

REF #4 Industrial
Joint Park COPY

JOINT DEVELOPMENT AGREEMENT

1988. THIS AGREEMENT made the 30th day of Sept., A.D.,

BETWEEN: MUNICIPALITY OF THE COUNTY OF RICHMOND, a body corporate and politic, having its Head Office at Arichat, in the County of Richmond, Province of Nova Scotia (hereinafter called "the COUNTY")

OF THE ONE PART

- and -

MUNICIPALITY OF THE TOWN OF PORT HAWKESBURY, a body corporate and politic, having its Head Office at Port Hawkesbury, in the County of Inverness, Province of Nova Scotia

(hereinafter called "the TOWN")

OF THE SECOND PART

WHEREAS the County and the Town have agreed to undertake the Joint Development of lands for an Industrial Park; and

WHEREAS the Legislature of the Province of Nova Scotia has enacted legislation entitled Richmond County-Port Hawkesbury Joint Development Commission Act, a copy of which Act is attached hereto as Schedule "A";

NOW THEREFORE it is mutually agreed as follows:

1. The County and the Town agree each with the other to participate as members of the Richmond County-Port Hawkesbury Joint Development Commission (hereinafter called "the Commission") as established by the legislation attached as Schedule "A".
2. The Town agrees to convey to the Commission ownership of the lands described in Schedule "B" consisting of approximately 100 acres of land located within the boundaries of the County and adjoining the existing Light Industrial Park in Port Hawkesbury at an agreed value of One Hundred Two Thousand (\$102,000.00) Dollars.
3. The County agrees to pay to the Town the sum of Fifty One Thousand (\$51,000.00) Dollars within one year from the date of this Agreement representing 1/2 of the value attributed to the lands described in Schedule "B"; or, at the option of the County, to convey to the Commission lands adjoining the lands described in Schedule "B" having a value equivalent thereto. It is hereby agreed that in the event that the lands acquired by the Municipality cost more than One Hundred Two Thousand (\$102,000.00) Dollars, the Town will share equally in the additional costs over the sum of One Hundred Two Thousand (\$102,000.00) Dollars.

4. The parties agree to take all necessary steps and legislative action to give effect to this Agreement and the legislation attached as Schedule "A" hereto.

IN WITNESS WHEREOF the parties have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of:

Blessed
WITNESS

THE MUNICIPALITY OF THE COUNTY OF RICHMOND:

Per: James G. White
Warden

Per: John D. [Signature]
Clerk

THE MUNICIPALITY OF THE TOWN OF PORT

[Signature]
WITNESS

Per: [Signature]
Mayor

Per: [Signature]
Clerk

SCHEDULE "A"

BILL NO. 96

Local Bill

4th Session, 54th General Assembly
Nova Scotia
37 Elizabeth II, 1988

An Act to Establish the
Richmond County - Port Hawkesbury
Joint Development Commission

CHAPTER 70
ACTS OF 1988

Dr. James MacLean
Inverness North

AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
25TH MAY, 1988

Halifax
Printed by Queen's Printer for Nova Scotia

An Act to Establish the
Richmond County - Port Hawkesbury
Joint Development Commission

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the Richmond County - Port Hawkesbury Joint Development Commission Act.

2 In this Act,

(a) "Commission" means the Richmond County - Port Hawkesbury Joint Development Commission established by this Act;

(b) "Commissioner" means a member of the Commission;

(c) "industrial park" means the industrial park which the Commission establishes, develops, manages and promotes pursuant to this Act;

(d) "participating municipalities" means the Municipality of the County of Richmond and the Town of Port Hawkesbury.

3 There is hereby established a body corporate to be known as the Richmond County - Port Hawkesbury Joint Development Commission.

4 (1) The object and purpose of the Commission is to establish, develop, manage and promote an industrial park which is in the Municipality of the County of Richmond and which is immediately adjacent to the Town of Port Hawkesbury and sell, lease or otherwise dispose of land in the industrial park for the purpose of

- (a) attracting new business and industry; and
- (b) encouraging the expansion of existing businesses and industries.

(2) If those industrial commissions, established by the participating municipalities pursuant to the Industrial Commissions Act and which are in existence immediately before this Act comes into force, are dissolved, the Minister of Municipal Affairs may, by order, authorize the Commission to expand its operations to carry out the objects and purposes of those industrial commissions.

