

By-law 2017-149

A By-law of the City of Greater Sudbury to Authorize an Option to Purchase for the Event Centre from 1916596 Ontario Limited being Part of PIN 73561-0264 (LT), PIN 73561-0282 LT) and PIN 73561-0261(LT) located on Kingsway, Sudbury and Other Related Matters

Whereas the City of Greater Sudbury wishes to authorize entering into an Option to Purchase certain lands on the Kingsway in Sudbury, forming part of PIN 73561-0264(LT), PIN 73561-0282LT) and PIN 73561-0261(LT), Township of McKim, City of Greater Sudbury as described therein and to be more particularly described by a reference plan in the event the option is exercised, as the proposed site for a proposed arena/event centre;

And Whereas the proposed Option to Purchase is conditional upon approval of the Council of the City of Greater Sudbury, upon rezoning of the lands, and upon such other conditions as are included therein;

And Whereas the City has agreed to make a contribution to the cost of construction of the road required for the development of the proposed arena/event centre;

And Whereas Council for the City of Greater Sudbury has determined to support the concept of the development of an Entertainment District on PIN 73561-0264(LT), PIN 73561-0282LT) and PIN 73561-0261(LT), in conjunction with the proposed arena/event centre and wishes to pursue the development of a concept plan with interested participants;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

Option to Purchase

1.-(1) The General Manager of Community Development is authorized to sign on behalf of the City of Greater Sudbury an Option to purchase from 1916596 Ontario Limited, for the sum of \$10.00 and H.S.T., if applicable, certain vacant land forming part of PIN 73561-0264(LT), PIN 73561-0282LT) and PIN 73561-0261(LT), north of Kingsway Boulevard located within the area formed by Streets A and C on a draft plan of subdivision approved under file 780-6/10002 as the Jack Nicholas Business and Innovation Subdivision and to be more particularly described by a reference plan approved by the Director of Assets and Fleet Service.

- (2) The General Manager of Community Development is authorized to:
- (a) apply for a re-zoning and take such other steps, retain such advisors and other resources and incur such expense as may be reasonably required to

determine if it is in order to exercise the option to purchase, and if appropriate, to exercise the option;

- (b) extend the date for the exercise of the option agreement, to amend the option agreement or any part thereof, and to extend or advance the date for closing on the purchase in the event the option is exercised, as the General Manager of Community Development may consider to be appropriate; and
- (c) sign the Transfer, such agreements and other documents and to take such other steps as maybe required to complete the transaction in the event the Option is exercised.

(3) The City Solicitor is authorized to electronically register the Transfer of the said land to the City in the event the Option is exercised, and such other documents as may be required to complete the transaction.

Servicing, Cost Sharing and Road Transfer

2. The General Manager of Community Development is authorized to execute, on behalf of the City, the Servicing, Cost Sharing and Road Transfer Agreement with 1916596 Ontario Limited in the form or substantially in the form attached to the Option Agreement and to sign such other documents, to make such decisions and to take such actions as may, in the opinion of the General Manager of Community Development, be appropriate to implement, administer, amend or extend the agreement.

Cost Sharing

3.-(1) The General Manager of Community Development is authorized to negotiate and to sign, on behalf of the City of Greater Sudbury, a cost sharing agreement with participating parties for the development of a preliminary conceptual and layout plan for an entertainment district on PIN 73561-0264(LT), PIN 73561-0282LT) and PIN 73561-0261(LT), encompassing the City's proposed event centre and arena and other development and to sign such other documents and to make such decisions and to take such actions as may, in the opinion of the General Manager of Community Development, be appropriate, to implement, administer, to amend or extend the agreement.

(2) The General Manager of Community Development is authorized to make and implement the decisions necessary to support the completion of the proposed arena/event centre as part of an entertainment district, consistent with the site design strategy as adopted by and financial terms established by Council for the City of Greater Sudbury.

Without limiting the generality of the foregoing, General Manager of Community Development is authorized to negotiate and to sign on behalf of the City such agreements and other documents, and to take such actions to implement, administer, amend or extend any such agreement as in the opinion of the General Manager of Community Development may be appropriate to implement the direction of Council.

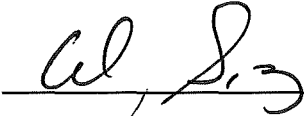
Delegation

4. The General Manager of Community Development may delegate the performance of any one or more of her functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The General Manager may continue to exercise any function delegated during the delegation.

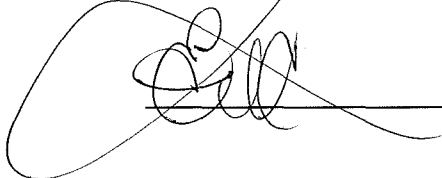
Effective

5. This By-law comes into full force and effect upon passage.

Read and Passed in Open Council this 22nd day of August, 2017



Deputy Mayor



Clerk