



## City of Regina and Regina Board of Education Central Collegiate Land Exchange

<b>Date</b>	June 30, 2020
<b>To</b>	His Worship the Mayor and Members of City Council
<b>From</b>	Executive Committee
<b>Service Area</b>	Financial Strategy & Sustainability
<b>Item #</b>	CR20-56

### RECOMMENDATION

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That City Council:

1. Approve the Letter of Understanding (LOU) and the terms contained therein with the Regina Board of Education to resolve the Central Collegiate Land Exchange Agreement (CCLEA)
2. Authorize Administration to carry out the necessary steps to complete the land exchange
3. Require Administration to report back on any substantive changes to the terms and conditions of the LOU.

### HISTORY

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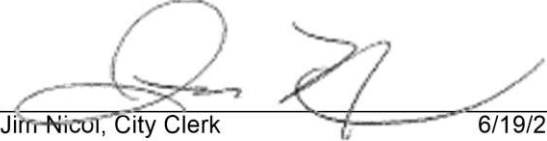
At the June 10, 2020 meeting of the Executive Committee, the Committee considered the attached EX20-21 report from the Financial Strategy & Sustainability Division.

The Committee adopted a resolution to concur in the recommendation contained in the report.

Recommendation #4 does not require City Council approval.

Respectfully submitted,

EXECUTIVE COMMITTEE



Jim Nicol, City Clerk 6/19/2020

**ATTACHMENTS**

EX20-21 - Land Exchange with Regina Board of Education

Appendix A - Rosemont Community School

Appendix B - Jack MacKenzie School

Appendix C - Glen Elm School

Appendix D - Grant Road School

Appendix E - Dieppe School

Appendix F - W.F. Ready School

Appendix G Draft Letter to RBE

## City of Regina and Regina Board of Education Central Collegiate Land Exchange

<b>Date</b>	June 10, 2020
<b>To</b>	Executive Committee
<b>From</b>	Financial Strategy & Sustainability
<b>Service Area</b>	Land & Real Estate
<b>Item No.</b>	EX20-21

### RECOMMENDATION

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The Executive Committee recommends that City Council:

1. Approve the Letter of Understanding (LOU) and the terms contained therein with the Regina Board of Education to resolve the Central Collegiate Land Exchange Agreement (CCLEA)
2. Authorize Administration to carry out the necessary steps to complete the land exchange
3. Require Administration to report back on any substantive changes to the terms and conditions of the LOU.
4. Approve the recommendations at its June 24 meeting.

### ISSUE

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Officials from the Regina Board of Education (RBE) have approached City Administration seeking resolution to the City's outstanding obligations and liability with respect to the Central Collegiate Land Exchange Agreement (CCLEA). The City of Regina is required to transfer 4.017 hectares of land to satisfy the requirements of the CCLEA. The following report has been prepared to update City Council on the discussions that have been occurring between Administration and the RBE, and to identify the lands Administration proposes to transfer as well as the associated actions that will be taken to protect the current use and long-term interest the City has in these lands.

## **IMPACTS**

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The CCLEA agreement was executed by the Mayor and City Clerk on May 14, 1987 and binds the City to transfer certain lands to RBE for school purposes. It has been an outstanding liability for the City that will be extinguished upon the proposed transfer of land to the RBE.

The impact to the City and the users of these lands is minimal for the following reasons:

- 1) Of the six locations where land will be transferred, three locations are encumbered by easements to the extent that no development is permitted, therefore the use of the land will not change.
- 2) The remaining three locations will require additional joint use agreements and/or other registered land titles instruments to protect the City's interests and assets, which the RBE is in agreement with.
- 3) If the RBE chooses to dispose of any of these lands proposed to be transferred, the City will have a right of first refusal to purchase the properties and/or any future consolidated parcels which is consistent with the existing arrangements with RBE.
- 4) Any future development on any of the sites would be subject to regulatory approvals by the City, which would include a public process if rezoning is required.

