

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 14.1.2
Halifax Regional Council
August 15, 2017

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: July 26, 2017

SUBJECT: Street Closure – Lot MA-1, Portion of Metropolitan Avenue, Lower Sackville.

ORIGIN

This report originates with a request from Regional Council for a staff report and recommendation for the consideration of officially closing a portion of Metropolitan Avenue, north of Nictaux Drive, Lower Sackville.

LEGISLATIVE AUTHORITY

Administrative Order Number 50 Respecting the Disposal of Surplus Real Property.

Halifax Regional Municipality Charter, Chapter 39, Section 325(2); Street Closure.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Set a date for a public hearing to consider adopting the proposed Administrative Order SC-085, as contained in Attachment “B”, to close a portion of public street.
2. Subject to the outcome of the public hearing, approve Administrative Order SC-085 to close a portion of Metropolitan Avenue, shown as Lot MA-1 in Attachment “A”, of this report.

BACKGROUND

In the 1970's, the Nova Scotia Housing Commission ('NSHC') implemented the Sackville Planned Unit Development ('PUD') for controlled residential, park and institutional development. Metropolitan Avenue is one of several collector roads of the Sackville PUD that connected present day Glendale Avenue to a proposed Second Lake Connector Road ('SLCR'). The SLCR was originally intended to run east-west from present day Cobequid Road and Beaver Bank Road but south of Second Lake. Due to strong community involvement and opposition, the NSHC abandoned the plan to construct the SLCR and the proposed right-of-way was added to the Second Lake park land.

The undeveloped lands around Second Lake were transferred from NSHC to the Nova Scotia Department of Natural Resources ('NSDNR') in 2013 and these lands were designated as Second Lake Provincial Park. This designation has eliminated the possibility of Metropolitan Avenue connecting to any future street. As per the Streets and Services exchange between HRM and the Province of Nova Scotia, HRM acquired ownership of the Metropolitan Avenue right-of-way in 1998.

DISCUSSION

The HRM owned right-of-way for Metropolitan Avenue terminates approximately 100 meters (328 feet) beyond the intersection at Nictaux Drive. For snow clearing and maintenance purposes of the paved portion Metropolitan Avenue beyond Nictaux Drive, staff are recommending that the portion of street to be closed begin approximately 15 meters (50 feet) beyond Nictaux Drive intersection and end 84 meters (275 feet) beyond the edge of pavement where it meets the lands owned by NSDNR. The area of closure is currently gravel and is an informal parking area for the park which is not currently a permitted use with the right-of-way. The total right-of-way area proposed for closure is 2,566 square meters (27,620 square feet).

Pending the successful outcome of the street closure public hearing, next steps options will explore the future use of the closed portion of Metropolitan Avenue right-of-way in the context of the surrounding Provincial Park lands.

FINANCIAL IMPLICATIONS

As the recommendations in this report do not include a disposal of the subject portion of public street pending a street closure public hearing, the only financial implications associated with this report is the administrative costs for advertising the street closure public hearing, and registering the required documentation.

RISK CONSIDERATION

There are no risks associated with the closure of the subject portion of public street.

COMMUNITY ENGAGEMENT

As per Administrative Order 50, the area Councillor was advised of the recommendation to *surplus* the subject property with the Extraordinary categorization. A public hearing is required for the Street Closure, as the entire portion of the right-of-way is being closed.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with the closure of the subject portion of public street.

ALTERNATIVES

Halifax Regional Council could instruct staff to **not** declare the subject parcel as surplus under Administrative Order Number 50, and to retain ownership for street Right-of-Way. This is not recommended as it is not required for street purposes.

