

DATE: December 15, 2015
TO: Board of Trustees
FROM: Darrel Robertson, Superintendent of Schools
SUBJECT: Vacant School Sites – Surplus Declaration
ORIGINATOR: Dr. Lorne Parker, Executive Director, Infrastructure

RESOURCE

STAFF: Josephine Duquette, Jon Dziadyk, Jenifer Elliott, Constantine Kastrinos, Roland Labbe, Jim Ray, Aaron Seltz, Jennifer Thompson

REFERENCE: [Joint Use Agreement: Land](#)
[Board Policy EA.BP – Infrastructure Planning Principles](#)

ISSUE

Every three years, in accordance with the *Joint Use Agreement: Land (JUA: Land)*, school districts in Edmonton are required to review all vacant reserve school sites and identify which sites, if any, are no longer required for educational purposes. Administration has initiated a review on behalf of the District.

BACKGROUND

On May 12, 2009, the Board of Trustees approved the *JUA: Land*. A key issue for the City of Edmonton in the *JUA: Land* negotiations was a desire for regular reviews of vacant school sites by school districts. To fulfill the commitment, as stated in Section 11 of the *JUA: Land* (Attachment I), the District declared surplus – 18 vacant sites on October 13, 2009, and one vacant site on May 7, 2013. Administration has recently completed an initial review of 20 vacant school sites in suburban plan areas. A detailed review of 13 sites in plan areas was subsequently conducted of which only four currently meet the criteria for surplus declaration.

RELATED FACTS

- School districts retain sole authority and responsibility to determine whether land is required for a future school.
- To fulfill the commitment as stated in Section 11 of the *JUA: Land*, a decision regarding surplus sites must be met before December 31, 2015.
- Lands dedicated for school sites do not accrue value through disposition, as do non-reserve designated lands acquired prior to the requirements for land dedication for school and park sites.
- Disposition of district land and property must respect the provincial *Disposition of Property Regulation 181/2010* (Attachment II) and Section 6 of the *JUA: Land* (Attachment III).
- City of Edmonton plans for the repurposing of vacant school sites declared surplus by school jurisdictions can be a matter of controversy with local communities.
- The presidents of the respective community leagues and the Executive Director of the Edmonton Federation of Community Leagues (EFCL) will have been informed of the

proposed surplus declaration prior to a recommendation being posted as part of the board meeting agenda.

RECOMMENDATION

That the declaration of the following vacant reserve school sites as surplus to district need, be approved:

- 1. Klarvatten elementary/junior high;**
- 2. Elsinore elementary;**
- 3. Oleskiw elementary/junior high; and**
- 4. Ozerna elementary.**

OPTIONS

The following options are selected for consideration as they are deemed the most admissible:

1. Approve the declaration of all the sites as surplus to district need as recommended.
2. Approve the declaration of selected sites as surplus to district need.
3. Do not approve the declaration of any sites as surplus to district need.

CONSIDERATIONS & ANALYSIS

Future use of vacant school sites declared surplus by a school district is determined on the following basis:

- Assessment of potential provincial interest in the property is coordinated by Alberta Education.
- Edmonton Catholic Schools and the francophone school district (Conseil scolaire Centre-Nord) assess their potential interest in the property.
- If the Province and school jurisdictions party to the *JUA: Land* do not express interest in the property, the property reverts to the City of Edmonton.
- The City of Edmonton would hold sole responsibility and authority over the future use of land no longer required for a future school.
- No further sites are recommended for surplus, as they could be required to accommodate student growth in developing areas.

The next review of vacant sites is scheduled to be conducted prior to December 31, 2018 as per the *JUA: Land*.

The following vacant reserve school sites are proposed for surplus declaration based on the criteria outlined in Appendix I:

- Klarvatten elementary/junior high;
- Elsinore elementary;
- Oleskiw elementary/junior high; and
- Ozerna elementary.

Further analysis and rationale for each site proposed to be surplus is provided in Appendices II to VI.

NEXT STEPS

The presidents of the respective community leagues and the Executive Director of the EFCL, as well as City of Edmonton administration, will have been informed prior to the posting of the recommendation report. If the surplus declaration is approved by the Board of Trustees, district administration will notify the Ministry of Education and follow Section 6 of the *JUA: Land* and notify Edmonton Catholic Schools and the Conseil scolaire Centre-Nord of their first-right-of-refusal. If the Province or other *JUA: Land* school jurisdictions express no interest in the sites, jurisdiction over the future use of the land would revert exclusively to the City of Edmonton as per the *JUA: Land* Section 11.7.

ATTACHMENTS & APPENDICES

ATTACHMENT I	<i>Joint Use Agreement: Land</i> - Section 11 - Surplus Reserve Land With No School Building
ATTACHMENT II	Reference to <i>School Act</i> Disposition of Property Regulation 181/2010
ATTACHMENT III	<i>Joint Use Agreement: Land</i> - Section 6 - Boards' First Right to Purchase
ATTACHMENT IV	Map of New Schools - Planned and Under Construction
APPENDIX I	Surplus Review Criteria
APPENDIX II	Map of Reserve Sites
APPENDIX III	Klarvatten Site Area and Information
APPENDIX IV	Elsinore Site Area and Information
APPENDIX V	Oleskiw Site Area and Information
APPENDIX VI	Ozerna Site Area and Information

AS:ks

Joint Use Agreement: Land

SECTION 11
SURPLUS RESERVE LAND WITH NO SCHOOL BUILDING

11.1 **List of Vacant Joint Use Sites** - The City shall maintain and provide to the Boards at least once a year a list of all Joint Use Sites that do not contain a School Building that it has assembled or is in the process of assembling under the previous Agreements or this Agreement.

11.2 **Review of Inventory** - Within 60 days of execution of this Agreement, each Board shall cause its administration to review that Board's inventory of all Joint Use Sites on Reserve Land that do not contain a School Building for the purpose of identifying which of the Joint Use Sites that Board no longer requires for educational needs, and such administration shall commence the decision making process by making a recommendation report to its respective Board. To the extent possible, each of the parties will share information and progress with the other parties.

11.3 **Criteria for Evaluation of Vacant School Sites** - Within six months of execution of this Agreement, each Board, in consultation with the Steering Committee, and on an ongoing basis, shall identify the criteria that it from time to time uses in evaluation of their inventory to determine which Joint Use Sites on Reserve Lands can be declared.

11.4 **Periodic Review** - The Boards shall prior to **December 31, 2011** and every three years thereafter undertake a review of their projected need to construct schools on the sites listed in subsection 11.1 and notify the other Parties which, if any of the sites are now surplus to their needs.

11.5 **Consultation with Steering Committee** - In undertaking the work identified in subsections 11.2, 11.3 and 11.4 the Boards shall consult with the Steering Committee and shall have regard to the comments of the Steering Committee regarding among other things demographic projections and potential alternate municipal uses for School Building Land.

11.6 **Boards' Discretion** - Notwithstanding the provisions of subsections 11.2 to 11.5 above, inclusive the parties recognize that each Board retains sole discretion as to when, and if, to declare a site surplus to their needs.

