



City and School District 68 Agree to Property Exchange

(Nanaimo, December 4, 2012) – The City of Nanaimo and School District 68 (Nanaimo-Ladysmith) have signed a Letter of Intent that will see the two organizations prepare a formal agreement to exchange several parcels of land, to better serve the interests of both the citizens of Nanaimo and the students of SD68.

“Today’s announcement is a fine example of how two organizations, working closely together, can achieve favourable outcomes that support the goals of each organization’s strategic plan”, said Acting Nanaimo City Mayor, Bill Bestwick. “The new lands that the City of Nanaimo has acquired from School District 68 will allow us to explore park creation and development opportunities that were previously unavailable”.

SD68 Board Chair Jamie Brennan said that the agreement between the City and the School District is historic and a positive arrangement for both parties. “Last week, we signed a collaboration agreement with the City. This land exchange is a perfect example of how the School District and the City intend to work together in the best interests of the entire community.”

Under the agreement, land which is best used for parks will be transferred to the City while the School District will acquire properties that it can use for future planning. The agreement also cleans up some historic land title complications in which the City owns property on which the district has school buildings.

The letter outlines the intention of the two public organizations to exchange eight parcels of land.

The School District will transfer to the City:

- Harewood Field at 502 Howard Avenue - This will ensure that the playfield remains as a public use space in the Harewood community. (Attachment A)
- A portion of property on Oliver Road (5101 Rutherford) - The 15 acres being transferred to the City is most suitable for parkland, while the 6 acres being retained by the School District will be provided with road access and sewer and water services at the cost of the City so that the property can be sold and developed by the school district at some time in the future. (Attachment B)

- Northfield School (2249 Northfield) - This land is in an area where the City would like to improve road access. (Attachment C)
- 6780 Dickinson Road (Pioneer Park) - This land is adjacent to the May Bennett Park and is currently being used by the community as a park although it is owned by the School District. (Attachment D)

The City will transfer to the School District:

- Quennel Square - This land, on Selby and Franklyn Streets, is occupied by School District buildings but is owned by the City. The district would be able to use this property for an educational services building in the future. (Attachment E)
- Princess Royal (260 Irwin Street) - The former Princess Royal School sits on this property, which is currently owned by the City. (Attachment F)
- Pauline Haarer (400 Campbell and a portion of 445 Comox) - Pauline Haarer School sits on this property, which is owned by the City. (Attachment G)
- Bayview Elementary (140 View) – Bayview Elementary sits on this property, which is owned by the City. (Attachment H)

The next step in the process is for the City and the School District to develop a Land Exchange Agreement, which would provide the legal documentation for the planned exchanges.

-30-

Attachments: Maps (Attachments A-H), Letter of Intent

Contacts:

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Real Estate Manager
City of Nanaimo
250-755-4426