ATTACHMENTS

Attachment A – Site Plan

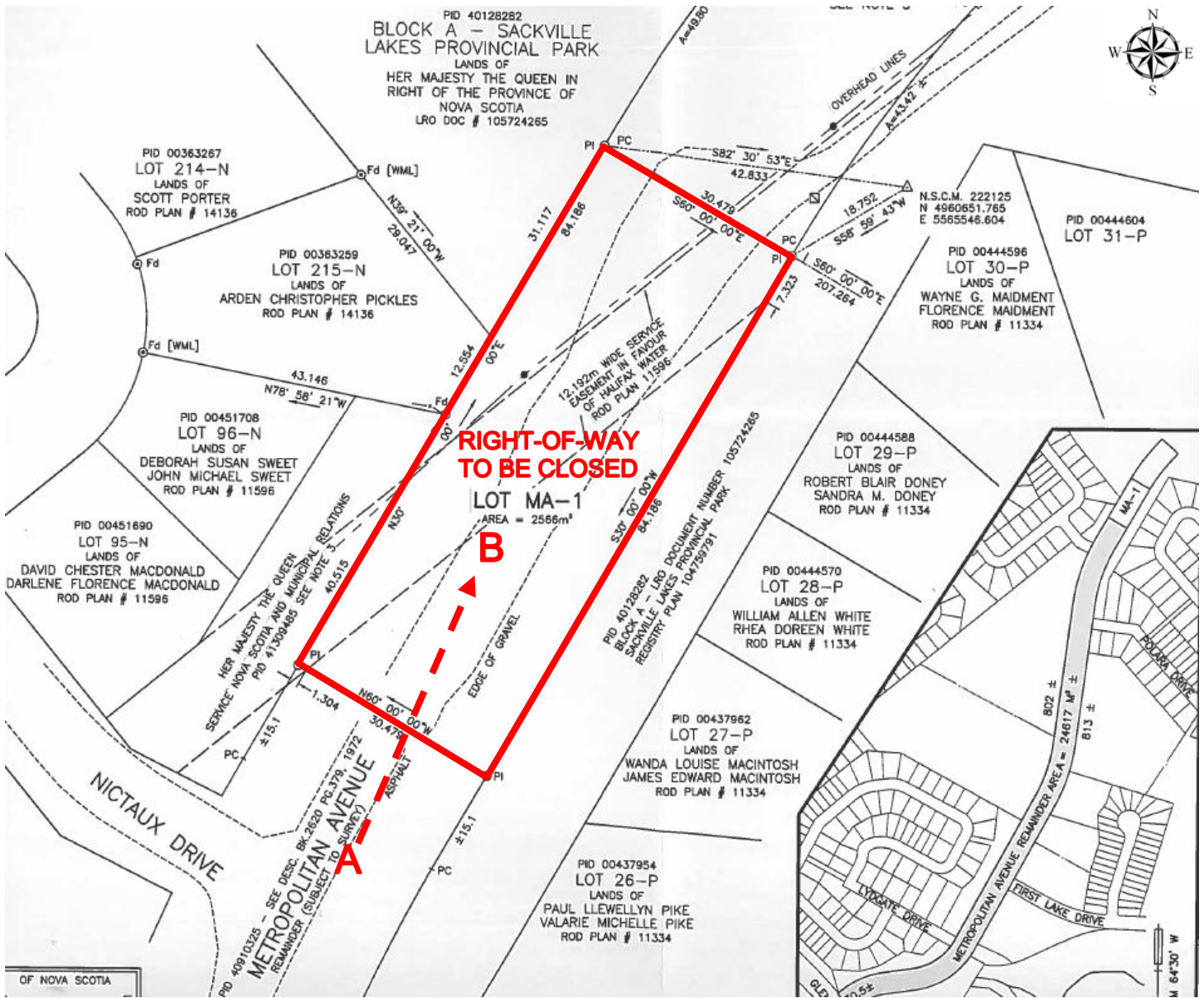
Attachment B – Administrative Order SC-085

Attachment C – Survey Plan

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Chad Renouf, Real Estate Officer, Corporate Real Estate,
Finance & Asset Management 902.490.6798

ATTACHMENT 'A' – SITE PLAN & PHOTO



View of Subject Property looking from Point A (Nictaux Drive Intersection) to Point B on Site Plan





PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

ATTACHMENT “B”

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER #SC-085
RESPECTING CLOSURE OF A PORTION OF
METROPOLITAN AVENUE, SACKVILLE

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of Council of the Halifax Regional Municipality pursuant to Section 325 of the Halifax Regional Municipality Charter Act as follows:

1. A portion of Metropolitan Avenue, Sackville, Nova Scotia more particularly described in Attachment “C” is hereby closed.

