

Nanaimo Ladysmith Public Schools

BOARD OF EDUCATION
PUBLIC MEETING

ACTION SHEET

DATE: March 15, 2017
TO: Board of Education
FROM: Secretary-Treasurer, Carrie McVeigh
SUBJECT: School District No. 68 (Nanaimo-Ladysmith) Portion of NDSS Site Disposal Bylaw, 2017
Disposition of Properties Adjacent to NDSS

Recommendation:

(Pursuant to the School Act Section 68 (4), a board may not give a bylaw more than 2 readings at any one meeting unless the members of the board who are present at the meeting unanimously agree to give the bylaw all 3 readings at that meeting.)

Motion

That the Board of Education of School District No.68 (Nanaimo-Ladysmith) give the School District No. 68 (Nanaimo-Ladysmith) Portion of NDSS Site Disposal Bylaw, 2017 all three readings at one meeting, March 15, 2017.

Moved by _____
Seconded by _____
All those in favour _____
Carried OR Defeated _____

Motion

First Reading

That the Board of Education adopts School District No. 68 (Nanaimo-Ladysmith) Portion of NDSS Site Disposal Bylaw, 2017, pursuant to the School Act, as attached and described herein:

WHEREAS section 65 (5) of the *School Act* provides that a board of education may exercise a power with respect to the acquisition or disposal of property owned or administered by the board only by bylaw;

AND WHEREAS pursuant to Section 96 (1) of the *School Act*, "land" includes any interest in land, including any right, title or estate in it of any tenure;

AND WHEREAS section 96 (3) of the *School Act* provides that a board of education may dispose of land or improvements, or both, subject to the orders of the Minister of Education (the "**Minister**");

AND WHEREAS section 3 of Ministerial Order M193/08 Disposal of Land or Improvements Order (the "**Disposal Order**") provides that boards must not dispose of land or improvements by sale and transfer in fee simple or by way of lease or 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister in accordance with section 5 of the Disposal Order;

AND WHEREAS section 5 of the Disposal Order provides that the Minister may approve, with any terms and conditions, a disposition of land or improvements;

AND WHEREAS:

- (i) The Board of Education of School District No. 68 (Nanaimo-Ladysmith) (the "**Board**") has determined and hereby confirms that the land and improvements comprising the two parcels (collectively, the "**Parcels**") described on Schedule A attached hereto, shown as a 4.9 hectare (12.2 acre) portion and a 1.04 hectare (2.6 acre) acre portion of the Nanaimo District Secondary School site (the "**Property**"), are not required for future educational purposes;
- (ii) the Property is facility number 68001;
- (iii) the address of the Property is 395 Wakesiah Avenue, Nanaimo, British Columbia, V9R 3K5, and the legal description of the Property is:

Parcel Identifier: 025-088-777
Lot B Section 1 Nanaimo District Plan VIP71878, Except Part in Plan VIP71881;
- (iv) the Board entered into a Memorandum of Understanding dated February 10, 2017 with City of Nanaimo (the "**City**") providing, among other things, for the negotiation of a Purchase and Sale Agreement (the "**PSA**") pursuant to which the Board would sell the Parcels to the City (the "**Sale**") for a purchase price of Four Million One Hundred Thousand Dollars (\$4,100,000.00) (the "**Purchase Price**"), subject to conditions including completion of a public consultation process, adoption of a bylaw by the Trustees of the Board in their discretion and approval of the Sale by the Minister;
- (v) the Board has completed a public consultation process regarding the proposed Sale; and
- (vi) the Board is satisfied that the Purchase Price represents fair market value for the Parcels.

NOW THEREFORE be it resolved as a Bylaw of the Board that, subject to the approval of the Minister, the Board enter into the PSA, subdivide the Property and complete the sale of the Parcels to the City for the Purchase Price, on the terms and subject to the conditions set out in the PSA.

BE IT FURTHER resolved that the Secretary-Treasurer be and is hereby authorized, on behalf of the Board, to settle, execute and deliver the PSA and all such amendments thereto (except as to the Purchase Price) as the Secretary-Treasurer may, in her discretion, consider advisable, and all related and ancillary documents required to complete the subdivision of the Property and, subject to the approval of the Minister, the sale of the Parcels to the City pursuant to the terms of the PSA.

That the Board of Education School District No.68 (Nanaimo-Ladysmith) give the bylaw first reading.