11.7 **Transfer Title or Quit Claim** - If no other Board expresses interest in having the site allocated for a future school the City may remove the site from the list referred in subsection 11.1 and the Board, upon the written request of the City and subject to the ***School Act***, shall transfer (or quit claim) title to the site to the City for \$1.00 plus any direct Servicing Costs or development costs that the Board has paid with respect to the Land being returned to the City. The City may then designate the portion in accordance with the relevant provisions of the *Municipal Government Act*.

Appendix E: Closure of Schools and Disposition of Schools and Land

Terms and Conditions – Closure of Schools

- A school board may close schools permanently, subject to the *Closure of Schools Regulation*, and may dispose of any of its property subject to *section 200 (2) of the School Act and the Disposition of Property Regulation*.
- Procedures to be followed by a school board in seeking to close a school or to dispose of personal or real property must be in accordance with the regulations.

Terms and Conditions – Disposition of Schools and Land

When a school jurisdiction declares a school building surplus to its needs, consideration should be given to other public education purposes and community services. The *Disposition of Property Regulation*, addresses issues pertaining to the sale and lease of school and non school buildings and land.

Sale

Jurisdictions are requested to notify Capital Planning, Education of their intent to dispose of property prior to making a formal request for ministerial approval. Receiving the notification of intent in advance of the formal request will allow government to identify any interest in the property prior to the school jurisdiction's seeking appraisals and engaging a potential buyer.

This two-stage process allows Capital Planning staff to first conduct the relevant background checks necessary to make a recommendation to the Minister of Education. These checks will include identification of potential alternative uses for the property, identification of potential government uses and verification of land title. Once this notification is given the jurisdiction may begin fulfilling any applicable Disposition of Property Regulation AR181/2010 requirements.

The initial notification of intent to dispose can be made in writing to the designated Capital Planning contact. After Capital Planning has notified the school jurisdiction that the checks are complete and has identified no obstacles to disposition, the school jurisdiction may proceed with gathering the required appraisals and tendering of the property. Once a buyer has been identified, a written request for ministerial approval, including legal land description, buyer information, selling price, number of bids and appraisal values (if required by the Regulation) should be made to the Executive Director, Capital Planning, Education.

The use of the proceeds from the sale of school facilities is determined according to a formula described in the *Disposition of Property Regulation*. The Regulation describes the requirements associated with the sale of the property.

Lease

- Vacant school space should be directed toward use intended for community and public needs whenever possible and feasible.
- Individuals or corporations entering into a lease agreement with a school board must have legal status acceptable to Education.
- Under section 2(2)(b) of the Disposition of Property Regulation, a board leasing a school building, or a portion thereof, shall complete the "Leasing of School Space" form.
- Lease of school property does not require Ministerial approval, however, if the lease is for a period of one year or longer, the agreement must include a 12 month termination clause.

Land

In accordance with section 200 (2) of the *School Act*, a board may, with prior written approval of the Minister, sell , lease, rent or otherwise dispose of any of its real property. Sections 671 to 677 of the *Municipal Government Act* address the terms and conditions of the use and disposal of Reserve Land.

SECTION 6

BOARDS' FIRST RIGHT TO PURCHASE

6.1 **Notice to Other Parties** — If a Selling Board declares that one of its School Sites located on Non-Reserve Land or on Reserve Land (the “Surplus School Site”) is surplus to its needs and determines, in its sole discretion, to sell the Surplus School Site and it has received the approval of the Minister pursuant to the *School Act*, then, it shall provide written notice to that effect to each of the other Parties (the “Surplus Notice”).

6.2 **Boards' First Right to Purchase** — Each of the Boards shall have 90 days after receipt the Surplus Notice to indicate its intention to pursue the purchase of the Surplus School Site by notice in writing to that effect given to the Selling Board (the “Purchase Notice”).

6.3 **Francophone Board Priority** — If more than one Board indicates its desire to purchase the School Site by issuing a Purchase Notice, the Francophone Board shall have the first right to purchase the subject Surplus School Site.

6.4 **Notify Minister** — In the event a Board (the “Purchasing Board”) indicates an interest in purchasing the Surplus School Site, the Selling and Purchasing Boards, shall immediately notify the Minister and request direction from the Minister with respect to the possible sale, purchase and transfer of the said Surplus School Site.

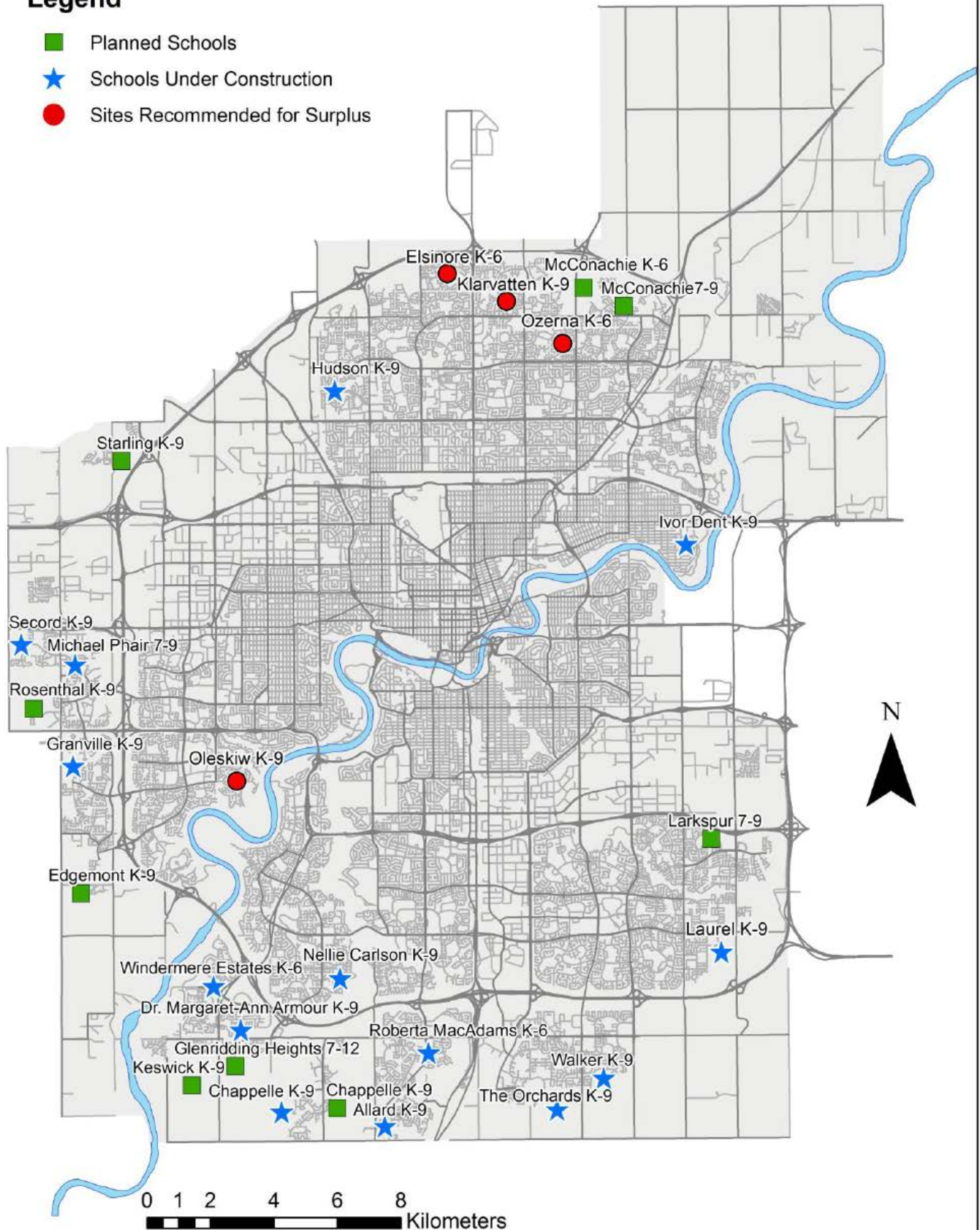
6.5 **Decision Not to Purchase** — If it is determined by one or both of the involved Boards or by the Minister that the Surplus School Site will not be sold or transferred by the Selling Board to the Purchasing Board, then the Surplus School Site shall become available to the City as contemplated in either Section 7 or Section 8, as applicable.

