



PURPOSE

East Hants Business Parks were created and continue to be managed and developed to foster job creation, investment, and commercial development to contribute to the economy of East Hants.

The purpose of the Business Parks Lot Pricing and Sales Conditions Policy is to:

- 1) Ensure the sale of land in East Hants Business Parks continues to clearly and directly support the strategic economic development goals of East Hants by;
 - a) Ensuring land in East Hants Business Parks is sold and managed in congruence with Municipal Council direction;
 - b) Ensuring openness, consistency and fairness in land prices in East Hants Business Parks;
 - c) Clearly articulating circumstances in which deviations from set land prices may occur;
 - d) Providing direction for the creation and regular updates of the
 - i) East Hants Application to Purchase (a business park lot) form,
 - ii) East Hants Business Park Lot Conditions Extension Request form,
 - iii) East Hants Business Parks Lot Sales Process, and
 - iv) The Purchase and Sale Agreement template.
- 2) Ensure East Hants sells land in its Business Parks in a manner conforming to the *Municipal Government Act*, Section 218;

SCOPE

- 1) Land owned by East Hants within all Municipal Business Parks falls within the scope of this policy.
- 2) All East Hants employees and contracted professionals involved in the sale of business park land fall within the scope of this policy.



DEFINITIONS

Term	Definition for the Purposes of this Policy
Development	Development means any erection, construction, alteration, demolition, replacement, relocation, or addition to any structure, and any change or alteration in the use of land or structures. (LUB3-4)
Commencement of Construction	The pouring of the footings and foundations for the Development.
Completion of Construction	Complete the Development, including building, required inspections and approvals, and additional items such as landscaping, paving and curbing, and fencing as required.
East Hants	The Municipality of the District of East Hants.
Public Street	Any street or highway owned and maintained by East Hants or the Department of Transportation and Infrastructure Renewal, including all deemed and common public highways pursuant to the <i>Public Highways Act</i> , excluding designated controlled access highways pursuant to said Act.
CAO	Chief Administrative Officer of the Municipality of the District of East Hants.
Date of Closing	The date of the purchase of the Parcel.

POLICY

POLICY STATEMENTS

It is the policy of East Hants to ...

1. Set the price of Elmsdale Business Park Lots as follows:

1.1. For lots that:

- Are 3 acres or less in size;
- Front on a Public Road; and
- Have water and wastewater services available to the lot line;

the prices are:

- 1.1.1. \$60,000 per acre for lots not bordering either Park Road or Highway 102;
- 1.1.2. \$75,000 per acre for lots bordering Park Road but not bordering Highway 102; and
- 1.1.3. \$110,000 per acre for lots bordering Highway 102

As per the Financial Analysis of Elmsdale and Mt. Uniacke Business Parks (April, 2009) and subsequent Council Motion C09(167) and amended by C09 (168) "[Related Documentation and Council Motions](#)" section.



1.2. For lots that:

- Require a subdivision process prior to the sale; and/or
- Are more than 3 acres in size; and/or
- Do not front on a Public Road; and/or
- Do not have water and/or wastewater services available to the lot line;

the prices are:

- 1.2.1. The CAO shall have authority to determine a fair market price after receiving a proposal for use of the lands.

1.3. For lots that have development constraints such as:

- Delineated wetland;
- Geotechnical challenges; and/or
- Other environmental challenges restricting the development potential of the site
- Do not have water and/or wastewater services available to the lot line;

- 1.3.1. The CAO shall have authority to determine a fair market price after receiving a proposal for use of the lands.

1.3.1.1. As per **Council Resolution C14 (58)**

- 1.3.1.1.1. See "[Related Documentation and Council Motions](#)" section.

1.3.1.2. As per **Council Resolution C12 (93)**

- 1.3.1.2.1. See "[Related Documentation and Council Motions](#)" section.

2. Set the price of Uniacke Business Park Lots as follows:

2.1. For lots that:

- Are 5 acres or less in size; and
- Front on a Public Road;

the prices are:

- 2.1.1. \$20,000 per acre

As per the Financial Analysis of Elmsdale and Mt. Uniacke Business Parks (April, 2009) and subsequent Council Motion C09(167) and amendment C09 (168).

2.2. For lots that:



- Require a subdivision process prior to the sale; and/or
- Are more than 5 acres in size; and/or
- Do not front a Public Road;

the prices are:

The CAO shall have authority to determine a fair market price after receiving a proposal for use of the lands.