Jamie Brennan
Chair, Board of Education
School District 68 (Nanaimo-Ladysmith)
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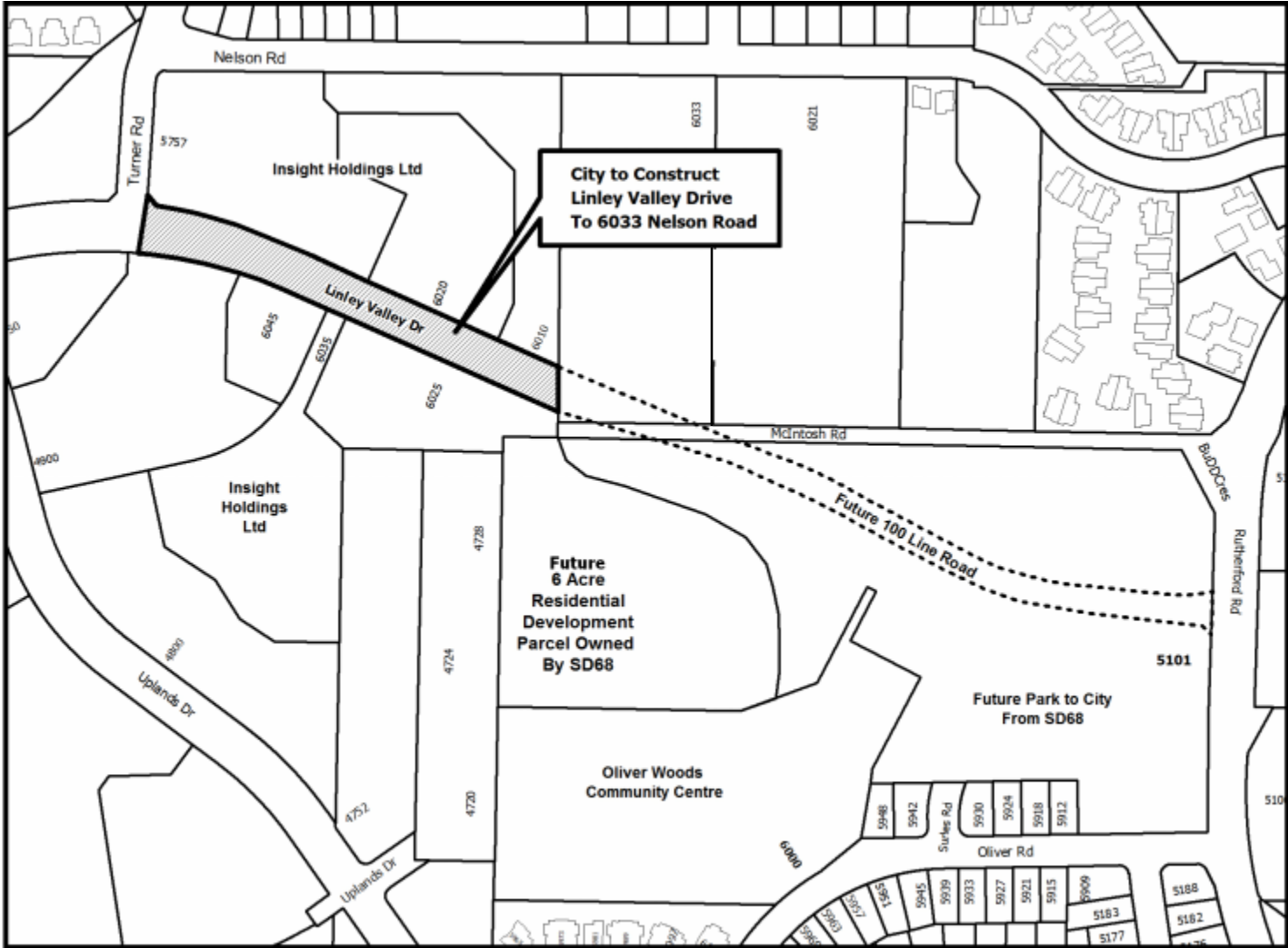
Phil Turin
Secretary-Treasurer
School District 68 (Nanaimo-Ladysmith)
250-741-5240