6.6 **Closing Procedures** — If it is determined that the Surplus School Site will be sold or transferred by the Selling Board to the Purchasing Board, the transaction shall be completed in accordance with the *School Act* at the price and on the terms and conditions determined pursuant thereto by the Minister and the two involved School Boards.

New Schools -- Planned and Under Construction

Legend

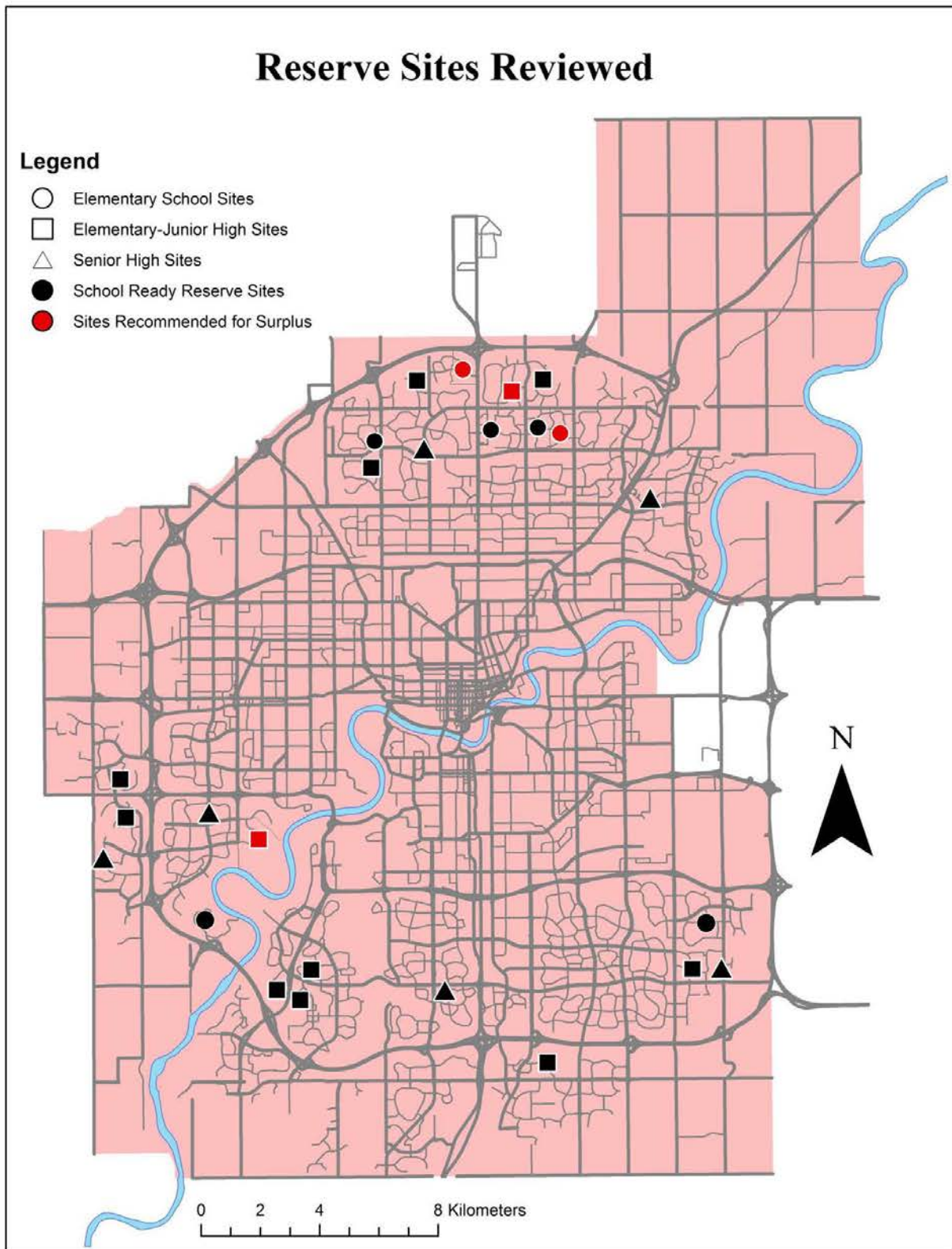
- Planned Schools
- ★ Schools Under Construction
- Sites Recommended for Surplus



VACANT SCHOOL SITES – SURPLUS REVIEW CRITERIA

The vacant sites under review are evaluated by the following criteria:

1. existing student population;
2. peak student growth;
3. potential for future development;
4. potential for program need; and
5. sector capacity.