In summary, the proposed land transfers will not change the current use. Additional agreements will ensure the current use and rights of first refusal will protect the City's long-term interest, but at the same time will allow the City to satisfy a long-outstanding obligation to the RBE. A draft Letter of Understanding, attached as Appendix G, details what is required to protect the City's interest in the subject lands.

The CCLEA states that the costs to provide the land to RBE are the responsibility of the City. These costs are estimated to be approximately \$100K and will be funded from the Dedicated Land Reserve.

With the consent of the RBE, the City could negotiate a cash settlement/payout to satisfy its obligations under the CCLEA as opposed to the land transfers. The City estimates the value could be \$6.8 million.

## **COMMUNICATIONS**

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Formal communication will be issued to RBE advising of Council's decision.

## **DISCUSSION**

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The Central Collegiate Land Exchange Agreement -1987 (CCLEA) offered the City 1.25 hectares (ha) of land at 2231 Scarth Street (the Central Park land) in exchange for 5.017 ha of land to be provided to the RBE at a future point in time.

Over the past 30 years, only 1 ha of land (the Jack MacKenzie Elementary School) has been credited towards the outstanding agreement leaving 4.017 ha of land owed to RBE.

In 2018, *The Planning and Development Act, 2007* was amended requiring municipalities to provide municipal reserve for new schools, if needed, which eliminated the need for RBE to acquire land for new schools. Previous to the amendment of the Act, school boards were required to purchase land for their schools.

Discussions have taken place over the last year to mutually satisfy this agreement and remove the City's outstanding liability under the contract. Through these discussions, the City and RBE have identified 4.017 ha of City-owned or controlled lands as shown on the attached aerial photos (Appendices A-F):

- Rosemont School	0.814	Generic Parcel
- WF Ready School	1.353	Public Reserve
- Jack MacKenzie School*	1.04	Municipal Reserve
- Glen Elm School	0.53	Generic Parcel
- Grant Road School	0.181	Municipal Reserve
- Dieppe School	0.099	Generic Parcel
<b>Total</b>	<b>4.017 ha</b>	

\*This land is in addition to the original 1 ha of land provided at the Jack MacKenzie School.

Transfers involving Municipal Reserve and Public Reserve will require approvals from City Council and the Province to complete road allowance closures, subdivisions, re-zonings, caveats, easements, transfers and property classification changes. These transfers are estimated to cost \$100,000, the majority of which consists of City planning and process costs. Because the agreement provided dedicated land for the City, the Dedicated Lands Reserve will be used to fund these expenses.

Once a formal agreement has been reached, these land transfers will satisfy the terms and requirements of the 1987 agreement in full, removing an outstanding financial obligation valued at approximately \$6 million. The timeline to complete all transactions is estimated to take 12 to 18 months. Joint Services Agreements between the City and the RBE will also be updated as a result. Settlement of this agreement is a strategic step in maintaining relations with RBE.

The RBE Administration has briefed their Board on this file and the state of discussions and are awaiting City Council's concurrence. The Board is aware of the six proposed parcels and understands there will be no change in land use other than ownership.

### **NEXT STEPS**

Administration will enter into a Letter of Understanding with the Regina Board of Education. Pursuant to that a formal agreement will be drafted by the City Solicitor and executed after which the processes required for the land transfers will begin.

## DECISION HISTORY

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The CCLEA was executed by the RBE and City of Regina on May 14, 1987. The agreement is legally binding until it is satisfied.

The recommendations in this report require City Council approval.