Harewood Field



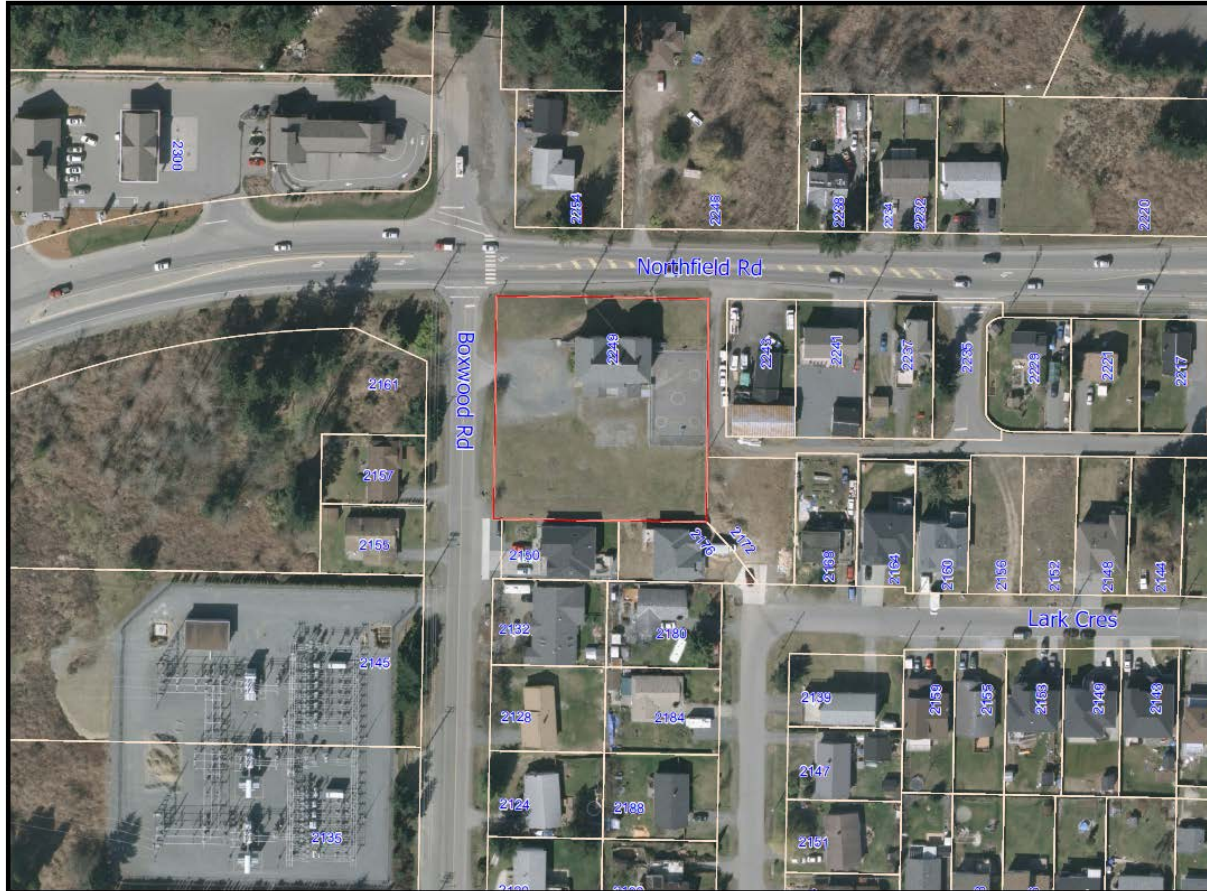
The Harewood Field (SD68)
Civic: 502 Howard Avenue

