

MEMORANDUM OF UNDERSTANDING

**FIFTH STREET PROPERTIES
COMPREHENSIVE LAND USE PLANNING & DEVELOPMENT PROJECT**

BETWEEN:

CITY OF NANAIMO

455 Wallace Street, Nanaimo, BC, V9R 5J6

AND:

BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 68 (NANAIMO LADYSMITH)

395 Wakesiah Avenue, Nanaimo, BC, V9R 3K6

AND:

BC HOUSING MANAGEMENT COMMISSION

Suite 201 – 3440 Douglas Street, Victoria, BC, V8Z 3L5

This Memorandum of Understanding (MOU) sets out the terms and understanding between the City of Nanaimo (City), Board of Education of School District No. 68 (Nanaimo-Ladysmith) (the "Board"), and BC Housing Management Commission (BC Housing) to complete a Comprehensive Land Use Planning and Development Project associated with publically owned lands on Fifth Street, within the City of Nanaimo.

1. INTRODUCTION

- 1.1 The City, the Board and BC Housing share a common interest in completing the project described herein, and wish to establish and develop a cooperative relationship to achieve the mutually desirable objectives of all three parties. All parties share the common interest of enhancing the community through providing services and amenities.

2. LAND OWNERSHIP

- 2.1 This MOU is specific to lands owned by the City, the Board and BC Housing within the Fifth Street Corridor. The specific parcels are:

THE BOARD

505 Howard Avenue (0.48, 1.17 acres): legally described as PID: 008-744-700, Section 25, Range 6, Section 1, Nanaimo District, Plan 630. This triangular parcel of land is bounded by Fifth Street, Howard Ave and Harewood Mines Road. The former Harewood School was demolished on the property in the summer of 2016. The former gymnasium remains on the property and is actively used by the school district and the public. The Board is exploring options for the redevelopment of the site.

City of Nanaimo

502 Howard Avenue (0.95ha, 2.34 acres): legally described as PID: 008-734-437, Section 25, Range 7, of Section 1, Nanaimo District, Plan 630, except Part in Plan 5935.

This property was acquired by the City in 2013 from the School District. The lands are used as a community sports field. The City is open to working with the community to identify additional parks and recreational opportunities on the property.

BC Housing

564 Fifth Street (0.92ha, 2.28 acres): legally described as PID: 001-568-795, Lot 1, Section 1, Nanaimo District, Plan 5935, Except Parts in Plans 17471 and 18147. The property was acquired by BC Housing in 2017 and contains 36 units of multi-family housing. The property presents an opportunity to maintain and perhaps increase the provision of affordable housing in the neighbourhood.

- 2.2 The three parcels of land are jointly referred to as "the Lands" and are illustrated in Attachment A.

3. PURPOSE

- 3.1 The purpose of this project is for the City, the Board and BC Housing to explore opportunities for joint development and partnership on the Lands.
- 3.2 The overall goal is to develop a comprehensive land use plan for the redevelopment of the Lands, with a focus on:
- The identification of a location for the learning alternative school program;
 - The location and type of housing options suitable for the Lands;
 - The integration of parks and recreation services on the Lands; and
 - The incorporation of other community services identified through the planning process such as health services, a library, daycare, etc.
- 3.3 The comprehensive development plan may also explore phasing, costings and lead partners for each future phase of the project.

4. TIMING AND PROCESS

- 4.1 The following key steps are anticipated with the preparation of a Comprehensive Land Use Plan for the Lands.
- Terms of Reference approval and project start - September 2018
 - Consultant Engagement - November 2018
 - Background Research – December, January 2019
 - Initial Public Consultation Event – February 2019
 - Options Development – April 2019
 - Public Consultation Event – April 2019
 - Preferred Option – June 2019
 - Final Public Consultation Event – June 2019
 - Plan Endorsement (City, Board & BC Housing) - September 2019

5. WORKING COMMITTEE

- 5.1 Staff at the City, the Board and BC Housing will identify up to two representatives from each party to sit on a Working Committee.
- 5.2 The Working Committee will report directly to their respective Senior Management Teams and Council/Boards.
- 5.3 The Working Committee will prepare a Terms of Reference to be approved by the respective parties at the first meeting of the Committee.

6. FUNDING

6.1 Project Planning

BC Housing will provide funding for the comprehensive land use plan including consultant fees, background studies, research, legal surveys, engineering assessments, planning, preliminary conceptual architecture and final report preparation.

The City and the Board will cover their respective staff time and costs associated with participating in the planning process and will provide venues for public meetings and consultation.

7. TERMS OF REFERENCE

- 7.1 All three parties will develop and agree upon a Terms of Reference for the project. The Terms of Reference will include the public input phases and stakeholder options.

8. COMMUNICATION

- 8.1 All public announcements relating to the project shall be reviewed and approved by the Working Committee prior to issuance.
- 8.2 The City, the Board and BC Housing will identify a key point of contact within each organization for communication purposes.
- 8.3 The City, the Board and BC Housing will prepare a communication plan for the project.

9. RESOLUTION OF DISPUTES


- 9.1 The Working Committee shall mediate problems and concerns related to the Project. If the Designated Representatives are unable to resolve the dispute, they shall refer the dispute to the City's Chief Administrative Officer, the Board's Superintendent and BC Housing's Vice President of Development Services. If the parties are unable to resolve the dispute, they shall refer the dispute to City Council, the Board of Education and BC Housings Executive Committee. Notwithstanding Article 10.1, if the Parties are unable to agree on a resolution of a dispute, the dispute shall be referred to arbitration pursuant to the *Arbitration Act* of British Columbia, for a final and binding decision on the Parties.

10. STATUS OF THIS MEMORANDUM OF UNDERSTANDING

10.1 This MOU does not create or result in legally binding rights or obligations between the City, the Board and BC Housing.

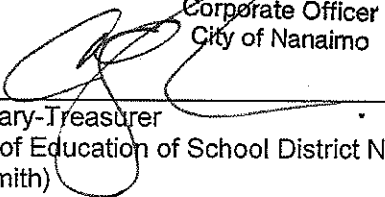
11. TERMINATION OF THIS MEMORANDUM

11.1 This MOU shall terminate upon completion of the Comprehensive Land Use Plan, or prior, by written notice to the other two parties. The MOU anticipates that the Final Plan will be complete by September 30, 2019.



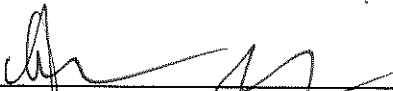
City of Nanaimo Sheila Gurrie
Corporate Officer
City of Nanaimo

Date: 2018-AUG-21



Secretary-Treasurer
Board of Education of School District No. 68 (Nanaimo-
Ladysmith)

Date: 2018-AUG-21



BC Housing Management Commission

Date: 2018 Aug. 30