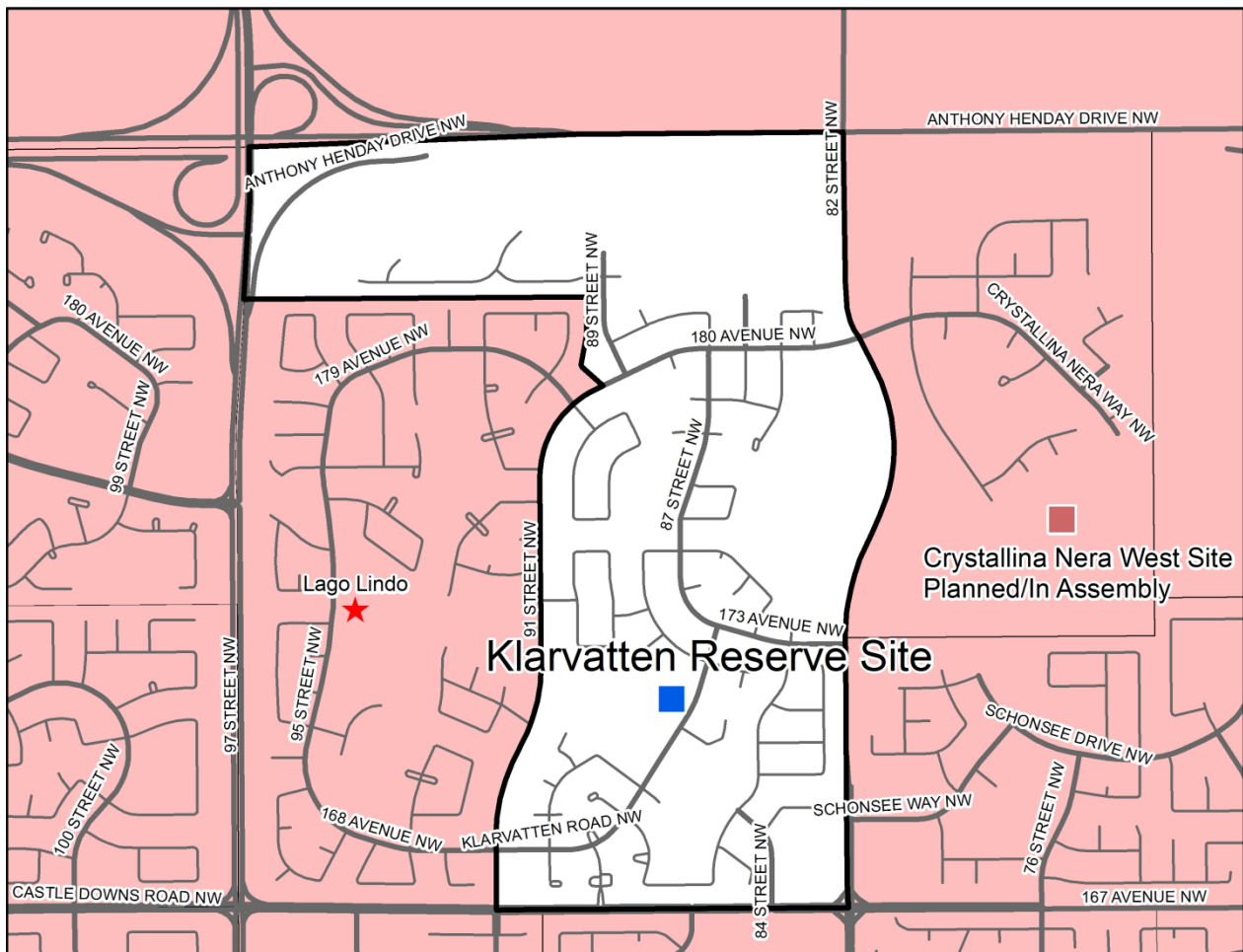


Klarvatten – Vacant Elementary/Junior High Site

Klarvatten neighbourhood is located within the Edmonton North (Lake District) plan area. It is bound by Anthony Henday Drive to the north, 91 Street to the west, 82 Street to the east, and 167 Avenue to the south. Residential construction began in the 1980s but the majority of construction, consisting primarily of single detached homes, occurred in the 2000s. While the overall population of 5509 is nearing the projected 5735, the current K-9 population of 379 is well below the 1267 projected in 1984, when the plan was first adopted. Klarvatten neighbourhood's current designated elementary and junior high schools are capable of accommodating additional students, at 72 per cent and 60 per cent utilization, respectively. Furthermore, existing reserve sites in the Edmonton North area, such as the K-9 site in Crystallina Nera West, would be better suited to accommodate future growth in this area. As Sturgeon County possesses the land directly to the north, no future development will occur that could require temporary accommodation in Klarvatten neighbourhood.

Plan Adopted: Klarvatten NSP Amendment 1984

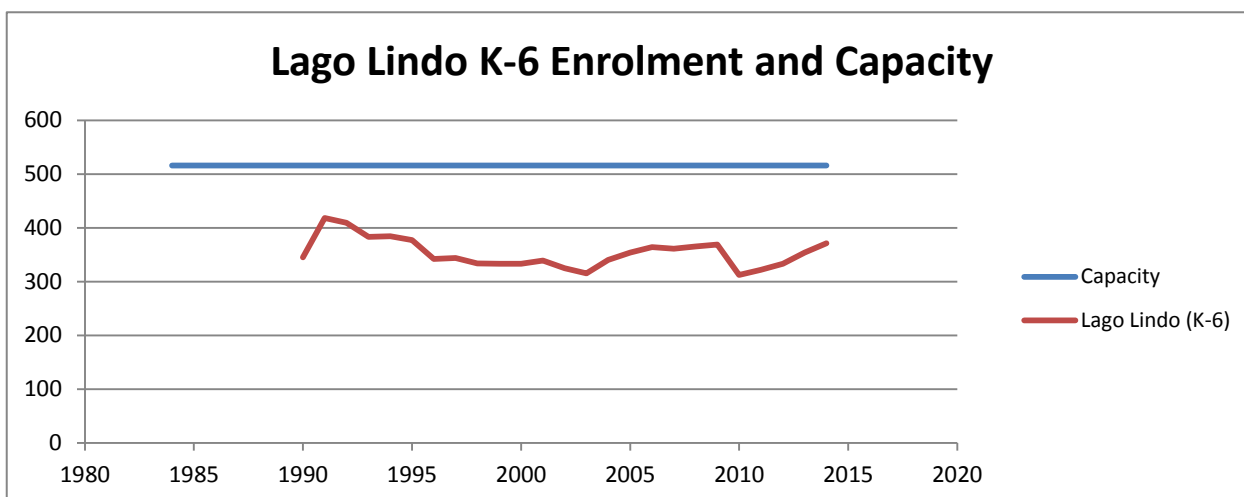
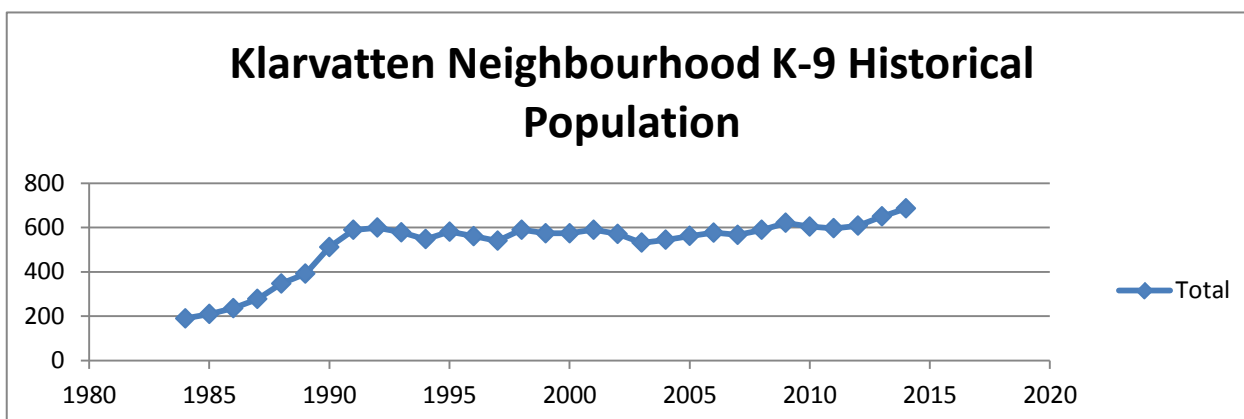
Neighbourhood	Klarvatten
City of Edmonton Plans in Effect	Klarvatten NSP, Edmonton North ASP
Address	200 Klarvatten RD NW
Legal Description	Lot 51MR, Block 2, Plan 0023079
Grade Configuration	K-9