ATTACHMENT B



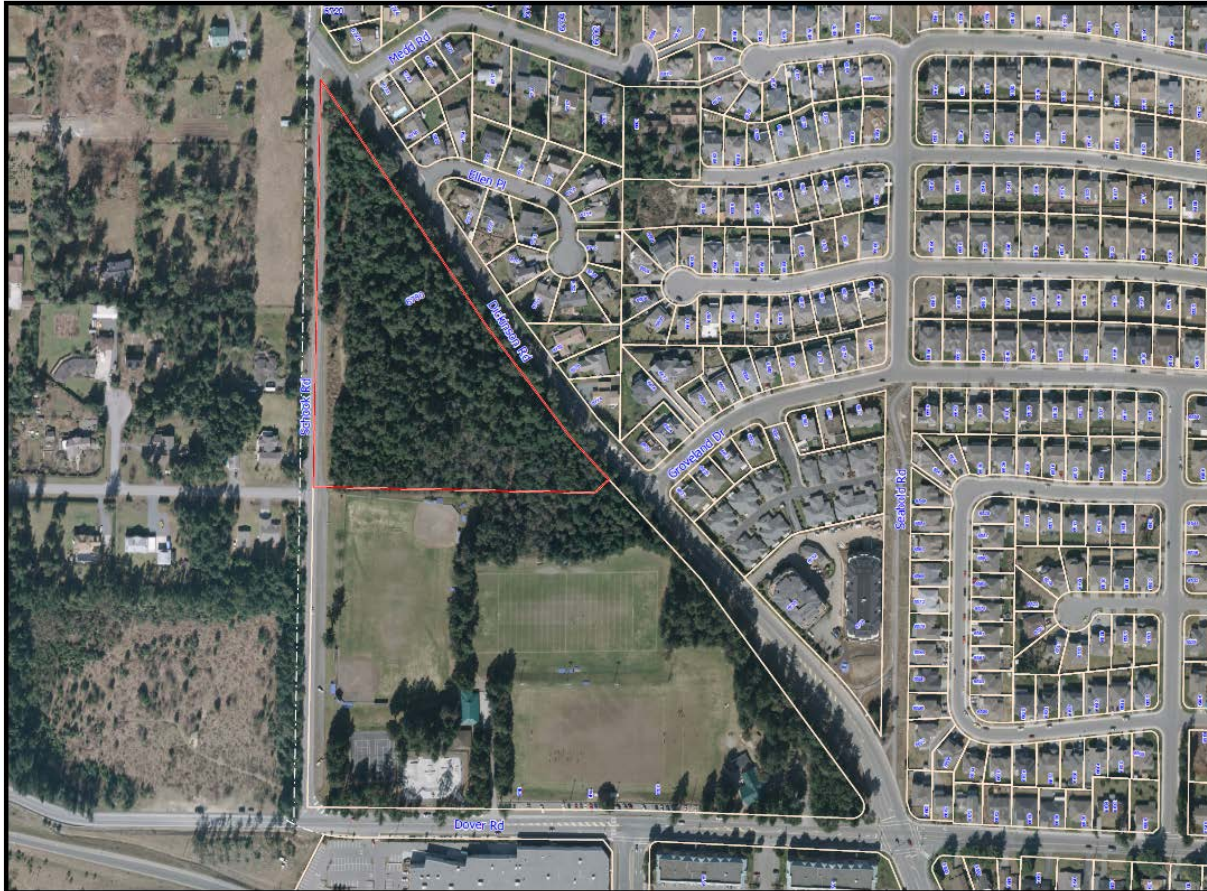
Attachment C

Northfield School



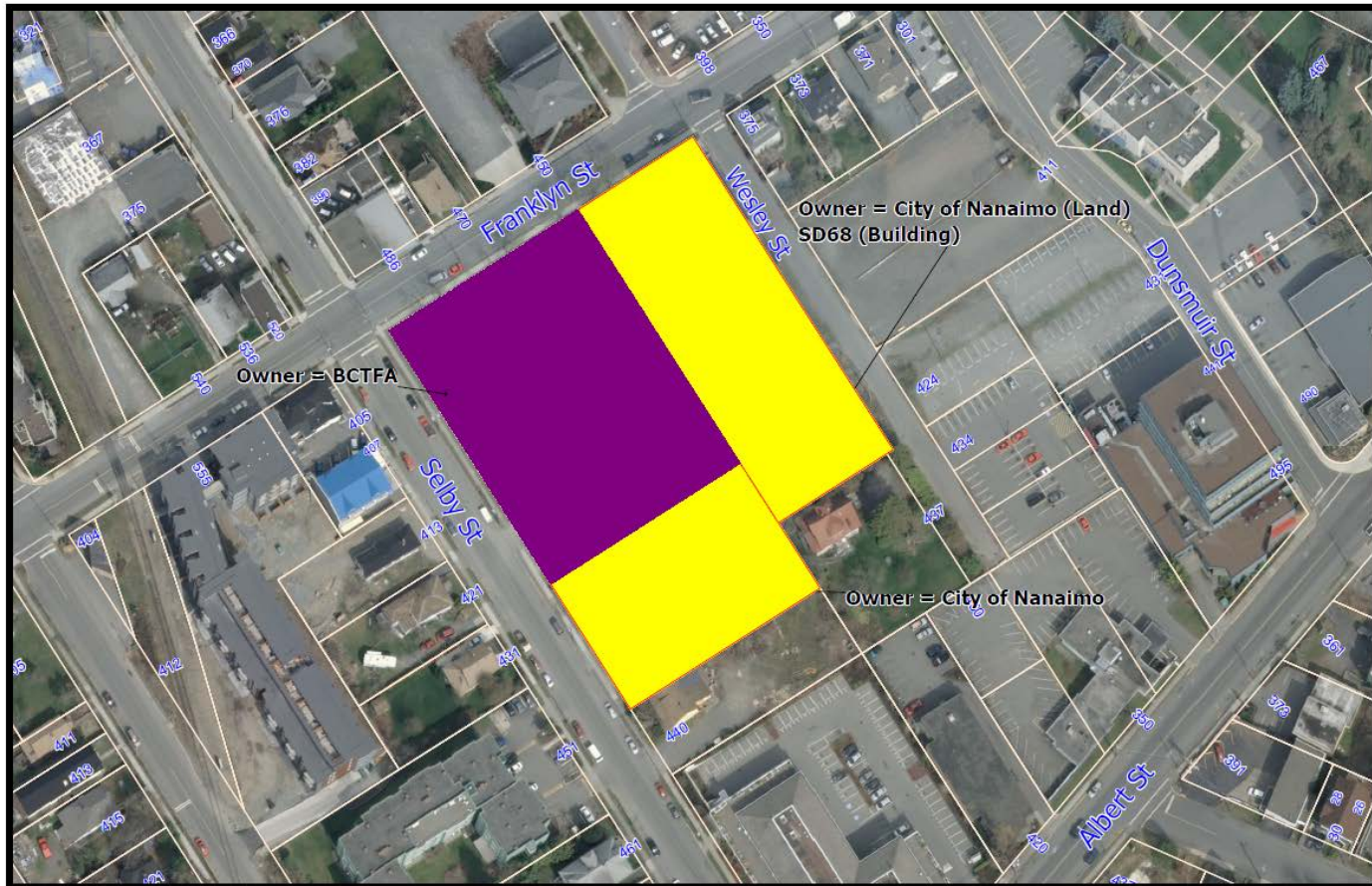
The Northfield School
Civic: 2249 Northfield Road

