BY-LAW NO. 7008

BEING A BY-LAW of the City of Brandon to create a tax increment financing program for eligible properties to encourage and assist in the development of property in the Downtown HUB of Brandon.

WHEREAS Section 261.3 (1) of The Municipal Act, R.S.M. 1996, c. M225 authorizes the Council of a municipality to establish, by by-law, tax increment financing programs;

AND WHEREAS the Council of The City of Brandon has recognized the importance of enhancing the attractiveness of investing and locating in the Downtown HUB of Brandon;

AND WHEREAS the tax increment financing program shall be utilized to overcome existing barriers that hinder development in the Downtown HUB;

AND WHEREAS the Council of The City of Brandon has deemed it necessary and expedient to pass a by-law for the purpose of creating and establishing the terms and conditions of a tax increment financing program within that Downtown HUB;

NOW THEREFORE the Council of The City of Brandon, in open session assembled, enacts as follows:

- 1. In this by-law,
 - (a) <u>COMMUNITY REVITALIZATION LEVY</u> means a levy imposed on the portioned value of the incremental assessed value of each community revitalization property situated in the municipality.
 - (b) <u>COMMUNITY REVITALIZATION PROPERTY</u> means real property that is designated by the municipality as such and is eligible for the tax increment financing program.
 - (c) <u>DEVELOPMENT</u> includes redevelopment and means the preservation, restoration, structural repair and/or stabilization of an existing building or the construction of a new building.
 - (d) <u>DIRECTOR</u> means the Director of Economic Development for the City of Brandon or designate;
 - (e) <u>FUND</u> means the Community Revitalization Reserve Fund established by the City of Brandon to promote and support significant improvement projects.
 - (f) <u>INCREMENTAL ASSESSED VALUE</u> means the difference in the assessed value of a property designated as a community revitalization property during the base year and the assessed value, including improvements, following the development of that property.
 - (g) <u>MUNICIPAL TAXES</u> means the property taxes imposed for municipal purposes by the municipality.
 - (h) <u>MUNICIPALITY</u> means the City of Brandon.
 - (i) <u>OWNER</u> means a person who is the registered owner under The Real Property Act of land on which a building is located; or the granted thereof of a valid conveyance registered under The Registry Act; or an agent of either such owner; or the developer of the property.
 - (j) <u>PRE-DESIGNATION ASSESSED VALUE</u> the assessed value as entered on the current real property assessment prior to the first general assessment after the property has been designated as a community revitalization property.
- 2. That a tax increment financing program be established for properties within the Downtown HUB Secondary Plan boundaries as shown on "Schedule A" attached hereto.
- 3. Real property may be designated as a community revitalization property if the Director is satisfied that:
 - (a) significant improvements to the property are to occur;
 - (b) it is in the public interest that the improvements are made; and
 - (c) barriers that hinder development must be overcome in order for the development to occur.

- A community revitalization levy shall be imposed on properties designated as a 4. community revitalization property in the designated area equivalent to any new municipal taxes which may result from an increase in the assessed value of a property due to the redevelopment of that property or development of a new building for a period as set out in an agreement between the City of Brandon and the owner. Such funds shall be placed in the Community Revitalization Reserve Fund.
- The City of Brandon shall expend funds from the Community Revitalization 5. Reserve Fund for a community revitalization property to support significant improvement projects in order to:
 - (a) revitalize the Downtown community;
 - (b) encourage economic development;
 - (c) enhance social and cultural development;
 - (d) preserve heritage properties.
- 6. Applications may be made to access money in the reserve fund to provide financial assistance to persons who invest in developing property in the area including:
 - (a) the person in whose name the community revitalization property is assessed:
 - an occupier of the community revitalization property; or (b)
 - the municipality in which the community revitalization property is situated. (c)
- 7. Eligibility for financial assistance under this by-law shall be determined in accordance with the attached Schedule "B" - Municipal Tax Increment Financing Program Guidelines to this by-law.
- All applications must comply with the following: 8.

- the proposed development project must conform with all applicable provisions of the municipality's zoning and building by-laws, and with any applicable design approval process; and
- construction of the proposed project must not be commenced prior to (b) designation as a community revitalization property.
- 9. Applications will be received on a first-come, first-served basis and shall be made in the form provided by the Economic Development Department of the City of Brandon or designate. More than one application to this program per roll number shall be permitted provided the application does not relate to the same square footage as a previous application.
- Funding for each community revitalization property through the tax increment financing program will be available for a maximum of eight (8) years, and will be 10. determined on a project by project basis. Funds will only be paid after the collection of the community revitalization levy.
- 11. THAT this by-law shall come into force and take effect on the day following its passage.

