



By-law 2016-69

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 has approved the execution of a lease (the “Lease”) with Mount Joy Sports Dome Inc. (the “**Lease**”) whereby the City will lease to Mount Joy Sports Dome Inc. a portion of the City-owned lands municipally known as 6140 16th Avenue, Markham, depicted in Schedule “A” of this by-law (the “**Lands**”) for the installation and operation of a seasonal indoor soccer dome;

AND WHEREAS the Lands and the indoor soccer dome to be installed by Mount Joy Sports Dome Inc. on the Lands are hereby designated as municipal capital facilities to be used for recreational purposes;

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

AND WHEREAS Council has declared by resolution on June 14, 2016 that the indoor soccer dome 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, on June 14, 2016 approved the passing of a by-law authorizing the City to enter into a Municipal Capital Facilities Agreement (the “**MCF Agreement**”) with Mount Joy Sports Dome for the provision of municipal capital facilities by Mount Joy Sports Dome Inc. 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 Mount Joy Sports Dome Inc. on the Lands (a) will be 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 June 14, 2016 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 indoor soccer dome to be located thereon, together with all ancillary improvements, as municipal capital facilities for recreational purposes.

2. The Lands and the indoor soccer dome, 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 with Mount Joy Sports Dome Inc. 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 Commissioner of Community and Fire Services.
4. The Lands and the indoor soccer dome, together with ancillary improvements, to be located on the Lands, are hereby exempted from taxation for municipal and school purposes, such exemption 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.

Read a first, second, and third time and passed on June 14, 2016.



Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Appendix A - 6140 16th Avenue, Markham



MOUNT JOY SPORT DOME



13.05.2016
NTS
BTI-1287