Pioneer Park



Pioneer Park
Civic: 6780 Dickinson Road

Quennell Square



Quennell Square (SD68, City & BCTFA)

Attachment F



Princess Royal (SD68 & City)
Civic: 260 & 262 Irwin Street

Attachment G



Pauline Haarer School

Attachment H



Bayview School

November 28, 2012

BOARD OF EDUCATION SCHOOL DISTRICT 68 (NANAIMO LADYSMITH)
395 Wakesiah Avenue
Nanaimo, BC V9R 3K6

Attention: Phil Turin, Secretary-Treasurer, Business and Operational Services Department

Re: Letter of Intent to Enter into Land Exchange Agreement

This Letter of Intent establishes the basic terms under which the City of Nanaimo (the “City”) and the Board of Education School District 68 (Nanaimo Ladysmith) (“SD68”) intend to enter into an agreement for the exchange of certain lands in Nanaimo, B.C. (the “Land Exchange Agreement”). The parties intend to trade surplus properties for lands better aligned to meet the goals of their respective strategic plans.

The following outlines the principal terms and conditions of the transaction:

1. **SD68 Transfer** – SD68 intends to transfer the following lands (together, the “SD68 Lands”) to the City:

Harewood Field (502 Howard) Attachment A

PID: 008-734-437

Legal Description: Section 25, Range 7, of Section 1, Nanaimo District, Plan 630, Except Part in Plan 5935

Parcel Size: 2.5 acres

Oliver Road (5101 Rutherford) Attachment B

PID: 001-839-471

Legal Description: Lot 1, District Lot 14, Wellington District, Plan 12840, Except Part in Plan 42599 and 45812

Parcel Size: 13.5 acres for Park and 1.5 acres for Road Dedication

Northfield School (2249 Northfield) Attachment C

PID: 006-632-351

Legal Description: Lot 16, Block 2, Section 17, Range 7, Mountain District, Plan 526

Parcel Size: 1 acre

Pioneer Park (6780 Dickinson Road) Attachment D

PID: 023-982-608

Legal Description: Lot A, District Lot 53, Wellington District, Plan VIP66439

Parcel Size: 8.3 acres

2. **City Transfer** – The City intends to transfer the following lands (together, the “City Lands”) to SD68:

Quennel Square – Attachment E

PID: 008-819-785; 008-819-793; 008-819-807; 008-822-263; 008-822-280; 008-822-336; 008-822-361; 008-822-549; 008-793-662; and 008-793-719

Legal Description: Lots 16-23, Block Bullock, Section 1 Nanaimo District, Plan 584 and Amended Lot 16 (DD77733N) and Lot 17, Block 22, Section 1, Nanaimo District, Plan 584

Parcel Size: 1.485 acres

Princess Royal (260 Irwin Street) Attachment F

PID: 008—825-785; 008-825-807; 008-825-793

Legal Description: Lot 11, 12, and 13, Block 6, Section 1, Nanaimo District, Plan 584

Parcel Size: 0.6 acres

Pauline Haarer (400 Campbell and portion of 445 Comox) Attachment G

PID: 008-813-345, 008-813-353, 008-813-370

Legal Description: Lots 1-3, Block 44, Section 1, Nanaimo District, Plan 584 and Park Dedicated by Plan 584

Parcel Size: Roughly 2 acres

Bayview Elementary (140 View) Attachment H

PID: 007-113-846, 007-113-854, 007-113-871, 007-113-919, 007-113-935, 007-113-951, 007-113-978, 007-114-001, 007-114-028, 007-114-044, 007-114-079, 007-114-109, 007-114-125, 007-114-184, 007-114-214, 007-114-249, 007-114-273, 007-114-281, 007-114-311, 007-114-338, 007-114-401, 007-121-059, 007-121-067

Legal Description: Lot 29-51, Block 7, Section 1, Nanaimo District, Plan 1662

Parcel Size: 2.05 acres

3. **Purchase Price**

- a) The purchase price for each legal parcel comprising the SD68 Lands will be \$1.00.
- b) The purchase price for each legal parcel comprising the City Lands will be \$1.00.

4. **Commitments from the City** – The City will be responsible at its own cost for:

- a) subdivision of the 5101 Rutherford Road lands to create multiple lots including roughly 1.5 acres of road dedication for the future alignment of the 100 Line Road, roughly 13.5 acres to be dedicated as park, and a roughly 6 acre development parcel (herein, the “6 acre Parcel”), all approximately as shown on Attachment B, and to provide legal access to the 6 acre Parcel as well as engineering and construction of road access and sewer and water services to the 6 acre Parcel;

- b) requesting a Development Variance Permit from Council to vary the Works and Services Bylaw so that construction of the 100 Line Road is not required as a condition of subdividing 5101 Rutherford Road;
- c) subdivision of the Pauline Haarer property to create two parcels of land approximately as shown on Attachment G. The parties acknowledge that subdivision approval will require a referendum or Alternative Approval Process as the land is dedicated park. The parcel also has no title at this point in time as it is dedicated park. The existing sports field and lands fronting Comox Road will remain with the City. The existing school building will sit on its own portion of titled property, which will be transferred to SD68;
- d) applying to Council for an OCP Amendment and Rezoning to CS1 of the new parcel to be created for Pauline Haarer beside the new school building lot and to be owned by SD68;
- e) requesting that Council close the unused laneway which runs through Bayview School as shown on Attachment H, and remove its dedication as road. This will enable SD68 to consolidate the various parcels into one parcel;
- f) assisting SD68 as reasonably required to facilitate the transfer by the Ministry of Forests, Lands and Natural Resource Operations to SD68 of certain lands located at 420 Selby Street, Nanaimo, BC. and legally described as Lots 18-22, Block 22, Section 1, Nanaimo District, Plan 584.

5. **Commitments from SD68** – SD68 will be responsible at its own cost for:

- a) dedicating the lane along the east side of the property at 400 Campbell Street as shown in Attachment G;
- b) approving and signing documents as registered owner of the relevant SD68 Lands required in connection with the various subdivisions and re-zonings described herein;
- c) after transfer of title of the City Lands to SD68, consolidating the City Lands with any adjacent lands owned by SD68;
- d) obtaining the transfer by the Ministry of Forests, Lands and Natural Resource Operations to SD68 of the aforementioned lands located at 420 Selby Street, Nanaimo.

