



The Municipal Corporation of the Town of Fort Erie

By-law No. 69-2016

Being a By-law to Exempt Lands from Taxes Levied for Municipal and School Purposes (Bertie Centennial Park - 865 Ferndale Avenue)

Whereas Section 110(6) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the “Act”) permits the council of a municipality to exempt land or a portion of it on which municipal capital facilities are or will be located and that is the subject of an agreement for the provision of municipal capital facilities, from taxes levied for municipal and school purposes, and

Whereas pursuant to Section 110(6) of the *Act* and Section 2(1)16 of O. Reg. 603/06 (amended to O. Reg. 374/11) (the “Regulation”), municipal facilities used for cultural, recreational or tourist purposes, are eligible municipal capital facilities for the purpose of a tax exemption under Section 110(6) of the *Act*, and

Whereas Report No. PDS-45-2016 was considered at the Council-in-Committee meeting held on June 13, 2016, and subsequently authorized and approved by Council to enter into an agreement with the Greater Fort Erie Youth Soccer Club to lease the clubhouse land and premises located within “Bertie Centennial Park” and to declare the clubhouse land and premises a municipal capital facility and authorize its exemption from municipal and school taxes, and

Whereas the clubhouse land and premises to be leased will be used as part of the municipal capital facility for the purposes of the municipality and will be for public use in accordance with Section 6(1)(b) of the Regulation, and

Whereas it is deemed desirable to exempt the clubhouse land and premises to be leased, from taxes levied for municipal and school purposes;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the clubhouse land and premises situated in the “Bertie Centennial Park” public park lands located at 865 Ferndale Avenue, which is the subject of, and identified in a Lease and Capital Facility Agreement to be entered into with the Greater Fort Erie Youth Soccer Club, shall be exempt from taxes levied for municipal and school purposes.
2. **THAT** this by-law shall be effective as of the date of commencement of the Lease and Capital Facility Agreement between The Corporation of the Town of Fort Erie and the Greater Fort Erie Youth Soccer Club, and continuing thereafter until such time as the said Agreement has expired or has been terminated.

3. **THAT** this tax exemption shall not apply to any portion of the land or any portion of any building(s) or structure(s) that are not entirely occupied or intended for use for a service or function that may be provided by the municipality.
4. **THAT** pursuant to Section 110(17) of the *Municipal Act, 2001*, as amended, Section 357 of the *Municipal Act, 2001*, as amended, applies with necessary modifications to allow for a cancellation, reduction or refund of taxes that are no longer payable as a result of this by-law.
5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 20th day of June, 2016.

Mayor

Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 69-2016 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20