



MUNICIPALITY OF THE DISTRICT OF WEST HANTS RECOMMENDATION REPORT

To: Members of West Hants Planning Advisory Committee

Submitted by: Madelyn LeMay

Date: May 24, 2018

Subject: Discharge of Development Agreement: 1250 Highway 236, Scotch Village

File #: 18-01

1.0 BACKGROUND

A request has been received from Sarah and Kaleb Fifield to discharge a Development Agreement from a portion of their lot at 1250 Highway 236, Scotch Village (PID #45193570).

2.0 LEGISLATIVE AUTHORITY

Section 229 (2) of the Municipal Government Act.

3.0 RECOMMENDATION

That PAC recommends:

That Council discharge the Development Agreement entered into on June 29, 2006 between the Municipality of the District of West Hants and Peter and Valerie Lewis for the lot at 1166 Highway 236 (PID 45166329) from only that portion of the lot subdivided from PID #45166329, conveyed to Kaleb and Sarah Fifield in 2016 and consolidated with PID #45193570.

4.0 DISCUSSION

4.1 Need for Discharge

West Hants entered into a development agreement with Peter and Valerie Lewis in 2006 to allow a variety of "non-resource" commercial retail uses and a restaurant on their lot (PID #45166329). The lot was subsequently sold to the present owners, Benjamin and Amy Hunter. Although the uses have never been developed the development agreement does not contain a clause which would require the uses to begin within an agreed-upon period.

This lot which is subject to the development agreement was subdivided in 2016 and a portion of the lot was sold to and consolidated with the “next door” lot owned by Mr. and Mrs. Fifield. As a result of this subdivision and consolidation, the development agreement was automatically attached to the Fifield lot. Mr. and Mrs. Fifield have no interest in the development agreement and as noted above have requested it be discharged from their property.

Mr. and Mrs. Hunter wish to keep the agreement on their lot as they see it as a benefit.

4.2 Land Use By-Law

Staff have visited the property and determined that the use of the property is in accordance with the Land Use By-law.

5.0 CONCLUSION

As noted above, the proposed discharge has been considered within the context of both the Development Agreement and the Land Use By-Law. It is reasonable to consider approving the discharge of this Development Agreement.

6.0 PROCESS



7.0 OPTIONS

In response to the application, PAC may recommend that Council:

- follow the process to discharge the Development Agreement as drafted in the release or as specifically revised by direction of PAC;
- refuse to discharge the Development Agreement requested, providing a specific reason for refusal; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 APPENDICES

Appendix A Draft Discharge

Appendix "A"
Draft Discharge

This **PARTIAL DISCHARGE OF DEVELOPMENT AGREEMENT** made this **DATE**

BETWEEN:

MUNICIPALITY OF THE DISTRICT OF WEST HANTS, a body corporate, hereinafter called the "Municipality" of the one part
-and-

KALEB AND SARAH FIFIELD hereinafter called the "Owner" of the other part

WHEREAS the Owner purchased a portion of PID #45166329 located at Highway 236, Scotch Village in 2016 and consolidated that parcel with their own property (PID 45193570) at 1250 Highway 236, Scotch Village; and

WHEREAS PID #45166329 is subject to a development agreement entered into June 26, 2006 and recorded at the Registry of Deeds, Nova Scotia on June 29, 2006 as document 85489731 and therefore applies to the subdivided parcel; and

WHEREAS the Owner has requested that the Municipality discharge the Development Agreement from PID #45193570; and

WHEREAS pursuant to Section 229 of the Municipal Government Act, on the DATE of 2018, Council of the Municipality approved this request;

NOW THIS Discharge witnesseth that in consideration of the foregoing recitals and pursuant to the development agreement hereinbefore referred to, that the Municipality of the District of West Hants hereby terminates and discharges the said development agreement only as it pertains to PID#45193570 more particularly described in Schedule "A" attached hereto, and hereby gives notice that the terms of the Land Use By-law of the Municipality of the District of West Hants shall apply with respect to the lands referred to in the development agreement.

IN WITNESSETH WHEREOF the Municipality has caused this release to be executed by its proper officers and has caused its seal to be affixed hereto on the day and year first above written.

SIGNED, SEALED AND DELIVERED)

in the presence of:)

MUNICIPALITY OF THE

DISTRICT OF WEST HANTS

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_____)

Per: _____

Witness)

Warden A. Zebian

)

_____)

Per: _____

Witness)

Martin Laycock, C.A.O.,