

HALIFAX

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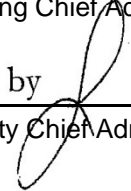
Item No. 14.1.2
Halifax Regional Council
January 26, 2016

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: January 7, 2016

SUBJECT: Acquisition of Moser River Playground and Ballfield

ORIGIN

- June 16, 2015 Halifax Regional Council motion:

MOVED by Councillor Hendsbee, seconded by Councillor McCluskey
THAT Halifax Regional Council request a staff report for the acquisition of the Moser River Playground
and ball field. MOTION PUT AND PASSED UNANIMOUSLY.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Section 79 (1), The Council may expend money required by the Municipality for; (k) recreational programs; (x) lands and buildings required for a municipal purpose; (ah) playgrounds, trails, including trails developed, operated or maintained pursuant to an agreement made under clause 82(c), bicycle paths, swimming pools, ice arenas and other recreational facilities;(ai) public grounds, squares, halls, museums, parks, tourist information centres and community centres.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Direct staff to enter into negotiations to consolidate property interests at Moser River Sea Side Park and Moser River Ball field under municipal control; and
2. Continue the Community Partnership Agreement with River Community Centre Association for maintenance of the properties.

BACKGROUND

Moser River is a community located along the Eastern Shore of the Halifax County. It is the largest community between Sheet Harbour (30 kms to the west) and Sherbrook (50 kms to the east) on the #7 Highway. The community once was part of a thriving fishing and forestry industry, however, those industries have declined in the past decades. Approximately 500 people live within the census area of Moser River. Since the 1960's, there has been a history of recreation provision through successive local associations in conjunction with the municipality. The present community recreation organization is the River Community Centre Association who the Board has indicated is successor to the Moser River Community Association and the same group as the River Community Association.

Community Park Assets

Within the Moser River community, outdoor recreation infrastructure is located at two separate locations (Attachment 1):

- 1) The Moser River Seaside Park (Attachment 2) consists of a small community hall, two playground structures, parking, swimming area, asphalt sport court, passive seating area and local cenotaph. It functions as a community park, special event site for Moser River Days, and a cenotaph site. It is also a convenient scenic stop for visitors travelling the #7 Highway with parking, water access and a public toilet. The facilities are in good condition and have been well maintained. The park consists of five parcels under multiple ownership:
 - PID No. # 40250177 - 1 acre owned by River Community Association
 - PID No. # 00546267 - .97 acres owned by River Community Centre Association
 - PID No. # 41013855 - .02 acres owned by owned by the Estate of Fred Smith
 - PID No. # 40250169 - .75 acres owned by Halifax Regional Municipality
 - PID No. # 40250144 - .12 acres owned by Moser River Community Centre Association

- 2) Eastern Consolidated School consists of two play structures, a hard surface court, mini sport field and a full size slow pitch softball field. The grounds around the school primarily served school use, until its closure last year, with some community usage. The school playground and court are in generally poor condition. The ballfield is regularly scheduled for a youth league and a ladies league for teams along the Eastern Shore. The ballfield is in good condition and has been well maintained. The site consists of two parcels:
 - PID No. # 00545848 - 3.3 acres owned by Halifax Regional Municipality
 - PID No. # 00545830 - 3.2 acres owned by Moser River Community Centre Association

Current Maintenance Agreement

HRM currently has a Community Partnership Agreement with the Moser River Community Association for maintenance of the following:

- Moser River Ballfield;
- Moser River Seaside Park;
- Moser River Mini Field; and
- Eastern Consolidated Elementary School.

The community conducts all regular maintenance of fields and parks while HRM aerates, grooms and restores major damage in accordance with service standards. The Municipality is also responsible for inspections and supplies some landscape materials.

While both locations, until recently, complemented and supported each other, the recent closure of the school has raised questions on the need for the school playground and sport court. Representatives of the River Community Centre Association have also raised concerns that due to declining and aging populations, it will be harder to operate the softball league within five years' time.

As with many rural communities, there has been a tradition of self-reliance and cooperation with the Municipality in recreation provision. This is evidenced in Moser River through effective maintenance and operation by the residents and capital investment and operational support by the Municipality. Legal mechanics associated with properties, however, appear to have been considered somewhat secondary, resulting in parks facilities which are an amalgam of land ownerships, encroachments and accesses through non park properties.