Respectfully Submitted,



Shauna Szdel, A, Exec. Dir., Financial Strategy & Sustainability

Respectfully Submitted,



Barry Lacey, Exec. Director, Financial Strategy & Sustainability

Prepared by: Keith Krawczyk, Manager, Real Estate

## ATTACHMENTS

- Appendix A - Rosemont Community School
- Appendix B - Jack MacKenzie School
- Appendix C - Glen Elm School
- Appendix D - Grant Road School
- Appendix E - Dieppe School
- Appendix F - W.F. Ready School
- Appendix G Draft Letter to RBE

# Appendix A - Rosemont Community School

1:1,400





# Appendix B – Jack MacKenzie School

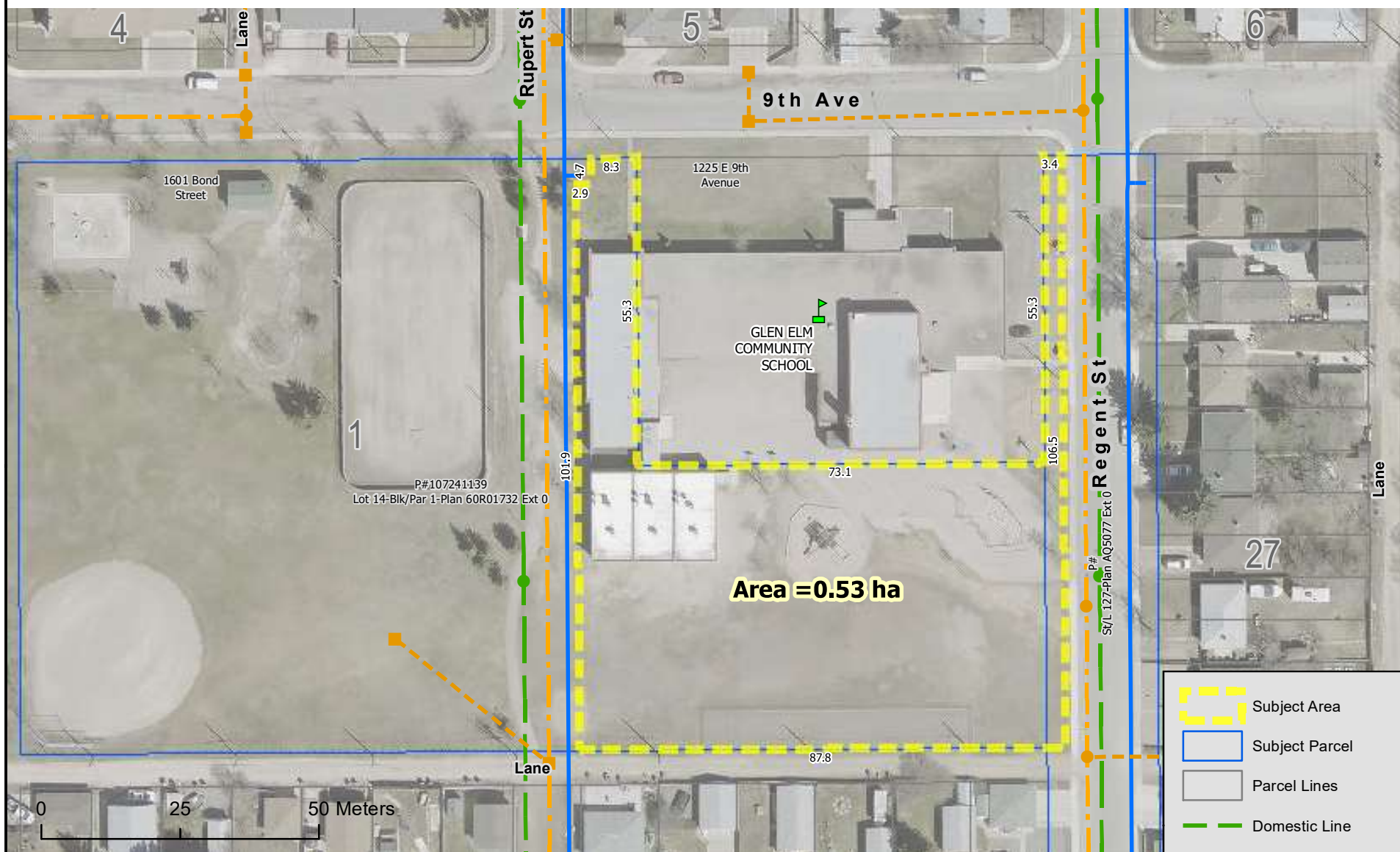
1:1,600






# Appendix C – Glen Elm Community School

1:1,000





**REGINA**  
Infinite Horizons  
City of Regina