- 5 (1) The Commission consists of
- (a) that person who holds the office of warden of the Municipality of the County of Richmond;
 - (b) that person who holds the office of mayor of the Town of Port Hawkesbury;
 - (c) two members of the council of the Municipality of the County of Richmond appointed by that council;
 - (d) two members of the council of the Town of Port Hawkesbury appointed by that council.
- (2) A majority of the Commissioners, including one representative of each participating municipality, constitutes a quorum.
- (3) Each Commissioner appointed by a council holds office for such term as may be prescribed by a by-law made by that council respecting the terms of office of persons to be appointed by it to the Commission.
- (4) A by-law made pursuant to subsection (3) may provide for terms of office which differ in length.
- (5) A Commissioner is not entitled to any salary or remuneration for serving as a Commissioner but may be reimbursed by the Commission for reasonable expenses necessarily incurred in performing the functions of a Commissioner.
- (6) Where a Commissioner, who is appointed pursuant to this Section, ceases to hold office before that Commissioner's term of office expires, the council which appointed that Commissioner may appoint another member of that council to be a Commissioner for the unexpired portion of the term of office.
- (7) A vacancy on the Commission does not impair the capacity of the remaining Commissioners to act.
- (8) A person ceases to be a Commissioner when that person ceases to be a member of the council of the participating municipality which appointed that person as a Commissioner.
- 6 (1) The Commission may exercise such powers as are necessary or conducive to achieve its object and purpose and, without restricting the generality of the foregoing, may
- (a) conduct or sponsor campaigns of publicity for making known the advantages of the industrial park as a location for business or industry;
 - (b) prepare and disseminate statistical and other information for the purpose of creating interest in the industrial park as a location for business or industrial enterprises;

- (c) co-operate with any government, agency of government or other body or organization set up for the purpose of promoting industry or business;
- (d) make recommendations to the participating municipalities respecting
 - (i) matters relating to the establishment and development of the industrial park as a center for business or industrial enterprises,
 - (ii) such other matters as in the opinion of the Commission relate to the development of business and industry in or about the industrial park;
- (e) receive grants from the participating municipalities and use those grants for its purposes;
- (f) accept gifts, assignments, devise and bequests of real and personal property and apply them to achieving the object and purpose of the Commission;
- (g) acquire real and personal property by deed, will, gift or lease or in any other manner and sell, lease or otherwise dispose of it or any part of it;
- (h) with the approval of the councils of both the participating municipalities, borrow money for its purposes;
- (i) with the approval of the councils of both the participating municipalities, mortgage, pledge or otherwise charge its property or any part of it for the purpose of securing the repayment of money borrowed or the performance of an obligation;
- (j) improve, enlarge, repair, alter, equip, service, insure and maintain buildings owned or leased by it;
- (k) invest funds of the Commission not immediately required for its purposes in such securities and in such manner as a municipality is permitted to invest pursuant to the Municipal Affairs Act;
- (l) conduct inquiries and investigations respecting industrial and commercial potentials for the industrial park;
- (m) subject to subsection (2), make by-laws with respect to any matter relating to the conduct of the business and affairs of the Commission, including, without restricting the generality of the foregoing,

(i) meetings of the Commission and its committees, the method of calling the meetings, their frequency, the conduct of business at the meetings and the rules of order and proceedings at the meetings,

(ii) the appointment or election of standing or special committees and their functions, duties and powers,

(iii) determining which officers of the Commission are authorized to make and execute under the corporate seal of the Commission documents, including contracts, deeds, leases, mortgages or other instruments.

(2) A by-law made pursuant to clause (m) of subsection (1) is not effective unless and until it is approved by the Minister of Municipal Affairs.

7 (1) The Commissioners shall select from among their number a Chairman, a Vice-chairman and such other officers as are provided for in the by-laws of the Commission.

(2) The offices of Chairman and Vice-chairman shall not be occupied at the same time by a representative or representatives of the same participating municipality.

8 (1) The fiscal year of the Commission is the same as the fiscal years of the participating municipalities.

(2) At least fourteen days prior to the expiration of each of its fiscal years, the Commission shall prepare and submit to the council of each of the participating municipalities a budget which shall include

(a) a detailed estimate of its operating revenues and operating expenditures for the ensuing fiscal year;

(b) any deficit from the preceding year; and

(c) the amount which the Commission is requesting each of the participating units to grant to the Commission to be used by the Commission for its purposes during the ensuing fiscal year of the Commission.

(3) A participating municipality shall, within thirty days after receiving a budget pursuant to subsection (2), either approve the amount requested or approve a lesser amount and if a participating municipality approves a lesser amount, then the other participating municipality may reduce the amount which it pays by the same proportion.

(4) At the end of each fiscal year, any surplus of revenues over expenditures of the Commission may be transferred by the Commission to each

participating municipality in amounts which bear the same proportion to each other as the amounts contributed by the participating municipalities pursuant to this Section for that fiscal year.

(6) Not later than sixty days after the end of each of its fiscal years, the Commission shall submit to the council of each of the participating municipalities a report covering the activities of the Commission in the preceding year, together with a financial statement respecting its financial position as at the end of that fiscal year prepared in accordance with generally accepted municipal accounting principles consistently applied and audited in accordance with the system of auditing prescribed pursuant to the Municipal Affairs Act and by a person who is appointed for that purpose and who is registered as a municipal auditor pursuant to the Municipal Affairs Act.