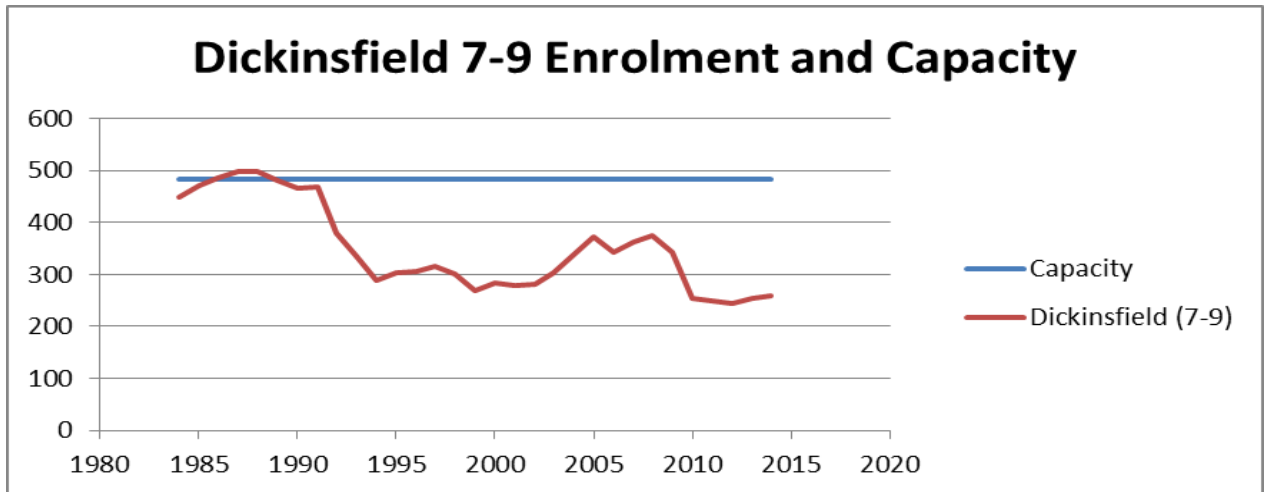


Population	Projected (1984)	Current (2014)
Klarvatten Neighbourhood	5735	5509

Klarvatten Neighbourhood K-9 Student Population			
	Projected (1984)	Peak (2014)	Current (Sept 2014)
K-9	1267	379	379

Reserve School Site Neighbourhood	Current Designated Receiving Schools	Adjusted Enrolment	IAM Capacity	Utilization Rate
Klarvatten	Dickinsfield (7-9)	290	484	60%
	Lago Lindo (K-6)	369	516	72%



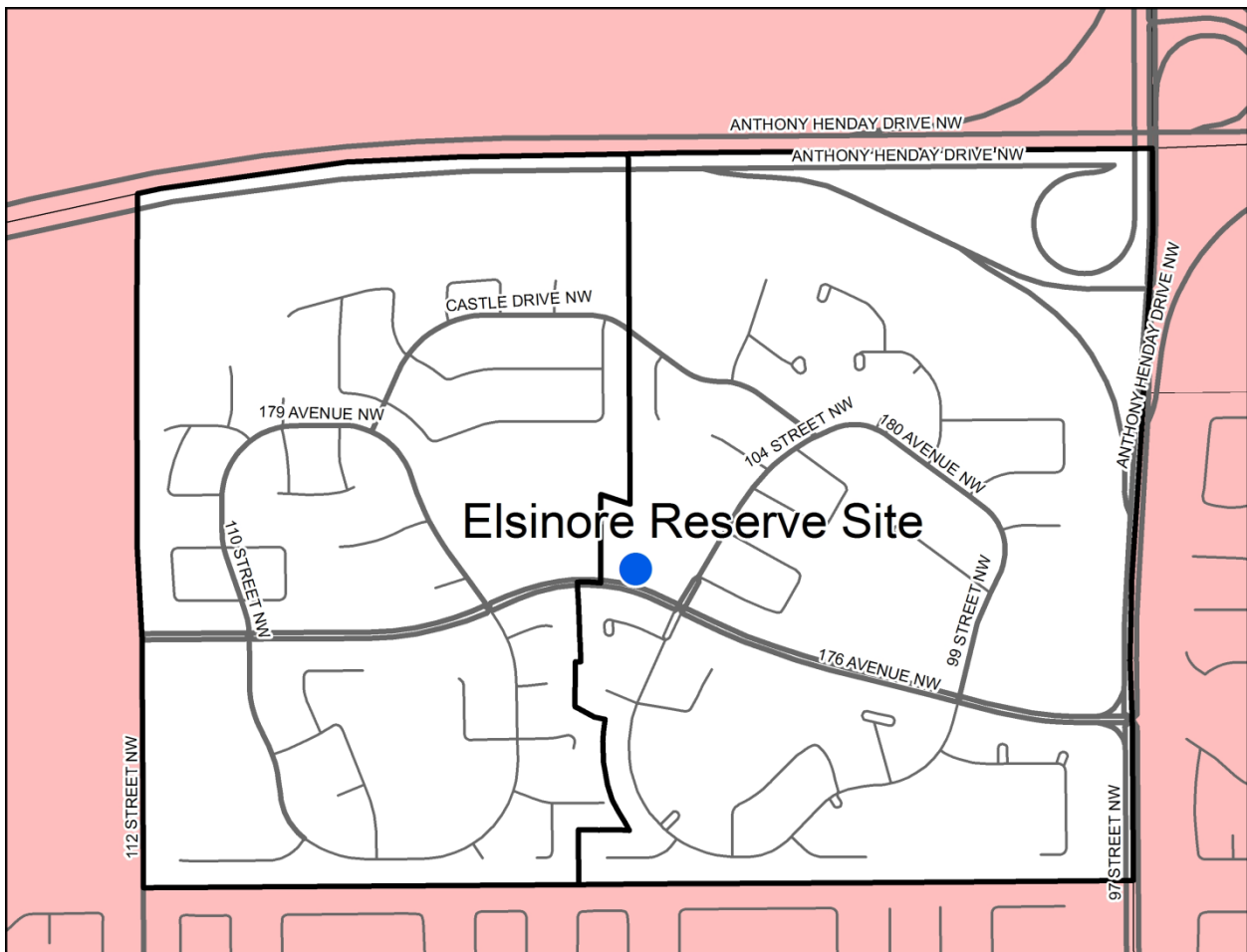


Elsinore – Vacant Elementary Site

The vacant reserve site is located in the Elsinore neighbourhood; however, it was originally planned to serve both the Chambery and Elsinore neighbourhoods, so this combined area was chosen for the site analysis. The Chambery and Elsinore neighbourhoods are located within the Castle Downs Extension area, bound by the Anthony Henday to the north, 97 Street to the east, 112 Street to the west, with its southern boundary at 173 Avenue. Residential development is low density in nature consisting primarily of single detached homes, with the majority having been constructed during the 1990s. Despite an increase in students last year, the Elsinore and Chambery neighbourhoods are far below the 706 K-6 students projected in 1982, with 179. Moreover, Elsinore neighbourhood's current designated K-6 school, Baturyn School, has room to accommodate additional growth at 73 per cent utilization. Furthermore, Sturgeon County possesses the land directly to the north, so no future development will occur that could require temporary accommodation in Elsinore and Chambery neighbourhoods.

