THE CITY OF WINNIPEG

BY-LAW NO. 19/2020

A By-law of THE CITY OF WINNIPEG to create a Tax Increment Financing Zone in respect of an area known as Forks Railside Phase 1

WHEREAS the Forks Renewal Corporation is a non-share capital corporation owned by the Government of Canada, the Province of Manitoba and the City of Winnipeg;

AND WHEREAS among the lands owned by the Forks Renewal Corporation are specific lands collectively known as Forks Railside Phase 1, which are the subject of an application for consolidation by way of short form subdivision DASSF 529/2018 and which are shown as the shaded area on the map attached to and forming part of this By-law;

AND WHEREAS, when registered at the Property Registry, DASSF 529/2018 will result in the creation of a distinct parcel of land which can be assessed for the purposes of imposing municipal taxes;

AND WHEREAS the Forks Renewal Corporation has plans to develop Forks Railside Phase 1 in three stages;

AND WHEREAS On July 16, 2014 Council approved the fiscal framework for construction of the public amenities/infrastructure for the Forks Railside Development including the establishment, in principle, of a Tax Increment Financing (TIF) Zone on the Railside and Parcel 4 lands to support the construction of required public amenities and infrastructure;

AND WHEREAS on December 13, 2017, the Council of the City of Winnipeg adopted *Railside at the Forks Concept Plan*, a local area plan, as Council Policy PD-023;

AND WHEREAS on July 18, 2019, Council approved the following:

> *That the Public Service be directed to report back to Council with recommendations for any future required Tax Increment Financing contributions further to the July 16, 2014 Council approved direction, in support of "Railside North" and "Railside South" development.*

NOW THEREFORE, THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1 This By-law may be cited as the "Forks Railside TIF By-law".

Definitions

2 In this By-law

"base year municipal real property taxes" means the municipal real property taxes determined to be payable

(a) in respect of the parcel formed by the registration of short form subdivision application DASSF 529/2018 at the Property Registry;

(b) in the year in which short form subdivision application DASSF 529/2018 is registered at the Property Registry;

"*Charter*" means *The City of Winnipeg Charter*, S.M, 2002, c. 39;

"Chief Financial Officer" means the Chief Financial Officer of the City of Winnipeg appointed pursuant to section 96 of the *Charter*;

"Council" means the Council of the City of Winnipeg as defined in the *Charter;*

"Forks Railside Phase 1" means the lands which are the subject of an application for short form subdivision DASSF 529/2018 and which, for purposes of illustration only, are described by the shaded area on the map which is attached to and forms part of this By-law;

"incremental municipal real property taxes" in any year means the municipal real property taxes in respect of the assessment roll for Forks Railside Phase 1 payable for that year less the base year municipal real property taxes;

"municipal real property taxes" means taxes imposed by the City of Winnipeg for its own purposes on real property pursuant to clauses 334(1)(a) and 341(1) of the *Charter* and, for greater certainty, does not include:

(a) business taxes;
(b) fees for licences in lieu of business tax;
(c) fees for mobile home licences;
(d) personal property taxes;
(e) local improvement taxes;
(f) frontage taxes;
(g) arrears of taxes;
(h) any amounts added to taxes for the recovery of a debt pursuant to a statutory authority;
(i) business improvement taxes;
(h) electricity and gas taxes; nor
(k) penalties for unpaid taxes;

"public space investments" means investments in public spaces and public space amenities and includes, among other things, plazas/courtyards, walkways, streetscape enhancements, landscaping, outdoor seating, lighting, art, and wayfinding signage;

"TIF" means a tax increment financing program established pursuant to section 222 of *The City of Winnipeg Charter*.

Forks Railside Phase 1 TIF established

3 A tax increment financing program is established by this By-law in respect of Forks Railside Phase 1.

80% of incremental municipal real property taxes to support public space investments

4(1) Subject to compliance by the Forks Renewal Corporation with the terms of the grant as set out in this By-law and in the grant agreement referred to in this By-law, the Chief Financial Officer of the City of Winnipeg shall ensure that 80% of the incremental municipal real property taxes payable in respect of Forks Railside Phase 1 shall be paid by way of grant to the Forks

Renewal Corporation for a total of 20 years or until a total of $7.9 million has been paid, whichever occurs first.

4(2) The first determination of incremental taxes and the first annual grant payment required by subsection (1) shall be made in respect of the year after the year in which the first occupancy permit is issued for a building constructed on Forks Railside Phase 1.

4(3) The Chief Financial Officer may comply with the obligation set out in this section by setting off the grant payment payable to the Forks Renewal Corporation against the taxes payable by the Forks Renewal Corporation. However, the obligation on the Chief Financial Officer set out in subsection (1) does not apply in any year in which the Forks Renewal Corporation does not pay the taxes it owes in respect of Forks Railside Phase 1.

4(4) The obligation on the Chief Financial Officer set out in subsection (1) is subject to the execution by the Forks Renewal Corporation of a grant agreement approved by the Chief Financial Officer which incorporates the conditions on the grant set out in this By-law and such other terms and conditions considered necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

Conditions on grants

5(1) It is a condition of the grants paid out pursuant to section 4 that they be used by the Forks Renewal Corporation exclusively to support public space investments within Forks Railside Phase 1 consistent with *Railside at the Forks Concept Plan* adopted as Council Policy PD-023, as amended from time to time.

5(2) It is a further condition of the grants paid out pursuant to section 4 that the Forks Renewal Corporation provide to the Chief Financial Officer annually a report setting out expenditures made with the previous year's grant.

5(3) If the Forks Renewal Corporation fails to comply with a condition set out in this By-law or set out in the agreement required by subsection 4(4), the Chief Financial Officer shall attempt to resolve the failure with the Forks Renewal Corporation and, if this is unsuccessful, shall

(a) refuse to make a grant under section 4 in the following year; and

(b) bring the matter to the attention of Council.

DONE AND PASSED this 20th day of March, 2020.

Mayor

City Clerk

Approved as to content:

Director of Planning, Property and Development

Legally reviewed and certified as to form:

for Director of Legal Services and City Solicitor