



Legislation Details (With Text)

File #: AR-20-17 **Version:** 1 **Name:**
Type: Agenda Reports **Status:** Passed
File created: 1/8/2020 **In control:** City Council
On agenda: 2/3/2020 **Final action:** 2/3/2020
Title: Kingswood Land Acquisition
Presented by: David Leflar, Director, Legal & Legislative Services

Sponsors:

Indexes:

Code sections:

Attachments: 1. Kingswood Land Acquisition

Date	Ver.	Action By	Action	Result
2/3/2020	1	City Council	approved	
2/3/2020	1	City Council	denied	Fail
2/3/2020	1	City Council	approved	

TAMRMS#: B06

Kingswood Land Acquisition

Presented by: David Leflar, Director, Legal & Legislative Services

RECOMMENDATION(S)

1. That the CAO be directed to approve and execute an agreement with Canterra Developments Corp. under which the City will obtain title to certain land in the Kingswood neighborhood shown as the area outlined in blue on the drawing attached to the report dated February 3, 2020 entitled "Kingswood Land Acquisition" (the "Kingswood Park Site") at no land acquisition cost to the City and upon such other terms and conditions as the CAO deems appropriate;

2. That the CAO be directed to bring to Council for consideration, as soon as practicable after the City secures title to the Kingswood Park Site, the bylaws required to designate the Kingswood Park Site as municipal reserve under s. 665 of the *Municipal Government Act* and to re-district that land as "P" (Park) under the *Land Use Bylaw*;

3. That upon completion of the steps directed in paragraphs 1 and 2 above the City will cease to pursue the land expropriation authorized on April 1, 2019 by Council motion INC 19-036;

4. That an amount not to exceed \$3.94 million is authorized to be drawn from the Capital Reserve to fund the cost of developing a community park of up to 2.3 hectares on the Kingswood Park Site, inclusive of both construction costs and incidental costs such as legal, surveying and land titles registration.

PURPOSE OF REPORT

The purpose of this Report is to seek Council approval for an agreement to acquire land in the Kingswood area to be used to develop a community park, and for other necessary steps consequential to execution of the agreement.

ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

Strategic Priority #4: Infrastructure Investment: Identify and build needed capital assets.

ALIGNMENT TO LEVELS OF SERVICE DELIVERY

Access to Parks and Open Spaces

Access to parks, specific-use open space area which is managed to provide opportunities for recreation, education, cultural or aesthetic use and open spaces, owned and maintained by a public agency and dedicated to the common use and enjoyment of the general public. Open spaces include open green space, parks, public squares or other spaces and may include stormwater ponds or systems.

ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION

On April 1, 2019 Council passed the following motion (INC 19-036):

That the Chief Administrative Officer take the required internal and external steps to commence and continue a process to expropriate lands contained within Block E, Plan 8521925 as depicted on the surveyed drawing that is Attachment "A" to the Council Report dated April 1, 2019 entitled "Expropriation of Kingswood Lands."

The land referenced in the above motion consists of approximately 7.25 hectares. The 2.3 hectares of land now being recommended for acquisition is a subset of this larger 7.25 hectare parcel.

BACKGROUND AND DISCUSSION

In discussions with the landowner following the April 1, 2019 motion to authorize expropriation it became apparent that although the landowner was not yet ready to apply for another subdivision, he was prepared to "pre-dedicate" a significant portion of the land that he (or any subsequent owner) will eventually be required to transfer to the City when he is finally ready to do a subdivision. It further

became apparent that the amount of land that could be obtained now by way of such a pre-dedication (2.3 hectares) would be enough to develop a community park to serve the needs of Kingswood residents.

Since the land cost under this pre-dedication alternative would be zero as compared with well into seven figures to acquire that same land through expropriation, and since the City has no immediate need for the entire 7.25 acre parcel that was authorized to be expropriated, Administration pursued this pre-dedication option as a cheaper alternative to achieve the prime objective of constructing a park in Kingswood. Ultimately an arrangement was worked out with the landowner for which Council approval is now sought.

Council approval will also be required for Land Titles designation of the target 2.3 hectare parcel as Municipal Reserve and for re-districting it to Park (P) under the Land Use Bylaw. Also, Council must approve any use of reserves as a source of funding to pay the incidental costs of acquiring the land for nothing and of developing the park. Motions are proposed under the "Recommendations" heading of this report, to cover all required Council actions.

Once designation and redistricting have occurred, and with the allocated funding, the City will be able to initiate park planning for the site, including engaging area residents. Site preparation, trails and landscaping will allow passive public use of the park site. The type and extent of recreation amenities provided (e.g. playground, sports fields, parking, outdoor rinks etc.) and extent of landscaping features (tree plantings, shrub beds) will be dependent on the results of public engagement and the total costs for site development.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

To follow upon Council approving the recommended motions.

IMPLICATIONS OF RECOMMENDATION(S)

If approved by Council, the proposed actions will enable park development in Kingswood to commence in 2020 and to be completed either this year or in 2021.

Financial:

There are sufficient funds in the reserve account proposed as the source of funding for the Kingswood Park Development project, to ensure that the project will have no property tax implications. This money was internally earmarked in 2019, pending official Council decisions but now requires a Council resolution to access. The uncommitted balance in the Capital Reserve is \$7.6M as at November 30, 2019.

Legal Risk:

No material legal risk is involved in this recommendation.

Organizational:

N/A

ALTERNATIVES AND IMPLICATIONS CONSIDERED

Alternative 1. Reject the agreement worked out between the landowner and Administration and pursue expropriation. This will result in a significantly higher overall cost to acquire land and develop a park in Kingswood.

Alternative 2. Reject the agreement worked out with the landowner, and abandon expropriation. This is the cheapest alternative but will result in no park development in Kingswood.

Report Date: February 3, 2020

Author(s): David Leflar

Committee/Department: Legal & Legislative Services

Deputy Chief Administrative Officer: Kerry Hilts

Chief Administrative Officer: Kevin Scoble