Plan Area: Castle Downs Extension ASP 1982

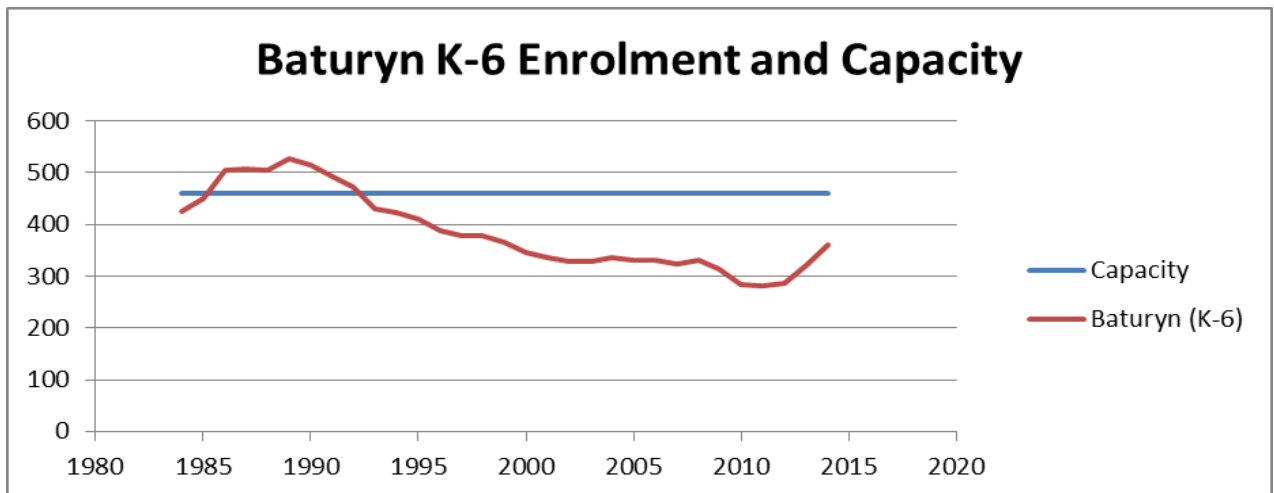
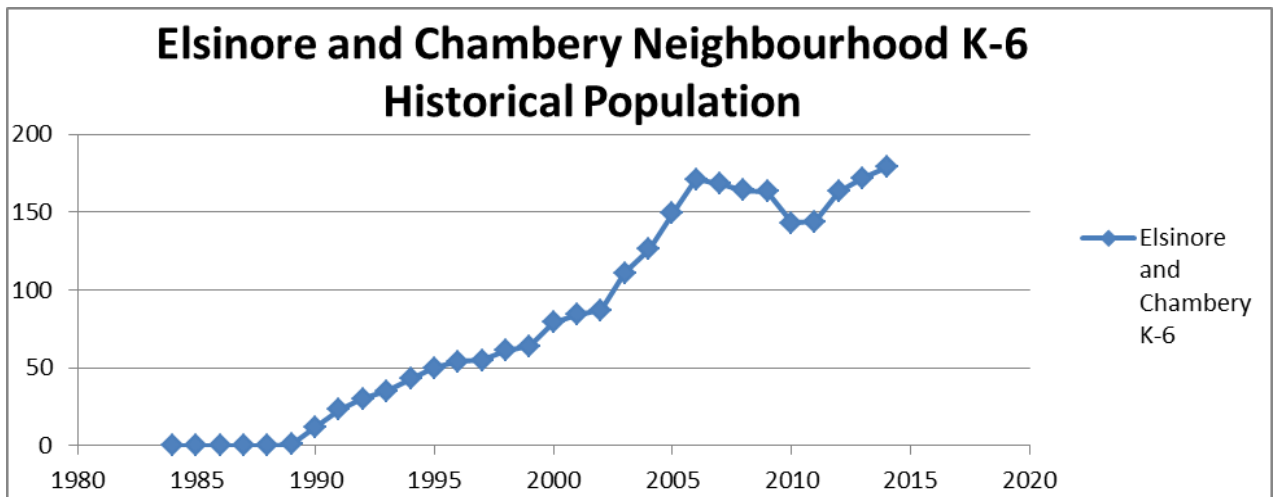
Neighbourhood	Elsinore NSP, Chambery NSP
City of Edmonton Plans in Effect	Castle Downs Extension ASP
Address	17604 104 Street NW
Legal Description	Lot 1MR, Block 78, Plan 9123296
Grade Configuration	Elementary



Population	Projected (1982)	Current (2014)
Elsinore & Chambery Neighbourhoods	7985	4533

Elsinore & Chambery Neighbourhoods K-6 Student Population			
	Projected (1982)	Peak (2014)	Current (Sept 2014)
K-6	706	179	179

Reserve School Site Neighbourhoods	Current Designated Receiving School	Adjusted Enrolment	IAM Capacity	Utilization Rate
Elsinore and Chambery	Baturyn	337	461	73%