DISCUSSION

The River Community Centre Association is interested in consolidating all land interests associated with these two recreation areas under the Halifax Regional Municipality through a transfer of ownership. They also want to develop a maintenance agreement to cover all of those properties under the River Community Centre Association. There are several reasons cited for this:

- Limit liability – As these are essentially recreation facilities meant to serve the citizens of Halifax the Association is becoming more cautious of assuming liability for public use of these lands. Presently, there is not a clear line of accountability as a result of multiple land ownership.
- Clarifying Property Title – The Moser River Community Recreation Association, River Community Association and the River Community Centre Association are, in essence, the same associations. All have maintained separate status under the *Societies Act* to continue to hold title to associated properties. Further, the former Halifax County Council passed a motion to carry out an expropriation of the land belonging to the Estate of Fred Smith so that they may be added to the park. However, this appears to have never been completed.
- Secure access to the Ball Field – Currently the ballfield behind the school has no deeded access through the school property. Transfer to HRM would negate that potential problem for the Association.
- Secure the community recreation lands – The Association has indicated that their youngest Board member is 70 years old. While still active, there is concern that they may not be able to continue the Association beyond the next decade. Vesting the properties with Regional Council is a step to continue to ensure public access and interest is considered in the future.

Other Considerations

- A review of property lines indicates that the north dugouts and a portion of the access road are encroaching on private land parcels by approximately 30 feet. This would require resolution of the encroachment or legal rights to the use of the land.
- The seawall along the beach area will require capital work in the future.
- While the Municipality has not received notification at this time, Halifax Regional School Board may turn the school and property over to HRM as surplus to its needs. Moser River is currently a community with a declining population. While the recreation facilities are well located not all of the elements may be required in the future.
- With multiple land owners, it may be a challenge to ensure that the appropriate owners and officers of community associations are represented in the land transfers.
- Due to the central location of Moser River along the #7 Highway, it is a strategic site for municipal services for the area including fire services, indoor and outdoor recreation.
- Consolidating the park properties under HRM ownership clarifies the relationship by which HRM has been expending capital and operating funds on private lands used for public park.
- Under the current land configuration, municipal ownership of the parcels would reduce risk of reduction or elimination of public access to the recreation amenities.

Based on the current situation and, notwithstanding an unpredictable future, it is recommended that staff be directed to enter into negotiations for the consolidation of the lands under Municipal control in order to maintain and clarify the current public outdoor recreation access. Further, it is recommended that the relationship with the River Community Centre Association be continued through a Community Partnership Agreement for ongoing maintenance of the properties.

FINANCIAL IMPLICATIONS

Costs associated with land transfers and easements expected through the negotiations for the consolidation of the properties, estimated at approximately \$20,000, would be available in Project Account CPX01149, Parkland Acquisition. With transfer of the ownership of the park infrastructure, HRM would be responsible for its lifecycle replacement, which would be prioritized within future HRM Capital budgets.. Budget availability has been confirmed by Finance.

Currently, HRM provides \$4520 annually to the Association through the current community Partnership Agreement. That amount would be expected to remain the same after lands are transferred. Any maintenance required outside the terms of the agreement would be required to be covered by HRM operating funds.

COMMUNITY ENGAGEMENT

Staff met with representatives of Moser River Community Centre Association/River Community Centre Association to visit the sites together and review the association's proposal, history, and municipal real estate processes were reviewed.

ENVIRONMENTAL IMPLICATIONS

The subject parcels have no visible environmental issues and the existing recreation uses do not generate negative concerns regarding surrounding land, watercourses and ocean.

ALTERNATIVES

Alternative 1: Regional Council could choose to not direct staff to enter into negotiations to consolidate all or some of property interests at Moser River Sea Side Park and Moser River Ball field under municipal control and, instead, direct staff to negotiate agreements with the current land owners to ensure public access to the outdoor recreation amenities is maintained.

Alternative 2: Regional Council could direct staff to cease the Community Partnership Agreement with River Community Centre Association for maintenance of the properties.

ATTACHMENTS

Attachment 1: Property Plan – Moser River

Attachment 2: Site Photographs

If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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Attachment 2



Figure 1 Moser River Seaside Park



Figure 2 Moser River Seaside Park



Figure 3 Eastern Consolidated School