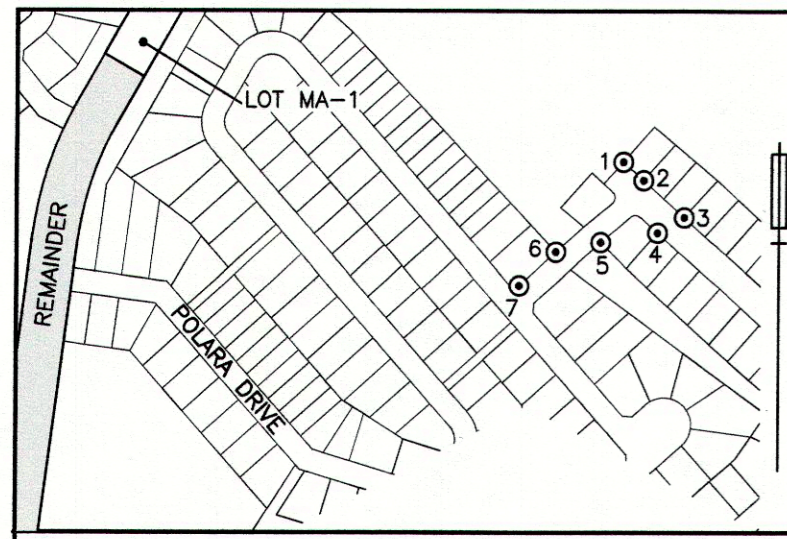
I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council, the ____ day of _____, 2017.

Mayor

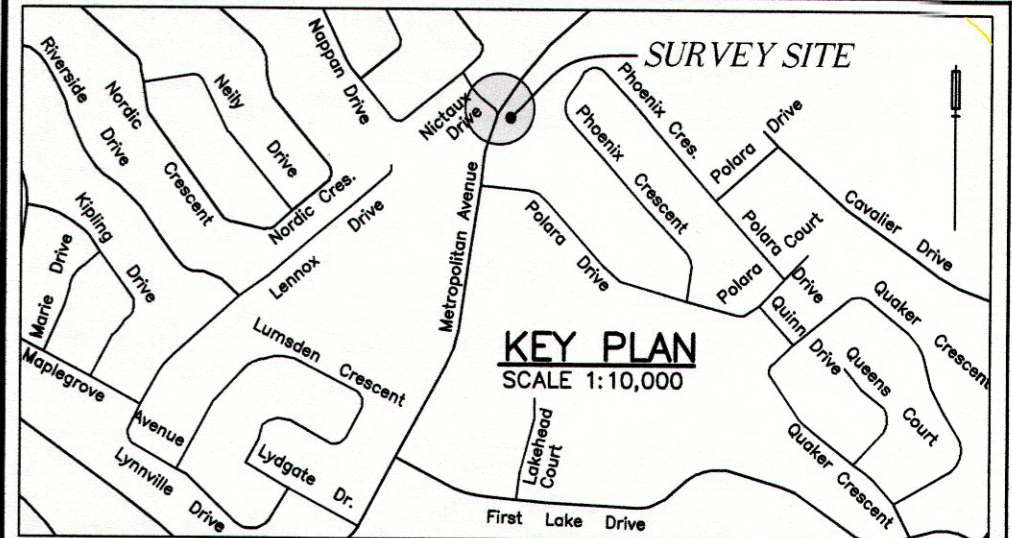
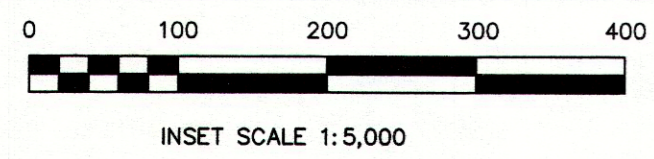
Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was passed at a meeting of Halifax Regional Council held on _____, 2017.

