



**Subject:** *Trail Agreement & Naming, Cottage Country Development, Long Lake, East Uniacke*

**To:** Parks, Recreation and Culture Committee

**Date Prepared:** October 23, 2023

**Related Motions:** C12(348)

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**Approved by:** Alana Tapper, Director, Parks, Recreation & Culture

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### Summary

The Tony Borovsky Memorial Trails Association (the “Trails Association”) has requested to enter into an agreement with the Municipality of East Hants (“East Hants”) for the stewardship of and naming of the trails within the Cottage Country development in Long Lake, East Uniacke.

### Financial Impact Statement

There are no immediate financial impacts associated with the adoption of this report.

### Recommendation

Staff recommend entering into an agreement with the Tony Borovsky Memorial Trails Association for the operations and maintenance of trails on public parkland on PID 45392578.

### Recommended Motion

*Move that the Parks, Recreation & Culture Committee recommend that Council authorize the CAO to enter into an agreement with the Tony Borovsky Memorial Trails Association for the operations and maintenance of trails on PID 45392578 in accordance with the Cottage Country Development Agreement and Open Space Agreement; and*

*Move that the Parks, Recreation & Culture Committee recommend that Council authorize the CAO to approve naming of the trails on PID 45392578 in alignment with the guidelines in Council’s Park Naming Policy.*

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## Background

At the November 2012 Regular Meeting of Council, motion C12(348) re-confirmed approval of the Cottage Country Development Agreement (the “DA”), and in 2013 East Hants entered into a DA with 3230225 Nova Scotia Limited (the “Developer”, Bruce McDow). An Open Space Agreement (the “OS Agreement”) was entered into in 2014, which further outlines the Developer’s open space commitments, including trail locations. In September 2023, Council approved the Developer’s application to permit an extension of development time limits under the DA until January 2028.

Part 4 and Schedule 4 of the DA outlines the open space, parkland, trail and lake access requirements. Clause 4.4 indicates:

“...ongoing management of recreational facilities within Village 1 and Village 2 and, through agreement with the Municipality, within the proposed public parkland shall be the responsibility of the Developer. This responsibility will be transferred to the Condominium Corporation(s), once formed or another community organization formed for this purpose.”

To-date, the Developer has completed the majority of trail requirements per the DA and OS Agreement.

The Tony Borovsky Memorial Trails Association (the “Trails Association”) has been established with the intention of managing and operating the trails. In an April 2023 dated letter, included as an appendix, the Trails Association has requested permission to enter into an agreement with East Hants for stewardship of public trails. The Trails Association has also requested permission to name the trails.

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## Discussion

Staff are supportive of the Trails Association being stewards of the trails and recommend entering into a trail agreement.

### Trail Agreement

The *Municipal Government Act* (the “MGA”) requires Council approval for any lease agreement over one (1) year. The proposed trail agreement, included as an appendix, is considered a form of lease agreement.

In summary, the agreement’s terms and conditions would include:

- Term: ten (10) years
- Renewals: automatically renewal for as many further terms of five (5) years as mutually agreeable
- Acceptable recreational activities for the trails include: walking, running, hiking, cross-country skiing, snow shoeing and bicycling; motorized vehicles are prohibited
- Trails Association must develop trails in accordance with the Nova Scotia Trails Manual and the requirements of the DA
- Construction of any new trails or major improvements to existing trails must be approved in writing by East Hants
- Trails Association is responsible for maintenance and upkeep of trails
- No annual funding included in trail agreement; however, Trails Association may apply for municipal grant funding programs
- Trail naming, new or changes, must be in compliance with Council’s Park Naming Policy

### Trail Naming

In 2021 Council approved the Parks Naming Policy (the “Policy”). The Policy applies to all parks and park facilities owned and operated by the Municipality, with the intent to guide naming of park assets.

PID 45392578 was conveyed to East Hants under Section 13 *Public Open Space* of the Subdivision Bylaw; interpretation of Section 273(12) of the *MGA* suggests the trails on PID 45392578 should be considered a park facility and therefore be subject to the Policy.

Section 1 of the Policy states that “Council shall be responsible for the review, acceptance or rejection and final selection of park names based on staff research and recommendations.” Staff recommend delegating the authority to the CAO to manage trail naming in collaboration with the Trails Association. Staff would follow Section 4 of the Policy which provides guidelines for park naming, including 4.6 which states “first and last names of a single individual shall not be used”.

The trail agreement would require the Trails Association to receive East Hants’ approval prior to naming, or changing the name, of trails.

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## **Alternatives**

Council may opt to reject the Trail’s Association’s request and give alternate direction to staff.

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## **Attachments**

Appendix A - April 2023 Letter from Tony Borovsky Memorial Trails Association