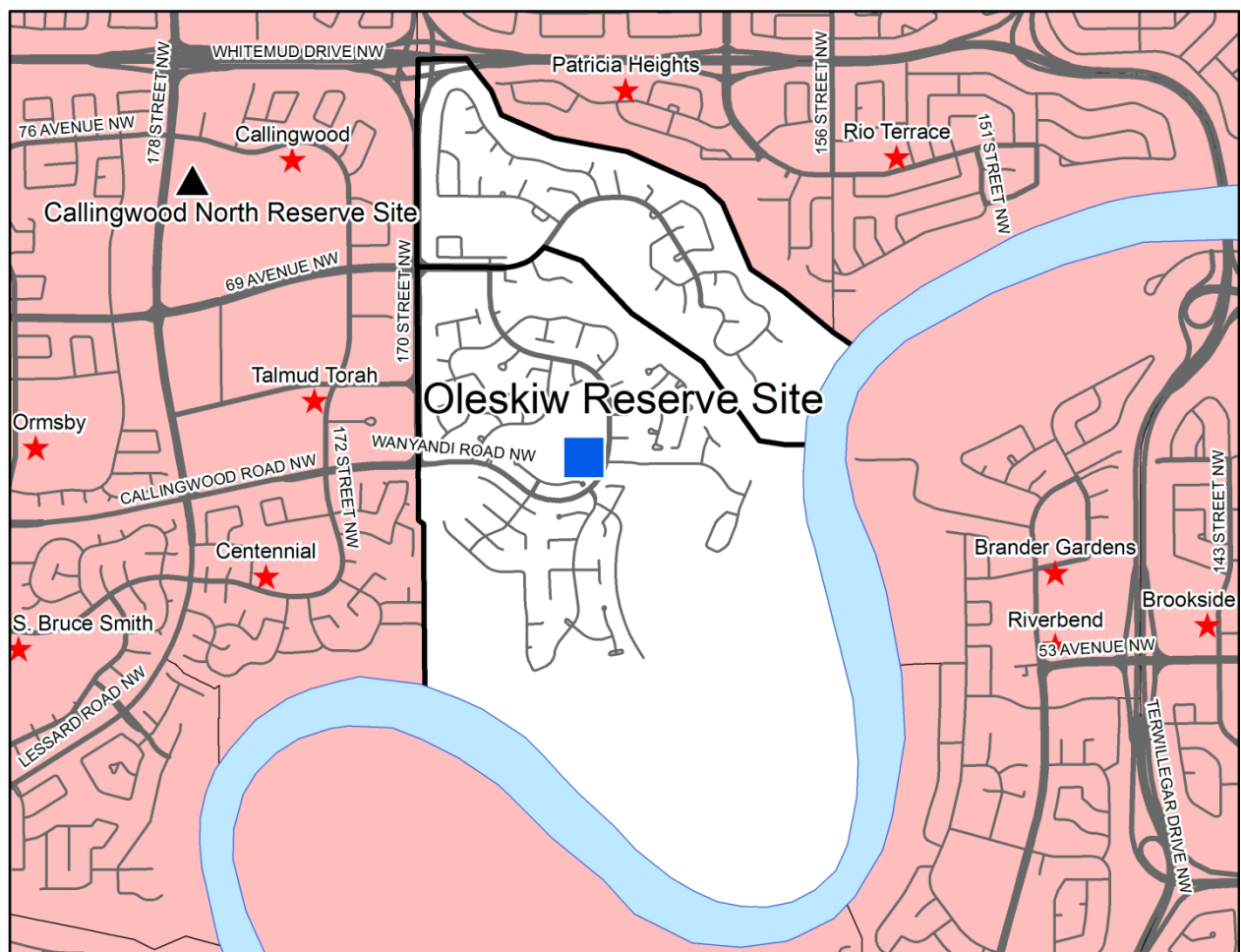


Oleskiw– Vacant Elementary/Junior High Site

The vacant reserve site is located in the neighbourhood of Oleskiw; however, the study area includes the neighbourhood of Westridge. Oleskiw and Westridge are located within the West Jasper Place plan area, south of Patricia Ravine and east of 170 Street, with its eastern and southern boundaries defined by the North Saskatchewan River. Residential construction began in the 1970s, but the majority of construction occurred in the 1980s and consists primarily of single-detached homes. K-9 student growth peaked in 1992 with 582 students but has since declined and remained stable at approximately 330 students over the last six years. The area's current designated elementary and junior high schools are capable of accommodating future growth at 67 and 68 per cent utilization, respectively.

Plan Adopted: West Jasper Outline Plan 1972

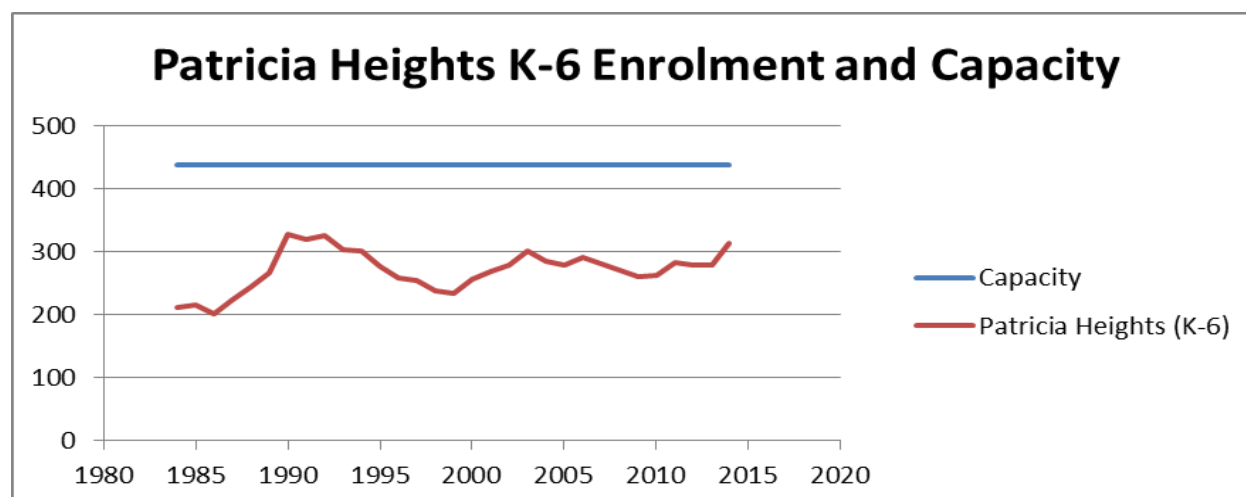
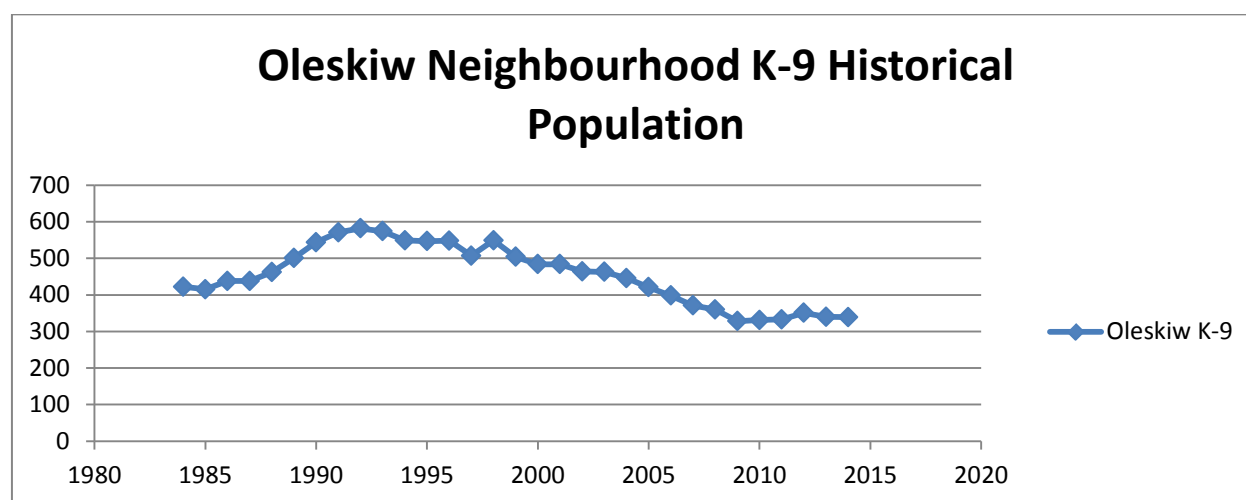
Neighbourhoods	Oleskiw NSP, Westridge NSP
City of Edmonton Plans in Effect	West Jasper Place OP
Address	Intersection of Wanyandi Road and Wanyandi Way
Legal Description	Lot 2R, Block 7, Plan 7820382
Grade Configuration	K-9

