

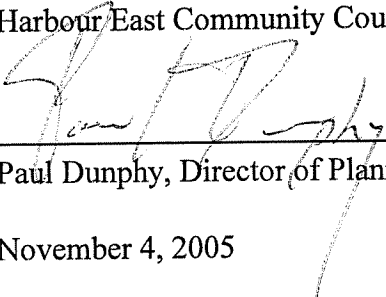
8.1.2



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Harbour East Community Council**  
**December 1, 2005**

**TO:** Harbour East Community Council

**SUBMITTED BY:**   
Paul Dunphy, Director of Planning & Development Services

**DATE:** November 4, 2005

**SUBJECT:** Case 00824: Discharge Development Agreement - 91 Tacoma Drive

### **SUPPLEMENTARY REPORT**

#### **ORIGIN**

Application by ATCAN Self Storage to rezone of a portion of 91 Tacoma Drive from R-2 (Two Family Residential) to C-3 (General Business Zone).

#### **RECOMMENDATION**

Subject to the rezoning taking effect, it is recommended that Harbour East Community Council:

- Approve the discharge of the development agreement registered against a portion of 91 Tacoma Drive by entering into the discharging agreement shown as Attachment A to this report.

## **BACKGROUND**

The R-2 portion of 91 Tacoma Drive (PID 00175562) has a development agreement permitting parking for the commercial use on that portion of the lot. ATCAN Self Storage Ltd. has made application to rezone this portion of the lot to C-3.

## **DISCUSSION**

A development agreement supercedes any zoning on a property. If Harbour East Community Council approves the rezoning of this portion of the lot to C-3, the development agreement must be discharged for the revised zoning to take effect.

Under the provisions of the Municipal Government Act, a Council may discharge an agreement by resolution, whereupon the provisions of the land use by-law will apply to any future development of the property. The draft discharging agreement (Attachment A), if approved by Community Council, will be executed and registered at the Registry of Deeds..

## **BUDGET IMPLICATIONS**

There are no budget implications.

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

## **ALTERNATIVES**

1. Council may choose to discharge the existing development agreement. This is recommended for reasons described above.
2. Alternatively, Council may refuse to discharge the existing development agreement. This is not recommended.

## **ATTACHMENTS**

Attachment A: Proposed Discharging Agreement

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

Hanita Koblents, Planner I

(902) 490-4181

Attachment A - Discharging Agreement

THIS DISCHARGING AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2006,

BETWEEN:

ASC COMMERCIAL LEASING LTD  
a body corporate, in the Halifax Regional Municipality,  
Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,  
a municipal body corporate, (hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 91 Tacoma Drive (PID 00175562), Dartmouth, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the City of Dartmouth entered into a development agreement with Dand Auto Parts Limited to allow for a parking lot for an adjacent commercial use which was recorded at the Registry of Deeds in Halifax on 1981-12-01 as Document Number 51749 in Book Number 3540 at Page 1153 (and hereinafter referred to as "the Agreement");

AND WHEREAS, pursuant to the procedures and requirements contained in the Municipal Government Act, the Harbour East Community Council approved this request by resolution at a meeting held on December 1<sup>st</sup>, 2005;

WITNESS that it is agreed that the Property is hereby discharged from the Agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 200\_.

SIGNED, SEALED AND DELIVERED ) ASC Commercial Leasing Ltd.  
in the presence of )  
\_\_\_\_\_ ) Per: \_\_\_\_\_  
)

SEALED, DELIVERED AND ATTESTED ) HALIFAX REGIONAL MUNICIPALITY  
to by the proper signing officers of Halifax )  
Regional Municipality duly authorized in ) Per: \_\_\_\_\_  
that behalf in the presence of ) MAYOR  
) Per: \_\_\_\_\_  
) MUNICIPAL CLERK  
\_\_\_\_\_ )