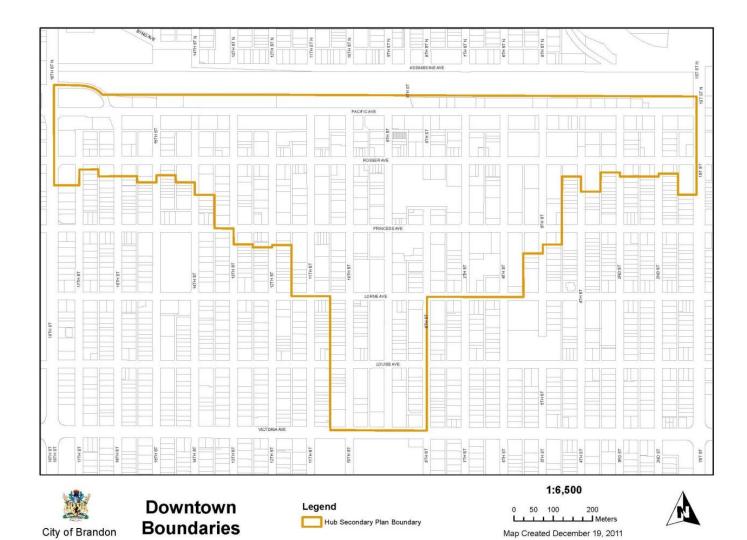
DONE AND PASSED by the Council of The City of Brandon in a meeting duly assembled this 9th day of January A.D. 2012.

"S. Decter Hirst"	"C. R. Arvisais"			
MAYOR				CITY CLERK
Read a first time this	19 th	day of	December	A.D. 2011
Read a second time this	9 th	day of	January	A.D. 2012
Read a third time this	9 th	day of	January	A.D. 2012

I, Conrad Robert Arivsais, Clerk of the City of Brandon, DO HEREBY CERTIFY the above to be a true and correct copy within of By-law No. 7008.

SCHEDULE "A" TO BY-LAW NO. 7008

BOUNDARIES OF THE BRANDON DOWNTOWN HUB SECONDARY PLAN



SCHEDULE "B" TO BY-LAW NO. 7008

City of Brandon Municipal Tax Increment Financing Program Guidelines

This program is designed to assist the owner(s), or developers of a building or property located within the Downtown HUB Secondary Plan boundaries.

The program's objective is to encourage investment or development in this area.

A. Eligibility

In order to receive financial assistance under this program, an application must meet all of the following criteria:

- 1. Properties must be developed as commercial, commercial/residential mix, or residential uses in the Downtown HUB District.
- 2. The applicant must have submitted all information required in the Municipal Tax Increment Financing Program Application Form.
- 3. All proposed redevelopment or development work must be approved by the Development Services Division of the City of Brandon prior to commencement. Financial assistance will <u>not</u> be provided for work completed prior to application approval.
- 4. All work must comply with all applicable zoning by-laws, design approval processes, etc.

B. <u>Eligible Work Items</u>

Eligible projects include, but are not limited to:

- 1. Exterior and interior restoration of a building;
- 2. Structural repair and stabilization;
- 3. Work required to upgrade the building to contemporary standards, including:
 - · Repair/replacement of electrical, mechanical and plumbing systems
 - Fire sprinklering as required by the Manitoba Building Codes
 - New interior construction
 - Energy efficiency upgrading of the building
 - Asbestos removal and other environmental abatement requirements
 - Handicap access requirements
- 4. New bare land development.

C. Administrative Procedure

- 1. Application forms are accepted and reviewed on a first-come, first served basis and shall be made to the Economic Development Office of the City of Brandon or designate. Applications will not be accepted until all required information as outlined in the Municipal Tax Increment Financing Plan Application is supplied.
- 2. All required permits, certificates and other authorizations must be obtained before the project commences construction.
- 3. Before the release of any financial assistance from the Community Revitalization Fund, the project must be completed and a final occupancy permit granted.
- 4. If the applicant is not the property owner, written authorization from the property owner(s) is required to apply for financial assistance.