Moved by _____
Seconded by _____
All those in favour _____
Carried OR Defeated _____

Second Reading

That the Board of Education adopts School District No. 68 (Nanaimo-Ladysmith) Portion of NDSS Site Disposal Bylaw, 2017, pursuant to the School Act, as attached and described herein:

WHEREAS section 65 (5) of the *School Act* provides that a board of education may exercise a power with respect to the acquisition or disposal of property owned or administered by the board only by bylaw;

AND WHEREAS pursuant to Section 96 (1) of the *School Act*, "land" includes any interest in land, including any right, title or estate in it of any tenure;

AND WHEREAS section 96 (3) of the *School Act* provides that a board of education may dispose of land or improvements, or both, subject to the orders of the Minister of Education (the "**Minister**");

AND WHEREAS section 3 of Ministerial Order M193/08 Disposal of Land or Improvements Order (the "**Disposal Order**") provides that boards must not dispose of land or improvements by sale and transfer in fee simple or by way of lease or 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister in accordance with section 5 of the Disposal Order;

AND WHEREAS section 5 of the Disposal Order provides that the Minister may approve, with any terms and conditions, a disposition of land or improvements;

AND WHEREAS:

(i) The Board of Education of School District No. 68 (Nanaimo-Ladysmith) (the "**Board**") has determined and hereby confirms that the land and improvements comprising the two parcels (collectively, the "**Parcels**") described on Schedule A attached hereto, shown as a 4.9 hectare (12.2 acre) portion and a 1.04 hectare (2.6 acre) acre portion of the Nanaimo District Secondary School site (the "**Property**"), are not required for future educational purposes;

(ii) the Property is facility number 68001;

(iii) the address of the Property is 395 Wakesiah Avenue, Nanaimo, British Columbia, V9R 3K5, and the legal description of the Property is:

Parcel Identifier: 025-088-777
Lot B Section 1 Nanaimo District Plan VIP71878, Except Part in Plan VIP71881;

(iv) the Board entered into a Memorandum of Understanding dated February 10, 2017 with City of Nanaimo (the "**City**") providing, among other things, for the negotiation of a Purchase and Sale Agreement (the "**PSA**") pursuant to which the Board would sell the Parcels to the City (the "**Sale**") for a purchase price of Four Million One Hundred Thousand Dollars

(\$4,100,000.00) (the "**Purchase Price**"), subject to conditions including completion of a public consultation process, adoption of a bylaw by the Trustees of the Board in their discretion and approval of the Sale by the Minister;

- (v) the Board has completed a public consultation process regarding the proposed Sale; and
- (vi) the Board is satisfied that the Purchase Price represents fair market value for the Parcels.

NOW THEREFORE be it resolved as a Bylaw of the Board that, subject to the approval of the Minister, the Board enter into the PSA, subdivide the Property and complete the sale of the Parcels to the City for the Purchase Price, on the terms and subject to the conditions set out in the PSA.

BE IT FURTHER resolved that the Secretary-Treasurer be and is hereby authorized, on behalf of the Board, to settle, execute and deliver the PSA and all such amendments thereto (except as to the Purchase Price) as the Secretary-Treasurer may, in her discretion, consider advisable, and all related and ancillary documents required to complete the subdivision of the Property and, subject to the approval of the Minister, the sale of the Parcels to the City pursuant to the terms of the PSA.

That the Board of Education School District No.68 (Nanaimo-Ladysmith) give the bylaw second reading.

Moved by _____
 Seconded by _____
 All those in favour _____
 Carried OR Defeated _____

Third and Final Reading

That the Board of Education adopts School District No. 68 (Nanaimo-Ladysmith) Portion of NDSS Site Disposal Bylaw, 2017, pursuant to the School Act, as attached and described herein:

WHEREAS section 65 (5) of the *School Act* provides that a board of education may exercise a power with respect to the acquisition or disposal of property owned or administered by the board only by bylaw;

AND WHEREAS pursuant to Section 96 (1) of the *School Act*, "land" includes any interest in land, including any right, title or estate in it of any tenure;

AND WHEREAS section 96 (3) of the *School Act* provides that a board of education may dispose of land or improvements, or both, subject to the orders of the Minister of Education (the "**Minister**");

AND WHEREAS section 3 of Ministerial Order M193/08 Disposal of Land or Improvements Order (the "**Disposal Order**") provides that boards must not dispose of land or improvements by sale and transfer in fee simple or by way of lease or 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister in accordance with section 5 of the Disposal Order;

AND WHEREAS section 5 of the Disposal Order provides that the Minister may approve, with any terms and conditions, a disposition of land or improvements;

AND WHEREAS:

- (i) The Board of Education of School District No. 68 (Nanaimo-Ladysmith) (the “**Board**”) has determined and hereby confirms that the land and improvements comprising the two parcels (collectively, the “**Parcels**”) described on Schedule A attached hereto, shown as a 4.9 hectare (12.2 acre) portion and a 1.04 hectare (2.6 acre) acre portion of the Nanaimo District Secondary School site (the “**Property**”), are not required for future educational purposes;
- (ii) the Property is facility number 68001;
- (iii) the address of the Property is 395 Wakesiah Avenue, Nanaimo, British Columbia, V9R 3K5, and the legal description of the Property is:

Parcel Identifier: 025-088-777
Lot B Section 1 Nanaimo District Plan VIP71878, Except Part in Plan VIP71881;
- (iv) the Board entered into a Memorandum of Understanding dated February 10, 2017 with City of Nanaimo (the “**City**”) providing, among other things, for the negotiation of a Purchase and Sale Agreement (the “**PSA**”) pursuant to which the Board would sell the Parcels to the City (the “**Sale**”) for a purchase price of Four Million One Hundred Thousand Dollars (\$4,100,000.00) (the “**Purchase Price**”), subject to conditions including completion of a public consultation process, adoption of a bylaw by the Trustees of the Board in their discretion and approval of the Sale by the Minister;
- (v) the Board has completed a public consultation process regarding the proposed Sale; and
- (vi) the Board is satisfied that the Purchase Price represents fair market value for the Parcels.

NOW THEREFORE be it resolved as a Bylaw of the Board that, subject to the approval of the Minister, the Board enter into the PSA, subdivide the Property and complete the sale of the Parcels to the City for the Purchase Price, on the terms and subject to the conditions set out in the PSA.

BE IT FURTHER resolved that the Secretary-Treasurer be and is hereby authorized, on behalf of the Board, to settle, execute and deliver the PSA and all such amendments thereto (except as to the Purchase Price) as the Secretary-Treasurer may, in her discretion, consider advisable, and all related and ancillary documents required to complete the subdivision of the Property and, subject to the approval of the Minister, the sale of the Parcels to the City pursuant to the terms of the PSA.

That the Board of Education School District No.68 (Nanaimo-Ladysmith) give the bylaw third and final reading.

Moved by _____
 Seconded by _____
 All those in favour _____
 Carried OR Defeated _____

Background:

The property deal with the City of Nanaimo has been discussed formally in Board meetings on January 25, 2017, February 8, 2017 and February 22, 2017.

On February 22, 2017, the Board commenced a consultation process to seek input from the

community with respect to the disposition of land, as outlined in the Memorandum of Agreement, dated February 10, 2017, and specifically in respect of the potential sale of property on Nanaimo District Secondary School and the construction of a lit all weather synthetic turf field on the lands.

Consultation included information about the potential sale and disposition of properties and the joint partnership to build an artificial turf field on the NDSS site on the School District website, a public engagement survey, the placement of newspaper ads, a joint open-house with the City of Nanaimo, and various meetings with community members and partner groups. NLPS received formal feedback through the engagement survey which resulted in 26 respondents, of which 26 completed the feedback portion. Informal and formal feedback from community members and partner groups is predominately positive. As the property identified is surplus to the school district's needs, community members and partner groups felt the sale would provide local capital monies to the school district to support other capital needs. Further, there was overall agreement that the City of Nanaimo is better positioned to manage Rotary Bowl and Serausmen Stadium. There is excitement that Nanaimo will have another artificial turf field available to community groups while retaining the use of the field during the day for student use. Finally, there is general agreement that the location of the field was in-line with the vision for the sports corridor.

NDSS Consultation

NDSS property webpage: http://www.sd68.bc.ca/?page_id=10464

NDSS survey: <https://www.surveymonkey.com/r/YSLMJJW>

NDSS Site Acquisition – Newspaper Ad Info

- Nanaimo News Bulletin – Tuesday, February 28
- Gabriola Sounder – Tuesday, February 28
- Ladysmith-Chemainus Chronicle – Wednesday, March 1

NDSS Memorandum of Agreement

The Board is governed by the Board's policies and procedures on Disposal of Property, The Disposal of Land or Improvements Order and the Ministry processes for disposal of property. The sale of property details include:

- Purchase Price: \$4,100,000
- NLPS Investment in Artificial Turf Field: \$1,200,000

Appendices:

- School District No. 68 (Nanaimo-Ladysmith) Portion of NDSS Site Disposal Bylaw, 2017
- Memorandum of Agreement - City of Nanaimo and Nanaimo Ladysmith Public Schools, February 10, 2017
- Media Release, City of Nanaimo and Nanaimo Ladysmith Public Schools, February 9, 2017
- Newspaper Advertisement, City of Nanaimo and Nanaimo Ladysmith Public Schools
- Engagement Survey – See website for feedback