## Financial Strategy & Sustainability/Land & Real Estate/Real Estate

Project: Subject Land

Civic Address: 1601 Bond Street  
Legal Description: Lot 14-Blk/Par 1-Plan 60R01732 Ext 0,  
St/L 127-Plan AQ5077 Ext 0



- Subject Area
- Subject Parcel
- Parcel Lines
- Domestic Line
- Water Line
- Storm/Culvert Line
- CB Lead

# Appendix D – Grant Road School

1:1,400



- Subject Area
- Subject Parcel
- Parcel Lines
- ISC Right of Way
- Domestic Line
- Water Line
- Storm/Culvert Line
- CB Lead



# Appendix E - Dieppe School

1:1,400



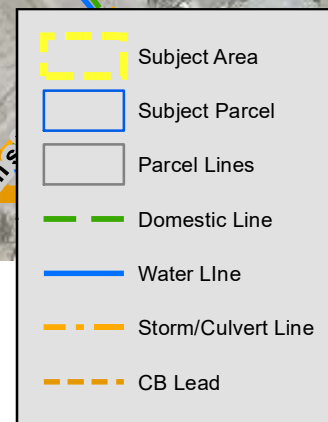
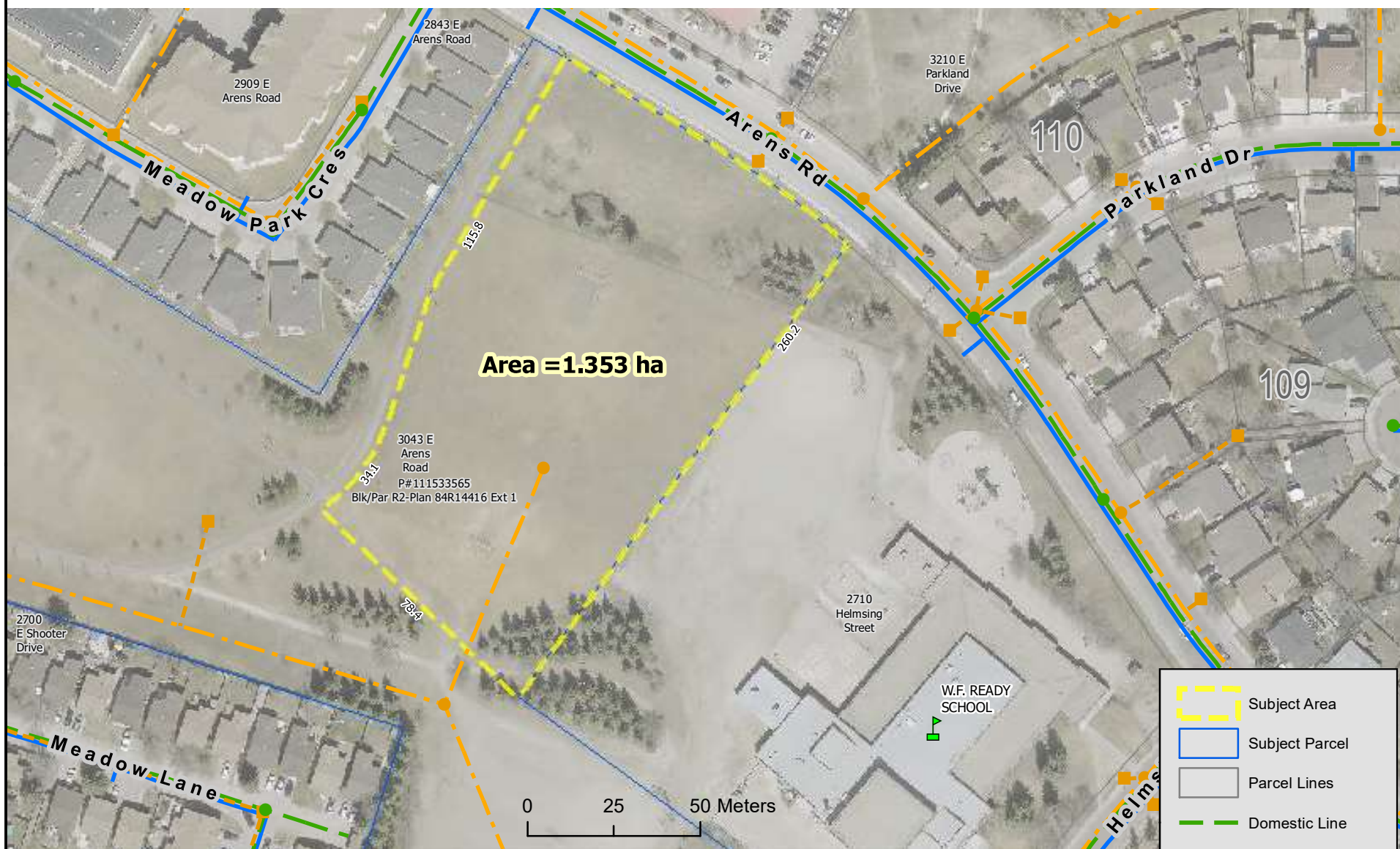
- Subject Area
- Subject Parcel
- Parcel Lines
- From School to City
- Domestic Line
- Water Line
- Storm/Culvert Line
- CB Lead





