

BY-LAW NO. 2021 - XX
CITY OF MARKHAM

A by-law of the City of Markham to designate certain lands as a municipal capital facility.

WHEREAS Section 110 of the *Municipal Act, 2001*, S.O., c.25, as amended (the “**Municipal Act, 2001**”) permits a municipality to enter into agreements for the provision of municipal capital facilities;

AND WHEREAS Section 110 of the *Municipal Act, 2001* permits a Council of a municipality to designate lands within the classes of lands described in Ontario Regulation 603/06 as a municipal capital facility and exempt the facilities from taxation for municipal and school purposes;

AND WHEREAS the City and the Tenant have entered into a Lease dated June 22, 2021 (the “**Lease**”) whereby the City has leased to the Tenant a portion of the City-owned lands municipally known as 73 Wootten Way N, Markham, depicted in Schedule “A” of this by-law (the “**Lands**”) for the installation and operation of seasonal tennis bubbles;

AND WHEREAS the Lands and the tennis bubbles to be installed by the Tenant on the Lands are municipal capital facilities used for recreational purposes;

AND WHEREAS the Lands are owned by the City and the City has agreed to purchase the tennis bubbles to be erected on the Lands upon termination of the Lease;

AND WHEREAS Council has declared by resolution on **December xx, 2021** that the tennis bubbles to be located at Lands are for the purposes of the City and are for public use;

AND WHEREAS Council for the City of Markham, dated on **December xx, 2021** approved the passing of a by-law authorizing the City to enter into a Municipal Capital Facility Agreement (the “**MCF Agreement**”) with the Tenant for the provision of municipal capital facilities by the Tenant on the Lands;

AND WHEREAS the MCF Agreement also provides for the exemption of the Lands from taxes for municipal and school purposes and specifies that the municipal capital facilities to be provided by the Tenant on the Lands will be (a) used for recreational purposes; (b) are for the purposes of the City; and (c) are for public use.

AND WHEREAS Council for the City of Markham, on **December xx, 2021** approved the passing of a by-law to exempt the Lands from taxes for municipal and school purposes to be effective from the later of the following dates: (a) the commencement date of the Lease; and (b) the date the MCF Agreement is signed; and (c) the date the by-law exempting the Lands from taxes is enacted;

THEREFORE the Council of the City of Markham enacts as follows:

1. The Council hereby designates the Lands and the tennis bubbles to be located thereon, together with all ancillary improvements, as municipal capital facilities for recreational purposes.
2. The Lands and the tennis bubbles, together with ancillary improvements, to be erected on the Lands are for the purposes of the City and for public use.

3. The Mayor and Clerk are hereby authorized to execute the MCF Agreement and any and all associated or related agreements with the Tenant for the provision of municipal capital facilities on the Lands, provided that the form and content of the MCF Agreement are satisfactory to the City Solicitor and the Director of Recreation Services.
4. The Lands and the tennis bubbles, together with ancillary improvements, to be located on the Lands are hereby exempted from taxation for municipal and school purposes to be effective on the later of the following dates: (a) the commencement date of the Lease; and (b) the date the MCF Agreement is signed; and (c) the date this by-law is enacted.

ENACTED AND PASSED this day of **December xx, 2021**

CITY CLERK

MAYOR