6. **Timing of Land Exchanges** – The parties will complete all land exchanges contemplated herein within 30 days of satisfaction of the last of the conditions precedent in paragraph 7.

7. **Conditions Precedent** – The following will be conditions precedent to the City's obligation to transfer the City Lands and acquire the SD68 Lands, and SD68's obligation to transfer the SD68 Lands and acquire the City Lands:

- a) Both parties must fully disclose all existing leases and licences, environmental and geotechnical reports, site assessments, audits, studies, investigations, permits, approvals, licences and records in possession or control with respect to their respective lands described herein and relating to contaminants, environmental laws and geotechnical soil conditions.

- b) Each party, to its sole satisfaction, will review all information supplied to it by the other party as listed above.
- c) Each party to review, to its sole satisfaction, the state of title certificate of the lands of which they are to receive title, and the existing encumbrances.
- d) The City must receive City of Nanaimo Council approval to proceed with the transfer of the City Lands in exchange for the SD68 Lands in accordance with the terms of the Land Exchange Agreement.
- e) The City of Nanaimo Council must have adopted all required zoning and OCP amendment bylaws.
- f) The City of Nanaimo Council must have adopted all required road closure bylaws and park dedication / removal bylaws.
- g) The City's Approving Officer must have approved all required subdivision plans.
- h) Disposal of the SD68 Lands must follow SD68 Policy 4011 and Procedure 4011 (Disposal of Property) which require the passing of a bylaw in accordance with section 65(5) of the *School Act*, at a meeting of the Board. This requires approval of the Minister of Education pursuant to the Disposal of Land or Improvements Order M193/08.
- i) SD68 must have received title to 420 Selby Street, Nanaimo from the Ministry of Forests, Lands and Natural Resource Operations.
- j) The City completes construction of Linley Valley Drive and thereby provides road access to the 6 acre Parcel, and the City completes sewer and water services to the 6 acre Parcel, to SD68 satisfaction, acting reasonably. (The City advises that it intends to complete construction of Linley Valley Drive by December 31, 2014).

8. Preparation of Land Exchange Document

- a) The City and SD68 will jointly prepare a formal Land Exchange Agreement based on the terms and conditions contained in this Letter of Intent.
- b) The Land Exchange Agreement shall be prepared by legal counsel with each party responsible for the legal fees and expenses of their own legal advisor.

9. Closing Date

The intention of both parties is for the parties to use commercial best efforts to:

- a) settle, approve, execute and deliver the Land Exchange Agreement by January 31, 2013;
- b) satisfy all the conditions precedent in Section 7 by December 31, 2014.

10. Letter of Intent Only

The City and SD68 agree that this letter does not constitute an agreement for the exchange of the City Lands and the SD68 Lands, nor is it legally binding on either the City or SD68. This letter is not intended to be relied upon by the parties as constituting a binding agreement for such sale and purchase and no legal obligations shall arise between the City and SD68 as a result of this letter until negotiations have been concluded and the parties have executed and delivered a formal Land Exchange Agreement or one party delivers to another party notice that it no longer wishes to pursue the land exchanges contemplated herein.

This Letter is open for acceptance by you before Noon, December 5, 2012. Please confirm your agreement on the intentions set out herein by signing and returning the enclosed copy of this Letter on or before such time.

Yours truly,

CITY OF NANAIMO

By: _____ ORIGINAL COPY SIGNED _____
Mayor

By: _____ ORIGINAL COPY SIGNED _____
Corporate Officer

The undersigned hereby confirms its agreement to the intentions set out above this ____ day of _____, 2012.

Yours truly,

BOARD OF EDUCATION SCHOOL DISTRICT 68 (NANAIMO LADYSMITH)

By: _____ ORIGINAL COPY SIGNED _____
Board Chair

By: _____ ORIGINAL COPY SIGNED _____
Secretary-Treasurer

