W, 110.00 feet to an iron bar in the limit between the Northerly and Southerly halves of the West half of Lot 13, Concession 2, East of Hurontario Street;

Thence S39° 17' 45" W along the said limit 197.51 feet to an iron bar in the Southwesterly limit of Lot 13, Concession 2, East of Hurontario Street.

Thence S44° 12' 55" W along the Southwesterly limit of the said Lot 13, 110.89 feet to the point of commencement.

Saving and Excepting thereout and therefrom that Part of Lot 13, Concession 2, East of Hurontario Street for road widening purposes more particularly described as follows:

Commencing at a standard iron bar marking the intersection of the line between the Northerly and Southerly halves of Lot 13, with the Southwesterly limit of the said Lot 13, point being the Southerly corner of Part 5 on the said Reference Plan 43R-2995;

Thence S44° 12' 05" E along the Southwesterly limit of the said Lot 13, a distance of 110.89 feet to an iron bar;

Thence N39° 00' 25" E, a distance of 27.19 feet more or less to a point being 27.00 feet measured at right angles to the Southwesterly limit of the said Lot 13;

Thence N44° 12' 05" W, a distance of 100.75 feet more or less to a point in the line between the Northerly and Southerly halves of the said Lot 13;

Thence S39° 00' 05" W, a distance along the line between the Northerly and Southerly halves of the said Lot 13, a distance of 27.17 feet more or less to the point of commencement;

As previously described in Instrument 106684 (Toronto Township).

SECONDLY:

Part of Lot 13, Concession 2, East of Hurontario Street
Shown as Part 6 on Reference Plan 43R-2995
City of Brampton
Regional Municipality of Peel
(formerly the Geographic Township of Toronto, County of Peel)

SAVE & EXCEPT that portion shown as Part 1 on Reference Plan 43R-4681

THIRDLY:

Part of Lot 13, Concession 2, East of Hurontario Street
Shown as Part 5 on Reference Plan 43R-2995
City of Brampton
Regional Municipality of Peel
(formerly the Geographic Township of Toronto, County of Peel)

SAVE & EXCEPT that portion shown as Part 2 on Reference Plan 43R-4681

FOURTHLY:

Part of Lot 14, Concession 2, East of Hurontario Street
Shown as Part 4 on Reference Plan 43R-2995
City of Brampton
Regional Municipality of Peel
(formerly the Geographic Township of Toronto, County of Peel)

SAVE & EXCEPT that portion shown as Part 3 on Reference Plan 43R-4681