

COUNCIL REPORT FORM



To	Mayor and Council & Colin Smith, Chief Administrative Officer Town of Riverview	Item
From	Kirk Brewer Planner	Meeting Date
Date	March 20, 2023	
Subject	Cash-in-lieu of lands for public purpose	
Length of presentation (if applicable)	N/A	

ISSUE

Mohammad Alkarain is proposing to subdivide land with frontage on Pine Glen Road (PID 05058094). The Town of Riverview subdivision by-law requires a contribution in land for public purpose, or cash in lieu of said lands.

BACKGROUND

The subject property is currently 2.42 acres, zoned R3, and has frontage along Pine Glen Road between Pinewood Road and McAllister Road. The proposal is to create two lots, slightly more than half an acre each, and to leave the remaining acre+ as a remnant lot.

The subdivision by-law requires that as part of a subdivision, 10% of the lands being subdivided be vested to the Town as lands for public purposes (LPP), or else 8% of the market value of the property be given as cash in lieu of land. Lands and cash were given during the development of the McAllister Park neighbourhood throughout the 1990s, but this property was always left outside the scope of that subdivision. Therefore, a contribution must be given as part of this application.

In discussing the proposal with the development review committee, the Director of Parks noted there was no desire on the part of the Town to acquire 10% of the land, as this would not yield any usable land for recreational purposes. The McAllister Park neighbourhood is already served by existing parkland, which was vested during the development of the neighbourhood. As such, cash-in-lieu was deemed to be the appropriate solution.

Cash in lieu of LPP must be 8% of the market value of the land being subdivided. There are several ways of determining the market value. In this instance, properties of similar size and zoning have been sold over recent years in the vicinity (PIDs 05058060, 05118393, 05118401, all fronting on Pine Glen Road), which helps to establish a baseline value of this type of property. Based on this comparison, and discussions between the property owner and Town administration, it was determined to accept an approximate value of \$100,000 per lot, for a total of \$200,000 for the two lots being created. This results in a cash payment of \$16,000, which represents 8% of the market value.

The remnant land north of these two lots does not form part of this application. If the land is developed as-is in the future, no additional LPP/cash will be required. However, if the remnant is proposed to be further subdivided in the future, the applicant will be required to contribute additional land or cash.

MUNICIPAL PLAN

Policy 9.0.7 It shall be the intention of Council to instruct the Committee, when a proposed subdivision involves dedication of lands for public purposes or cash in lieu, to have regard for the following:

- (a) the existence of other nearby facilities;
- (b) quantity and nature of local recreation demand;

- (c) land suitability for intended purpose;
- (d) accessibility;
- (e) site frontage;
- (f) potential for integration with existing park and open space network;
- (g) compatibility with existing and proposed land uses;
- (h) potential vehicular generation and necessity for on-site parking; and
- (i) potential maintenance and property tax cost

SUBDIVISION BY-LAW

Lands for Public Purposes

4. (1) As a condition of approval of a subdivision plan, land in the amount of ten (10) percent of the area of the subdivision exclusive of public streets, at such location as assented to by Council pursuant to the Community Planning Act, is to be set aside as "lands for public purposes", and so indicated on the plan.

(2) Council may require, in lieu of land set aside under subsection (1), a sum of money to be paid to the municipality in the amount of eight percent of the market value of the land in the proposed subdivision at the time of submission for approval of the subdivision plan exclusive of streets intended to be publicly owned.

INTERDEPARTMENTAL REVIEW

The application was presented to the Development Review Committee (Planning, CAO, Clerk, Engineering/Works, Fire, Parks)

CONCLUSION

Town Administration is satisfied with the proposed amount of cash and is recommending that Council accept the amount.

RECOMMENDATION

Staff respectfully recommends that Riverview Town Council accept \$16,000 as cash in lieu of land for public purpose for Lots 23-1 and 23-2 as shown on the Alkarain Investment Corporation subdivision plan dated February 6, 2023.