(7) Not later than ninety days after the expiration of each of its fiscal years, the Commission shall submit to the Minister of Municipal Affairs the report and financial statement referred to in subsection (6).

9 (1) Notwithstanding any other enactment, the tax rate respecting the commercial property assessment and the business occupancy assessment of land which forms part of the industrial park shall be the greater of

- (a) the tax rate in the Town of Port Hawkesbury; or
- (b) the tax rate in the Municipality of the County of Richmond.

(2) Notwithstanding any other enactment, all rates, taxes, levies, imposts and other fees or revenues rated on or collected from any land which forms part of the industrial park or person situate within the industrial park and occupying land which forms part of the industrial park including, without limiting the generality of the foregoing, deed transfer taxes, property taxes and business occupancy taxes, shall be collected by the participating municipality within which the property or assessment is located, but shall be divided equally with the other participating municipality within seven days after the taxes are so collected.

10 (1) The participating municipalities shall share equally in the proceeds of the sale of land situate in the industrial park.

(2) The proceeds received by a participating municipality from the sale of land in the industrial park shall be deposited in the Capital Section of the Special Reserve Fund of that participating municipality.

11 (1) Either one of the participating municipalities may give to the other participating municipality and to the Commission a notice in writing requesting that the Commission be wound up.

(2) Notice pursuant to subsection (1) may be given either by certified mail or by delivery to the clerk of the participating municipality to which the notice is directed or, where the notice is to be given to the Commission, to the Chairman of the Commission.

(3) Where a notice is given pursuant to subsection (1) and the participating municipalities have not, within ninety days after the notice is given, agreed that the Commission continue, the Commission shall, after payment of all liabilities of the Commission, distribute the property, undertaking and assets of the Commission between the participating municipalities in the following manner:

(a) real property of the Commission shall be divided between the participating municipalities in such manner as the participating municipalities may agree, and, where the participating municipalities cannot so agree, the Commission shall sell the real property and pay the proceeds of the sale to the participating municipalities in equal shares;

(b) other property or money granted to the Commission and not applied by the Commission, pursuant to this Act at the time the notice is given, shall be returned to the participating municipality which granted the property or money;

(c) money held by the Commission from the sale of land in the industrial park shall be distributed equally between the participating municipalities;

(d) any resulting surplus or deficit shall be distributed to, or assumed by a participating municipality, as the case may be, in the same proportion that the aggregate of all grants made by that participating municipality bears to the aggregate of all grants made to the Commission by both participating municipalities.

(4) Where the Minister of Municipal Affairs is satisfied that the Commission has distributed its property, assets and undertaking in accordance with subsection (3), the Minister may, by order, dissolve the Commission.

(5) Section 9 continues to apply with respect to land within the industrial park which has not been divided or sold in accordance with clause (a) of subsection (3), notwithstanding that the Commission is dissolved.

12 (1) Notwithstanding any other enactment, each of the participating municipalities may exercise such powers as may be necessary for the purpose of carrying out the intent and purpose of this Act, and, without restricting the generality of the foregoing, may

(a) make by-laws respecting the term of office of Commissioners appointed by that municipality to the Commission;

(b) acquire by purchase or otherwise real or personal property for the purposes of establishing, managing and promoting the industrial park, and transfer and convey such property to the Commission to be used by the Commission to achieve its objects.

(2) For the purpose of calculation of reserves for uncollected taxes, each of the participating municipalities shall reserve one half of the uncollected taxes relating to properties in the industrial park.

(3) All money required for the payment by a participating municipality of any sum, pursuant to this Act, shall be held to be money required for the ordinary lawful purposes of that participating municipality and shall be levied, raised and collected in all respects, as other money required for the ordinary lawful purpose of that participating municipality is levied, raised and collected.

(4) For the purpose of calculation of uniform assessment pursuant to the Municipal Grants Act, the assessment of a property situate in the industrial park shall be divided equally between the participating municipalities.

SCHEDULE "B"

ALL that certain lot, piece or parcel of land situate, lying and being in the County of Richmond, Province of Nova Scotia and adjoining the southern Town boundary of the Town of Port Hawkesbury and consisting of 100 acres more or less as per Deeds acquired by the Town of Port Hawkesbury recorded at the Registry of Deeds at Arichat in Book 96, Page 238 and Book 96, Page 455 and as recorded at the Registry of Deeds at Port Hood in Book 224, Page 486 and Book 225, Page 69.

The above described lands being subject to an Easement in favour of the Nova Scotia Power Corporation as recorded at the Registry of Deeds at Port Hood in Book 88, Page 38.

The said lands being shown on a Plan of Survey prepared by Brian A. Anderson & Associates Limited dated January 18, 1988.