

Authority: Item 6, Public Works Committee
Report 07-005 (PW07018/FCS07025)
CM: April 11, 2006

Bill No. 104

CITY OF HAMILTON

By-law No. 07-104

**To Authorize a Development Charges Exemption
for a Municipal Capital Facility Located at 356 Rymal Road East
on Premises Leased from the City of Hamilton**

WHEREAS subsection 110(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the council of a municipality may enter into agreements for the provision of municipal capital facilities by any person;

AND WHEREAS pursuant to subsection 110(7) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the council of a municipality may exempt from development charge taxation land or a portion of it on which municipal capital facilities are or will be located;

AND WHEREAS subsection 2(16) of Ontario Regulation 603/06, as amended, prescribes municipal facilities used for cultural, recreational or tourist purposes as eligible municipal capital facilities for development charges exemptions under subsection 110(7) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

AND WHEREAS subsection 6(1) of Ontario Regulation 603/06, as amended, prescribes that a municipality may enter into an agreement respecting municipal capital facilities used for cultural, recreational or tourist purposes only if: 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 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 at its meeting of February 15, 2007, Council declared by resolution that the future facility, which facility will be a cultural, recreational or tourist facility more particularly described in Schedule "A", shall be deemed a municipal capital facility;

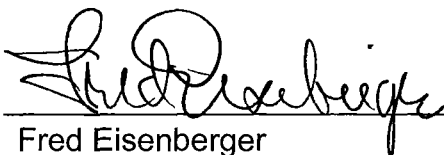
AND WHEREAS at its meeting on February 15, 2007 Council authorized the entering into an agreement or agreements for the provision of the municipal capital facility by The Hamilton/Burlington Young Men's Christian Association ("YMCA");

AND WHEREAS the City of Hamilton owns the land on which the municipal capital facility is situate and will own on reversion of the property the municipal capital facility; and the City of Hamilton Council has declared by resolution that the municipal capital facility is for the purposes of the municipality and is for public use;

NOW THEREFORE the Council of the City of Hamilton ENACTS as follows:

1. The YMCA shall be exempt from the payment of development charges in respect of the municipal capital facility imposed by the City under the Development Charges Act, 1997, S.O. 1997, c.27, as amended, while this By-law is in force.
2. This By-law shall be deemed repealed:
 - (a) If the YMCA ceases to occupy the municipal capital facility without having assigned the agreement or agreements for its provision to a person approved by the City in accordance with the agreement or agreements;
 - (b) if the YMCA or its successor in law ceases to use the municipal capital facility for cultural, recreational or tourist purposes; or
 - (c) if the agreement or any or all of the agreements for the provision of the municipal capital facility is/are terminated for any reason whatsoever.
3. This By-law shall come into effect on the date of its enactment.

PASSED AND ENACTED this 11th day of April, 2007.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

SCHEDULE "A"**DESCRIPTION OF PREMISES AND PROJECT**

Municipal capital facility to be located at 356 Rymal Road East at Turner Park in Hamilton, Ontario (future 48,018 square foot facility plus a 50% share of the future 4,349 square foot common area facility connecting directly with the facility located at 356 Rymal Road East, Hamilton, ON).