ALTERNATIVES

- That Council postpone the decision for additional information; or
- That Council require an alternative amount of cash

RISK ANALYSIS

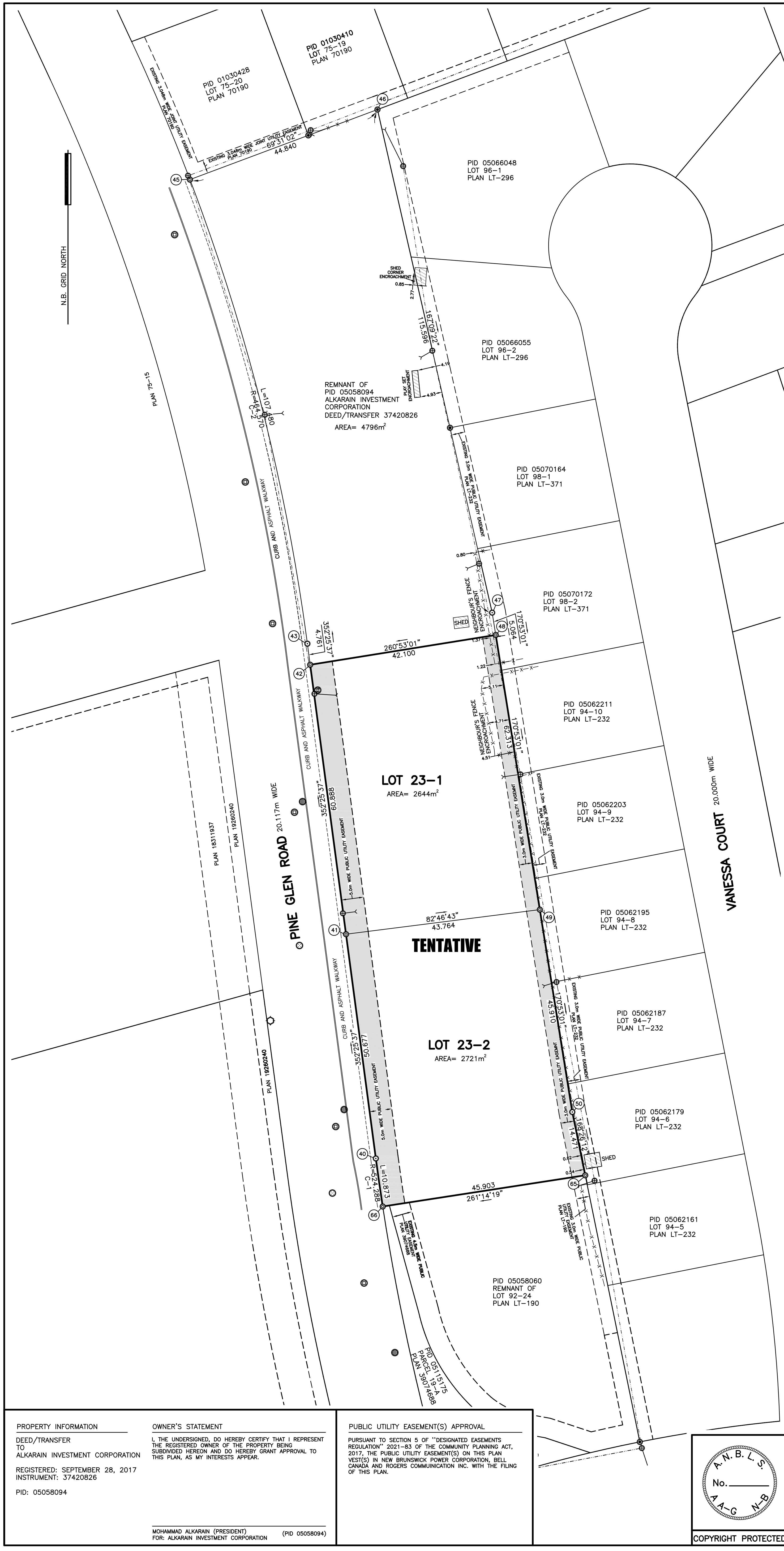
Administration does not see any risks associated with this application.