# Appendix F – W.F. Ready School

1:1,600



DATE  
File No. RBE (Central Lands Agreement)

Mr. Mark Whiting  
1600 4<sup>th</sup> Avenue  
Regina, SK  
S4R 8C8

Dear Mark:

Re: Central Land Agreement Outstanding Land Transfer – Letter of Understanding

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This Letter of Understanding is non-binding as between the parties and is only intended to generally set out the proposed terms to allow the parties to complete land transfers and satisfy the outstanding conditions of the Central Lands Agreement dated May 14, 1987 (“CCLEA”) between the Regina Board of Education (“RBE”) and the City of Regina (“City”). If you are in agreement with the proposed terms, the City will then seek Counsel approval to complete the transactions required to satisfy the outstanding conditions.

As a summary, the City acquired the former Central School Site to create Central Park and committed to provide 5.017 Hectares of land to RBE in the future. With the development of the Jack MacKenzie School site, the RBE acknowledged the City equivalent contribution of 1 Hectare toward the outstanding agreement, leaving 4.017 Hectares to be transferred. RBE and the City have now identified the remaining 4.017 Hectares at the following locations:

- Rosemont School	0.814
- WF Ready School	1.353
- Jack MacKenzie School	1.04
- Glen Elm School	0.53
- Grant Road School	0.181
- Dieppe School	<u>0.099</u>
Total	<b>4.017 Ha.</b>

as shown on the attached aerial photos (Appendices A-F).

The actual land area calculations will be based on the Information Services Corporation approved Plan of Survey and transfers calculated by a Saskatchewan Land Surveyor. It is recognized that these lands may have existing encumbrances on them and may involve facilities that are currently used to provide ongoing services and programming. It is anticipated that considerable time and effort will be required to formalize the transfer of these stated lands, the requirement of additional agreements and different levels of City approvals and therefore the City’s Real Estate Branch wishes to obtain your tentative agreement before proceeding. Best efforts will be made to finalize all these transfers, but both parties

acknowledge and agree in the event certain approvals of certain sites are not obtained the parties shall continue to move forward with the transfers that are approved.

