

COUNCIL REPORT

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| M&C No. | 2020 - 03 |
| Report Date | January 08, 2020 |
| Meeting Date | January 13, 2020 |
| Service Area | Finance and Administrative Services |

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Consideration of Sale of Land for Public Purposes off Katie Drive
(undeveloped)***

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

| | | |
|-------------------------------|-------------------------------------|---------------------------|
| Primary Author | Commissioner/Dept. Head | City Manager |
| <i>Curtis Langille</i> | <i>Kevin Fudge/Ian Fogan</i> | <i>John Collin</i> |

RECOMMENDATION

1. That Common Council seek the concurrence of the Planning Advisory Committee to divest the land, identified as being PID No. 369496 from being "Land for Public Purposes" and if so, deem the subject property surplus to its needs.
2. In the event the Planning Advisory Committee concurs with such, it is further recommended that the above said property be sold to Galbraith Construction Ltd. for \$2,300.00 plus H.S.T. (if applicable) with all costs associated with the sale of this land to be the responsibility of the purchaser, subject to:
 - a. the City reserve an easement for municipal services on the aforementioned property for the protection of its Spruce Lake water pipeline; and
 - b. that the purchaser of the aforementioned property by its officers, directors, servants, agents, contractors, workers, invitees, and its successors and assigns shall not, at any time, enter on, over, across, or along the Lands with vehicles, machinery, materials and/or equipment until, at its cost, has designed and constructed to the satisfaction of the Chief City Engineer of the City of Saint John, an access to cross over the City of Saint John infrastructure situated on the subject property and adjoining undeveloped City owned street right-of-way.

3. That Galbraith Construction Ltd. or an affiliated company, be authorized to seek an amendment to the Municipal Plan and apply for a rezoning of the subject property, however, Common Council are not explicitly or implicitly obligated to approve any amendment to the Municipal Plan or any rezoning; and
4. That the Mayor and Common Clerk be authorized to execute any documents required to facilitate this process.

EXECUTIVE SUMMARY

Galbraith Construction Ltd. has approached the City to acquire a City owned property, identified as PID #369496. This property was acquired by the City in 1975 as Land for Public Purposes (LPP), being part of a subdivision process. The City property contains an area of 4,369 square metres (1.08 acres) and abuts Katie Drive (undeveloped street) with access to Ocean Westway. The land is vacant and unused by the City, except for a 60-inch water pipeline that runs through the southerly portion of the property. Galbraith Construction Ltd. owns all of the property surrounding the LPP, except for a very narrow portion of the easterly side which is adjacent to land owned by Long Beach Enterprises. City staff have no purpose in retaining this lot for recreational purposes and are in agreement to sell the land, subject to reserving an easement in favor of the City of Saint John and to ensure any design and construction for the crossing over of the City infrastructure has been approved by the Chief City Engineer.

PREVIOUS RESOLUTION

N/A

STRATEGIC ALIGNMENT

Staff aims to provide open, transparent and consistent internal process to facilitate investment and development, while maintaining City standards that align with Plan SJ, one of the City's economic health priorities.

REPORT

Proposal and Site Location

Galbraith Construction Ltd. has approached City staff to purchase the City owned Land for Public Purposes (LPP), identified as PID No. 369496 that abuts undeveloped, Katie Drive. This property is located off Ocean Westway, in West Saint John, containing an area of 1.08 acres. This parcel was acquired by the City in 1975 in conjunction with an approved plan of subdivision that was to create a street off Ocean Westway (Katie Drive), having residential lots situated on either side. The lots were not developed and have since been sold to Galbraith

Construction Ltd. These lands along with the LPP remain in their natural vegetation state.

The proponent's desire to acquire the City lot is to connect their land to Katie Drive with the intent to construct an access through the undeveloped street to Ocean Westway. The purpose of this is to provide an alternate route for access of their trucks that would in their opinion, create less disruption to the residential properties along Ocean Westway.

City staff has had a pre-application meeting with Galbraith Construction Ltd. regarding the possible acquisition of the above noted lands, including the steps that will be required to construct Katie Drive to a suitable standard and an appropriate method of crossing over the City's water pipeline to access Katie Drive. A portion of the proposed access will require a Municipal Plan Amendment and rezoning that would be considered by Council at a later date. The design and installation of any crossing of the City's infrastructure must be to the satisfaction of the Chief City Engineer prior to the applicant or any affiliate crossing the pipeline. An agreement/design for the crossing will be required outlining the details to ensure protection and appropriate insurance is in place. In addition, any work within the existing street right-of-way would be subject to City approval.

It is Galbraith's intent and desire to acquire the LPP regardless of their ability to construct a new access to Ocean Westway.

Sale of Land for Public Purposes

City staff have no reason to retain the LPP, except for the reserving an easement for the City's 60-inch water pipeline that runs through the southern portion of the lot. The proponent is aware of this and are prepared to construct an access over this infrastructure, subject to the approval of the Chief City Engineer.

It is the City's policy when considering selling any of its land, to offer a proportionate share to the adjoining property owners. In this case, Galbraith Construction owns all of the surrounding properties, except for a small area abutting the easterly portion of the LPP. The owner of this land, Long Beach Enterprises, has submitted a letter to City staff stating they have no interest in acquiring any portion of the City owned property.

It is also a policy of the City that when an unsolicited offer has been received to acquire land, the selling price shall not be less than 10 per cent above appraised value. The proponent has recently had an appraisal completed by Appraisals (Fundy) Ltd. of which the market value has been deemed to be \$2,050.00. Galbraith has offered to purchase the property for \$2,300.00 which would satisfy the City's policy. Staff have reviewed the appraisal and are in agreement with its findings.

Section 76(1) of the Community Planning Act states that Council may, with the concurrence of the Planning Advisory Committee, sell such land if it receives a majority vote of the members of Council for the sale. Staff recommends that the City divest the land from LPP, deem the land surplus to its needs and sell it to Galbraith Construction Ltd. as detailed in the recommendation of this report.

SERVICE AND FINANCIAL OUTCOMES

The sale of City land deemed surplus to its needs will result in a small financial benefit from the land sale, a minimal property tax levy relief of \$123.00 per annum and include economic spinoffs for the future construction of a new access to the proponents quarry (if approved).

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

A number of City Departments were solicited for their comments in the preparation of this report, including: Planning, Infrastructure Development, City Solicitor's office and Parks and Recreation. Their comments are included in the report where applicable.

ATTACHMENT

1. Map of City Land for Public Purposes off Katie Drive;
2. Subdivision Plan for Land for Public Purposes (LPP).