CONSIDERATIONS

Financial	Per s.76(2) of the <i>Community Planning Act</i> , cash in lieu of LPP must be paid into a special account to be expended by council for acquiring or developing LPP and no other purpose
Environmental	N/A
Public Consultation	Public consultation is not a requirement for cash-in-lieu as part of a subdivision
Attachments	Subdivision Plan dated February 6, 2023



**Kirk Brewer, RPP, MCIP
Planner, Plan360/SERSC**



N.B. GRID COORDINATE VALUES NAD83 (CSRS)			
POINT	EASTING (m)	NORTHING (m)	DESCRIPTION
40	2632393.652	7451777.165	CP
41	2632386.973	7451827.400	SMSET
42	2632378.949	7451887.757	SMSET
43	2632378.321	7451892.476	CP
44	2631917.804	7451831.250	RP
45	2632352.013	7451996.440	SMSET
46	2632394.018	7452012.131	SMFD
47	2632419.715	7451899.427	CP
48	2632420.517	7451894.427	SMSET
49	2632430.390	7451832.901	SMSET
50	2632437.664	7451787.571	CP
65	2632440.564	7451773.394	SMSET
66	2632395.197	7451766.402	SMSET
73	2632913.367	7451846.261	RP
28155	2628800.998	7456492.126	MONCTON (HPN)

CURVE TABLE					
CURVE	RP	LENGTH	RADIUS	CHORD	AZIMUTH
C1	73	10.873	524.288	10.873	171°49'58"
C2	44	107.480	464.570	107.241	345°47'57"

ALL COMPUTATIONS PERFORMED AND COORDINATES SHOWN ON THIS PLAN ARE BASED ON THE NEW BRUNSWICK STEREOGRAPHIC DOUBLE PROJECTION AND THE NAD83(CSRS) ELLIPSOID AS REALIZED BY SERVICE NEW BRUNSWICK'S HIGH PRECISION CONTROL NETWORK.



KEY PLAN

LEGEND

STANDARD SURVEY MARKER PLACED (SMSET)	⊙
STANDARD SURVEY MARKER FOUND (SMFD)	⊙
IRON PIPE FOUND (IPFD)	⊙
IRON BAR FOUND (IBFD)	⊙
WOODEN POST	⊙
CALCULATED COORDINATE POINT (CP)	⊙
TABULATED COORDINATE REFERENCE NUMBER	⑩
CENTRELINE	—
EASEMENT	—
FENCE	-X-X-X-X-
OVERHEAD UTILITY LINE	-X-X-X-X-
UNDERGROUND UTILITY LINE	----
SANITARY SEWER LINE	----
STORM SEWER LINE	----
STORM SEWER LATERAL/ LEAD	----
COMBINED STORM/ SANITARY SEWER	----
WATER MAIN	----
GAS MAIN	----
RAILWAY TRACKS	----
SQUARE METRES	m ²
NEW BRUNSWICK LAND SURVEYOR	N.B.L.S.
N.B.L.S. REGISTRATION NUMBER	#306
ORDINARY HIGH WATER MARK	OHWM
PARCEL IDENTIFIER NUMBER	PID
SERVICE NEW BRUNSWICK	SMB
INSTRUMENT / VOLUME / PAGE	123456/1234/123
TRANSFER NUMBER	TRANSFER 12345678
DISTANCE OR AZIMUTH CALLED FOR IN DEED	(DEED)
DISTANCE OR AZIMUTH CALLED FOR ON PLAN	(PLAN)
CURVE NUMBER	C-1
POINT OF CURVATURE/ BEGINNING OF CURVE	PC
POINT OF COMPOUND CURVATURE	PCC
POINT OF TANGENCY/ END OF CURVE	PT
RADIUS POINT/ CENTER OF ARC	RP
LAND DEALT WITH BY THIS PLAN BOUNDED THUS:	----
LAND DEALT WITH BY THIS PLAN BOUNDED THUS:	----
UTILITY POLE/ TELEPHONE POLE/ ANCHOR POLE	⊙
GUY WIRE AND ANCHOR	⊙
CIVIC NUMBER	123
HECTARE	ha
SPOT ELEVATION (m)	hg
MANHOLE SANITARY	⊙
MANHOLE STORM	⊙
CATCHBASIN	⊙
SLUICE BOX	⊙
WATER VALVE	⊙
SHUTOFF VALVE/ WATER STOP	⊙
VALVE CHAMBER	⊙
FIRE HYDRANT (BENCHMARK)	⊙