3. Require the following conditions to be included in a purchase and sale agreement and followed in the purchase and sale process.

3.1. Deposit

3.1.1. Purchasers must apply to purchase a lot in an East Hants Business Park by completing an application form and submitting a 10% deposit against the final purchase price.

3.1.1.1. The deposit shall be returned to the Purchaser, without interest, in the event that East Hants fails to fulfil the Terms of the Agreement.

3.1.1.2. The deposit shall be forfeited should the Purchaser fail to complete the sale in accordance with the terms of the agreement of purchase and sale in addition to any other rights, costs or damages that East Hants may otherwise be entitled to.

3.2. Minimum Assessed Value

3.2.1. The purchaser commits to a site development with a minimum assessed value (land & building) of \$300,000/acre in the Elmsdale Business Park or \$300,000/2.3 acres in the Uniacke Business Park.

3.2.1.1. The CAO, while maintaining the spirit of addressing return on investment, is permitted flexibility to interpret what constitutes the total value of the investment required by a purchaser of lots in East Hants business parks. Factors for consideration include employment creation, long term growth potential, compatible nature of the business, and related matters. The sole determination of value for purposes of Clause 3.2 shall be in the sole decision of the CAO.

3.3. Construction Dates

3.3.1. Commencement of Construction (see definition) for the entire Development shall be not later than twelve (12) months after the Date of Closing.

3.3.2. Completion of Construction (see definition) for the entire Development shall be achieved no later than twenty-four (24) months from the Date of Closing.



3.4. In the event of Non-Compliance

3.4.1. Buy Back Option

3.4.1.1. All Purchase and Sale Agreements must include the following buy back provisions:

3.4.1.1.1. CAO approval is required to proceed with re-purchasing the land or for any extension of Purchase and Sale Conditions.

3.4.1.1.2. East Hants may re-purchase the land if:

3.4.1.1.2.1. Construction dates are not met;

3.4.1.1.2.2. Minimum assessed value is not met; and/or

3.4.1.1.2.3. Other situation-specific requirements are not met.

3.4.1.1.3. Landowners may apply to have the conditions extended by submitting an application to East Hants:

3.4.1.1.4. If East Hants exercises the buyback option, the price paid for the lot will be equivalent to the purchase price less administration costs and any costs to return the lot to its original pre-purchased condition;

3.4.1.1.5. The purchaser may apply to be released from the terms of the buyback agreement when the proposed building is roof tight (as confirmed by an East Hants building inspector).

3.4.2. Fee Option

3.4.2.1. All Purchase and Sale Agreements must have a “fee option” as an alternative to the buyback option, whereby the landowner pays a fee equal to the sum of all commercial taxes levied on the property as if it had complied with the original Minimum Assessed Value.

3.4.3. CAO Discretion

3.4.3.1. The CAO may negotiate and include additional items not in conflict with the specific provisions determined by Council above and determined appropriate for an individual Purchase and Sale Agreement after consideration of:

3.4.3.1.1. Legal advice;

3.4.3.1.2. The best interest of the Municipality;

3.4.3.1.3. The needs of the potential purchaser; and/or

3.4.3.1.4. The spirit of Council’s intent for the sale of Business Park Lots.



ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
CAO	<p>The CAO</p> <ul style="list-style-type: none"> Retains ultimate responsibility for all Purchase and Sale Agreements and the conditions and obligations contained within them.
Directors & Supervisors	<p>The Director of Economic and Business Development will:</p> <ul style="list-style-type: none"> Maintain adherence to this policy in all purchase and sale agreements and provide recommendations to the CAO with respect to individual agreements and the application of this policy. <p>All other Directors and Supervisors will:</p> <ul style="list-style-type: none"> Ensure adherence to this policy in all purchase and sale agreements. Ensure advice from Legal Counsel is obtained as required.
Business Development Officers	<p>The Business Development Officers will:</p> <ul style="list-style-type: none"> Advise and support the Director; and Ensure the policy statements are incorporated into all purchase processes and agreements for East Hants Business Park Lots.
Policy Owner	<p>The policy owner (see Version Log) is responsible for reviewing the policy on a yearly basis for relevancy and potential updates, and sharing any updates with all those utilizing the policy.</p>

RELATED DOCUMENTATION & COUNCIL RESOLUTIONS

Related forms, processes, procedures and other documents that support the policy.