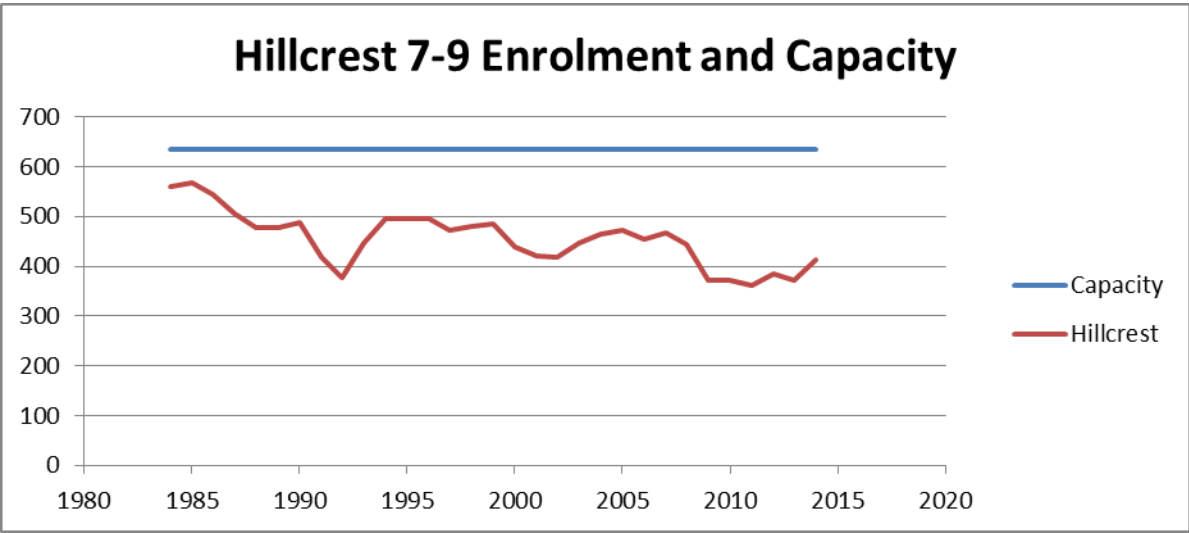


Population	Projected (1972)	Current (2014)
Oleskiw Neighbourhood *Includes Westridge	9704*	4421*

Oleskiw Neighbourhood K-9 Student Population (1972)			
	Projected (1972)	Peak (1992)	Current (Sept 2014)
K-9	1574*	582*	339*

Reserve School Site Neighbourhood	Current Designated Receiving Schools	Adjusted Enrolment	IAM Capacity	Utilization Rate
Oleskiw	Patricia Heights (K-6)	292	439	67%
	Hillcrest (7-9)	434	634	68%



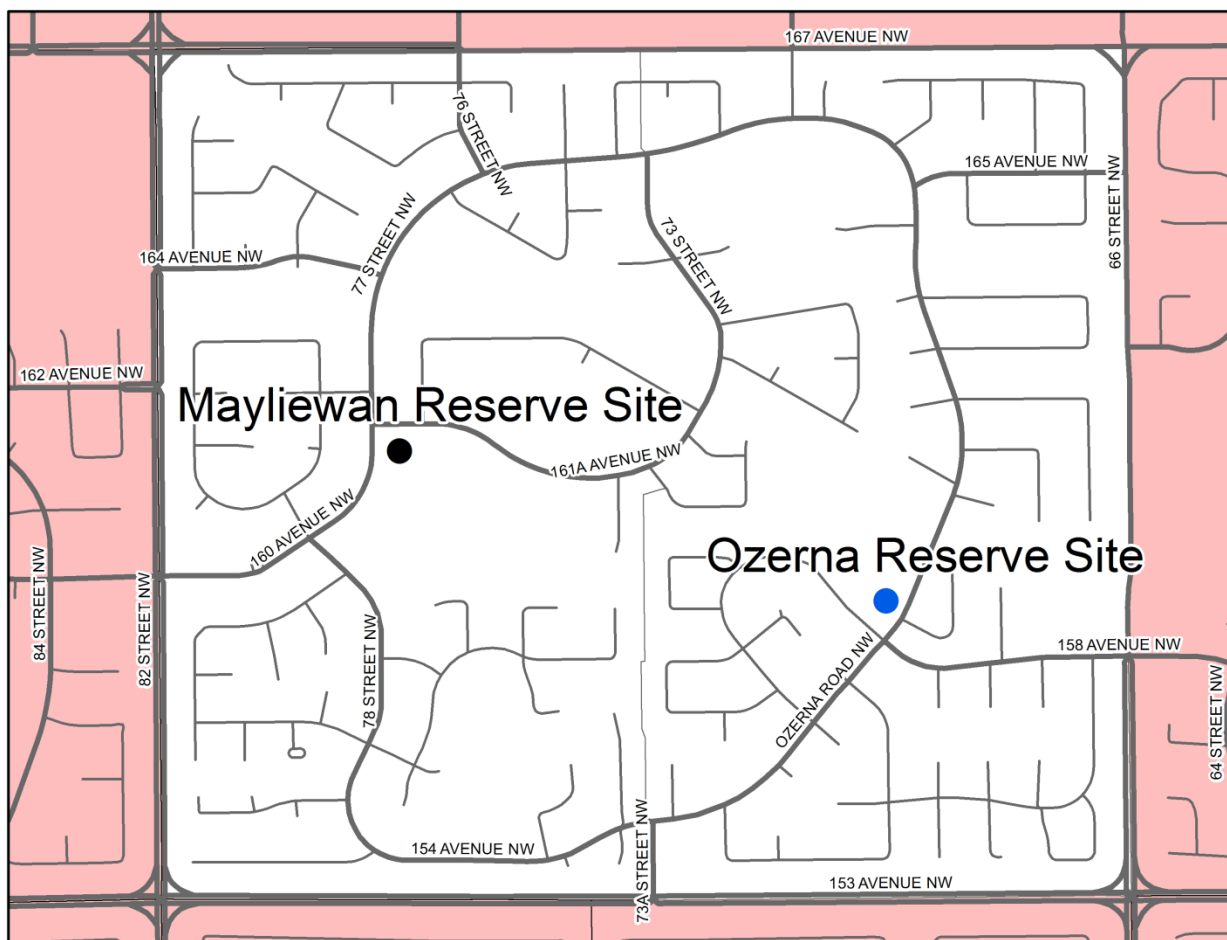


Ozerna – Vacant Elementary Site

Ozerna neighbourhood is located within the Edmonton North (Lake District) plan area. It is bounded to the north by 167 Avenue, 73 Street to the west, 66 Street to the east and 153 Avenue to the south. Residential development occurred primarily in the 1990s and mostly consists of low density single-detached homes, but also includes some apartment dwellings and row housing. While Ozerna neighbourhood has seen some elementary student population growth over the last several years, it has yet to exceed its peak of 245 students reached in 2005 and is well below its projected 604 elementary students. Ozerna neighbourhood is within the attendance area of Florence Hallock School. Furthermore, poor site conditions and siting make Ozerna neighbourhood a less favourable location for construction when compared to the site in Mayliewan neighbourhood, immediately west of Ozerna neighbourhood. Two sites will not be required in the southeast quadrant of the plan area.

Plan Adopted: Edmonton North Area Structure Plan 1979

Neighbourhood	Ozerna
City of Edmonton Plans in Effect	Ozerna NSP, Edmonton North ASP
Address	160 – Ozerna Road NW
Legal Description	Lot 1MR, Block 1, Plan 1521733
Grade Configuration	Elementary



Population	Projected (1980)	Current (2014)
Ozerna Neighbourhood	8187	4499

Ozerna Neighbourhood K-6 Student Population			
	Projected (1980)	Peak (1993)	Current (Sept 2014)
K-6	604	245	238

Reserve School Site Neighbourhood	Current Designated Receiving School	Adjusted Enrolment	IAM Capacity	Utilization Rate
Ozerna	Florence Hallock	745	795	94%