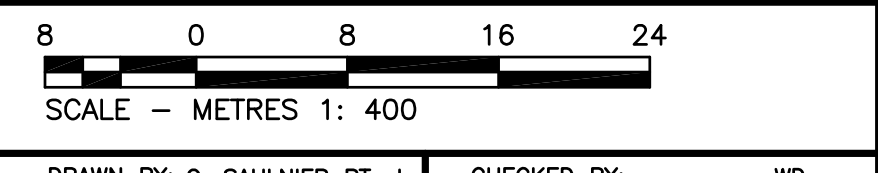
- NOTES:**
- AZIMUTHS AND COORDINATES WERE DERIVED FROM SERVICE NEW BRUNSWICK'S HIGH PRECISION CONTROL NETWORK, NAD83(CSRS), REFERENCED TO MONUMENT 28155 (HPN).
 - THE SCALE FACTOR USED IS EQUAL TO 1.000017.
 - THE DOCUMENT NUMBERS REFERRED TO ON THIS PLAN ARE THOSE OF THE APPLICABLE COUNTY REGISTRY OFFICE.
 - AZIMUTHS ARE ROUNDED TO THE NEAREST 01".
 - CERTIFICATION IS NOT MADE AS TO LEGAL TITLE, BEING THE DOMAIN OF A LAWYER, NOR TO THE ZONING AND SETBACK BY-LAWS OR REGULATIONS, BEING THE DOMAIN OF THE DEVELOPMENT OFFICER.
 - CERTIFICATION IS NOT MADE AS TO COVENANTS SET OUT IN THE DOCUMENT(S), NOR TO THE LOCATION OF ANY UNDERGROUND SERVICES AND/ OR FIXTURES, PERMANENT OR OTHERWISE.

PURPOSE OF PLAN:

- TO CREATE LOTS 23-1 AND 23-2 FOR BUILDING PURPOSES.
- TO CREATE 3.0m AND 5.0m WIDE PUBLIC UTILITY EASEMENTS, PURSUANT TO SECTION 5, REGULATION 2021-83 COMMUNITY PLANNING ACT, 2017, SHOWN THUS: ----

SUBDIVISION PLAN
ALKARAIN INVESTMENT CORPORATION SUBDIVISION

LOCATED ON THE EAST SIDE OF
 PINE GLEN ROAD
 TOWN OF RIVERVIEW
 PARISH OF COVERDALE
 COUNTY OF ALBERT
 PROVINCE OF NEW BRUNSWICK



DRAWN BY: C. SAULNIER PTECH | CHECKED BY: WD

SURVEYOR'S STATEMENT:
 I, WARREN E. DAIGLE N.B.L.S., DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY THIS PLAN CORRECTLY DEPICTS ANY RESEARCH, FIELD WORK AND COMPUTATIONS UNDERTAKEN FOR THIS PROJECT.

DATE: FEBRUARY 13, 2023
TENTATIVE N.B.L.S.
 WARREN E. DAIGLE N.B.L.S. # 306

SURVEYED BY: WARREN E. DAIGLE N.B.L.S. # 306
 FIELD SURVEY COMPLETED: FEBRUARY 6, 2023



PROPERTY INFORMATION
 DEED/TRANSFER TO ALKARAIN INVESTMENT CORPORATION
 REGISTERED: SEPTEMBER 28, 2017
 INSTRUMENT: 37420826
 PID: 05058094

OWNER'S STATEMENT
 I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I REPRESENT THE REGISTERED OWNER OF THE PROPERTY BEING SUBDIVIDED HEREON AND DO HEREBY GRANT APPROVAL TO THIS PLAN, AS MY INTERESTS APPEAR.
 MOHAMMAD ALKARAIN (PRESIDENT) (PID 05058094)
 FOR: ALKARAIN INVESTMENT CORPORATION

PUBLIC UTILITY EASEMENT(S) APPROVAL
 PURSUANT TO SECTION 5 OF "DESIGNATED EASEMENTS REGULATION" 2021-83 OF THE COMMUNITY PLANNING ACT, 2017, THE PUBLIC UTILITY EASEMENT(S) ON THIS PLAN VEST(S) IN NEW BRUNSWICK POWER CORPORATION, BELL CANADA AND ROGERS COMMUNICATION INC. WITH THE FILING OF THIS PLAN.