The following list of items to be addressed at each location should be viewed as a template list for the location and may require additional conditions/agreements to satisfy or obtain City approval or the needs of RBE. Following are potentially some of the approvals required for the respective locations:

- **Rosemont School** - Rezoning is required; potential easement required for City utility infrastructure on site; Joint Services Agreement is required to address the continued existence of a baseball diamond and boarded rink and rink shelter, including any continued programming and operating costs.
- **WF Ready School** - Property is owned by the Province as Public Reserve and will need to be transferred to the City with the Province's approval of what is being proposed. Rededication, Subdivision and Rezoning required; Easement required for storm drain and high-water ponding/detention on site with restrictions on changes to ground elevations including restrictions on building construction in the detention area, existing City irrigation system and City public pathway. A Caveat is required to restrict building construction near the detention area and to require that elevations in the detention area not be changed. A Joint Services Agreement is required to address the continued existence of the pathway, athletic field and irrigation system on the site, including any public programming and operating costs.
- **Jack MacKenzie School** - Note that there is an existing 1 Ha. allowance at this school site toward the Central Lands Agreement. Rededication, Subdivision and Rezoning is required, including approval from Council and Province. Easement is required for the existing water line, storm sewer and irrigation system. A Joint Services Agreement is required to address the continued existence of the baseball diamond, water and irrigation system along with the storm sewer, including any public programming and operating costs.
- **Glen Elm School** - Road Closure, Subdivision and Rezoning required. Easements required for water, sanitary and storm sewer lines, fire hydrant and sidewalk setbacks. A Joint Services Agreement is required to address the ownership of playground equipment and use of the remaining playground lands, as it relates to the recreational lands in the area. Fence ownership is viewed as being RBE.
- **Grant Road School** - Rededication, Subdivision and Rezoning required, including approval from Council and the Province. Storm Drain agreement required. Easements required for storm drain, walking path, and surface drainage area. A caveat must be registered against the land to restrict any building construction and development on the property as the land is currently being used as a storm water detention area, including establishing set elevation requirements to maintain surface drainage onto the property and allowing for the City to make future improvements to the surface drainage to the detention area. A shared access agreement is required across the lands being transferred for use of the driveway and to access the City

Walkway. A Joint Services Agreement is required to address the continued existence of the walkway and shared parking areas, including operating costs.

- **Dieppe School** - Subdivision and Rezoning is required. Easements are required for the fire hydrant, water line services to the rink, water line setbacks, irrigation lines and storm drain setbacks, including building restrictions in the easement area. A caveat is required to set the elevations that must be maintained for existing drainage features, including grades. A Joint Services Agreement is required to address the continued existence of the public walkway, baseball diamond and rink and shelter on the school property, including any public programming and operating costs. Fence ownership is viewed as being RBE.

All properties will also require the City and RBE entering into a right of first refusal agreement between the parties. We do not view this as an issue as RBE currently has a bylaw requiring this. However, the City will need a formal right of first refusal agreement in order to proceed with the transaction.

Should you wish to proceed please provide the name of the solicitor representing you regarding these potential land transfers along with a signed copy of this letter. A land surveyor will be engaged to prepare Proposed Plan of Subdivisions (PPSD), applications for subdivision will be prepared and approvals sought. In addition, the City acknowledges the existing RBE school encroachments on City land with the understanding that should the City require this land the City will exercise its ownership rights with reasonable notice but without compensation to RBE.

In the interim, if you have any questions concerning this matter, please do not hesitate to contact Doug Cavers at (306) 550-2958 or [dcavers@regina.ca](mailto:dcavers@regina.ca).

Sincerely,

Barry Lacey  
Executive Director,  
Financial Strategy & Sustainability

dc  
Attachment

Date: \_\_\_\_\_

The terms and conditions as listed are hereby accepted.

Regina Board of Education



(seal)

Signing Officer

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Signing Officer

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Solicitor Name

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Solicitor Address