Kevin Arjoon, Municipal Clerk



ADDITIONAL EVIDENCE LOCATED			
POINT NUMBER	Northing	Easting	Description
1	4960478.116	5565806.971	SURVEY MARKER FOUND
2	4960532.091	5565822.712	SURVEY MARKER FOUND
3	4960519.836	5565836.287	SURVEY MARKER FOUND
4	4960484.870	5565845.079	SURVEY MARKER FOUND
5	4960495.352	5565863.495	SURVEY MARKER FOUND
6	4960471.888	5565776.846	SURVEY MARKER FOUND
7	4960450.134	5565752.184	SURVEY MARKER FOUND



LEGEND

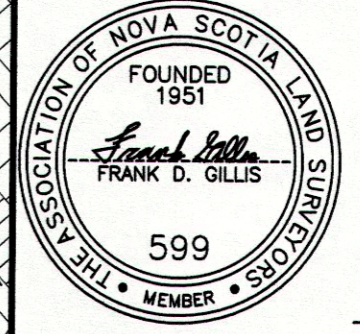
- BOUNDARIES DEALT WITH BY THIS SURVEY
- SURVEY MARKER
- NOVA SCOTIA COORDINATE MONUMENT
- IRON BAR
- FOUND
- PLACED
- UTILITY POLE
- METERS SQUARED
- TIE LINES
- WALLACE, MACDONALD AND LIVELY
- CALCULATED POINT
- PARCEL IDENTIFICATION NUMBER
- POINT OF CURVATURE
- REGISTRY OF DEEDS, LAND REGISTRY OFFICE
- RIGHT OF WAY
- OVERHEAD LINES
- HALIFAX WATER MANHOLE
- WOOD FENCE

BEARINGS, DISTANCES AND COORDINATES SHOWN ARE NOVA SCOTIA 3' MODIFIED TRANSVERSE MERCATOR VALUES DERIVED FROM OBSERVATIONS TO NOVA SCOTIA COORDINATE MONUMENT NUMBERS 228309, 224879 AND 222125 USING THE 1979 ADJUSTMENT IN THE ATS77 DATUM. A COMBINED SCALE FACTOR OF 0.999945 WAS APPLIED TO MEASURED DISTANCES. MEASUREMENTS SHOWN HAVE BEEN ADJUSTED BY LEAST SQUARES.
FIELD SURVEYS WERE CARRIED OUT DURING THE PERIOD APRIL 18, 2011 TO JANUARY 7, 2015.

NOTES

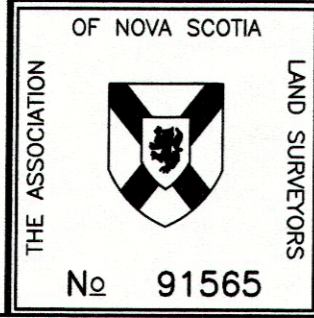
1. IDENTIFIER LOT MA-1 ORIGINATES WITH THIS PLAN.
2. LOT MA-1 IS A PORTION OF METROPOLITAN AVENUE TO BE CLOSED.
3. GRAPHIC DISPLAY AS SHOWN ON PROPERTY ON LINE APPEARS INCONSISTENT WITH RECORD CONVEYANCING.
4. SEE SERVANT, DUNBRACK & MACKENKIE PLAN OF METROPOLITAN AVENUE DATED JANUARY 17, 1972 ATTACHED TO BOOK 2620 PAGE 379.