Document Name	Document ID	Document Type
<i>Municipal Government Act, Section 218</i>	TDB	Legislation
East Hants Application to Purchase (a Business Park Lot) - Must conform to this policy	TDB	Form
East Hants Conditions Extension Request (for a Business Park lot sale) - Must conform to this policy	TDB	Form
East Hants Purchase and Sale Agreement (for a Business Park lot) - Must conform to this policy	TDB	Template
East Hants Business Park Lot Sales Process - Must conform to this policy	TDB	Process
Council Motion C14 (58) - Moved that Council authorize the CAO to adjust land sale prices based on wetland delineation in the business parks based on a proportional basis.	TDB	Council Motion
Council Motion C12 (93) - Moved that Land PID# 45369162 in the Mount Uniacke Business Park be priced at 50% of the regular Council approved price, namely \$23,000 reduced from \$46,000.	TDB	Council Motion



Document Name	Document ID	Document Type
<p>Council Motion C09 (167) and C09 (168)</p> <ul style="list-style-type: none"> - C09 (167) Moved (and amended by C09 (168)) as follows: <ol style="list-style-type: none"> 1. Endorse the current pricing scheme of \$60,000, \$75,000 (Park Road Frontage) and \$110,000 (Hwy 102 Frontage) as previously approved by Council. 2. Require a minimum investment of \$300,000 (as best as can be determined based on current assessment practices) on land sold and require construction within one year of acquisition. 3. Endorse earlier decisions to not require sidewalks/storm sewer throughout the Park. 4. Continue with plans to install sidewalks/storm sewer along Park Road when those phases occur. 5. Select a 20-year amortization option. 6. Request Staff to come back to Committee with recommendations on inclusion of the Matthews/Coupar properties within the serviceable boundary and amounts of local improvement charge for capital improvements. 7. Proceed with phasing as outlined in the 2009 Engineers report and 2009 Financial report on the Park. No new phases should be undertaken until inventory of lots drops to 5 or less. 8. Proceed in 2009 with detailed design of the next two phases and preliminary design of the rest of the Park so the Municipality can move quickly to the construction phase when necessary. 9. No additional acquisition of land until further discussion of Council, but pursue options on land as felt appropriate by Staff. <p>In Relation to the Mt. Uniacke Business Park:</p> <ol style="list-style-type: none"> 1. Increase the price of land to \$20,000 per acre. 2. Require minimum investment of \$300,000 on each 2.3 acre parcel (the current minimum lot size) and require construction within one year of acquisition. 3. Proceed in 2009 with the acquisition of additional land as outlined in the 2009/2010 capital budget to ensure continuous inventory of lots to meet market demand. 	TDB	Council Motion
<p>Financial Analysis of Elmsdale and Mt Uniacke Business Parks (April 2009) (Connie Nolan)</p> <ul style="list-style-type: none"> - On which current pricing and C09 (167) is based 	TDB	Staff Report
<p>Council Motion C12 (159)</p> <ul style="list-style-type: none"> - Moved that the policy as presented by staff in their report dated May 4, 2012 be approved as the minimum conditions of sale of land in the business parks and that these conditions may be incorporated into a revised standard Purchase & Sale Agreement for business park lands along with other provisions deemed appropriate by legal counsel. MOTION CARRIED 	TDB	Council Motion This policy incorporates and now supersedes Council Motion C12 (159).
<p>Business Parks Update - May 2012 (JD MacCulloch and Stacey Black)</p> <ul style="list-style-type: none"> - Staff report referenced by Council Motion C12 (159) 	TDB	Staff Report
<p>Council Motion C15 (16) RE:L Business Park Land Pricing and Sales Conditions Policy</p> <ul style="list-style-type: none"> - Moved that Council adopt the Business Parks Land Pricing and Sales Conditions Policy as presented. MOTION CARRIED 	TBD	Council Motion Created of the first Business Parks Land Pricing and Sales Conditions Policy.



VERSION LOG

Version Number	Amendment Description	Amendment/Policy Owner	Approved for Council Consideration By	Approval by Council Date	Council Resolution #
1.1	First Policy	Senior Business Development Officer, Tyler Mattheis	Director of Economic and Business Development, Kim MacDonald	January 28 th , 2015	C15 (16)