SURVEYOR'S CERTIFICATE

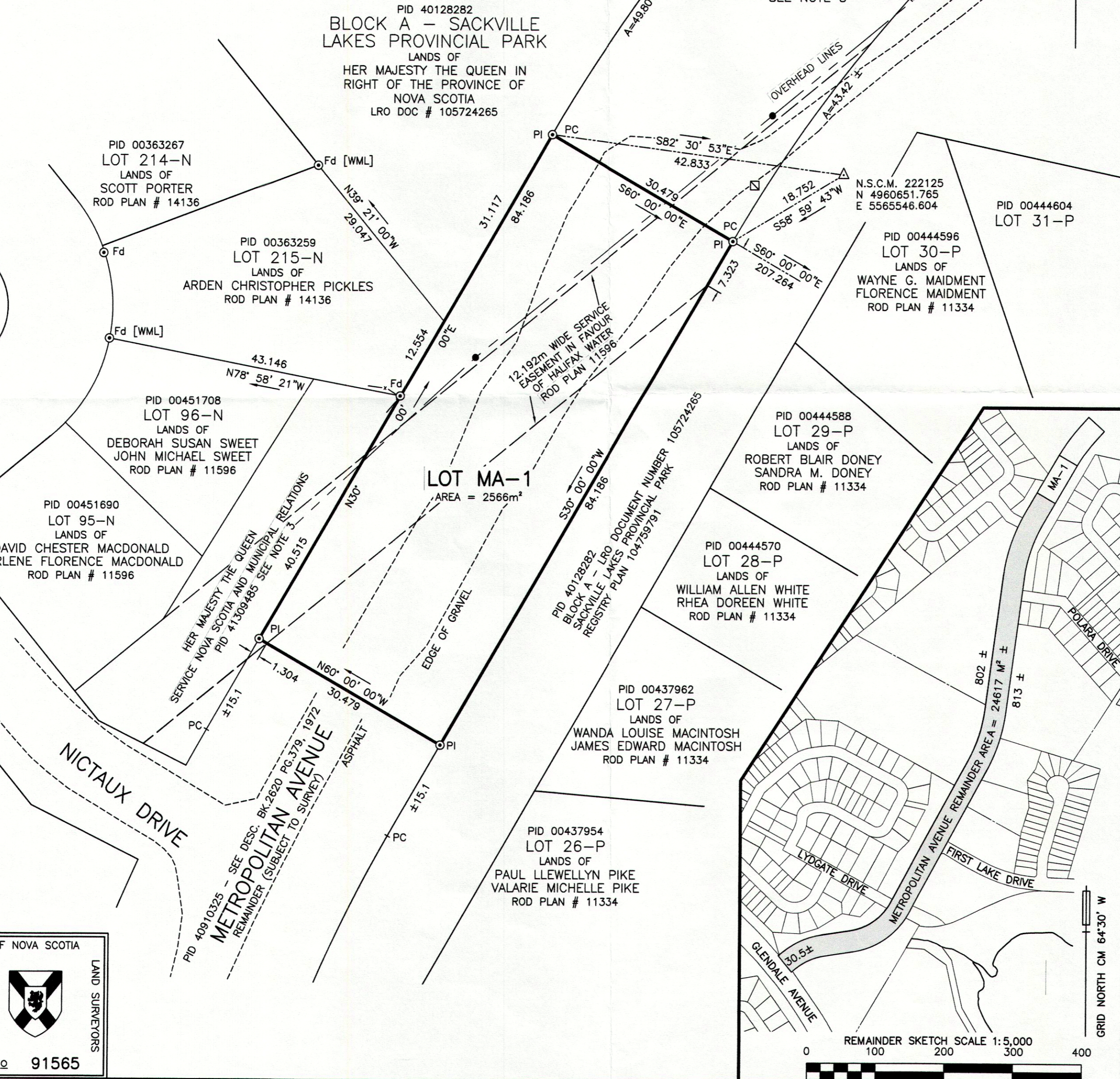


I, FRANK D. GILLIS, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAN WAS CONDUCTED UNDER MY SUPERVISION, AND THAT THE SURVEY AND PLAN WERE MADE IN ACCORDANCE WITH THE LAND SURVEYORS ACT, REGULATIONS AND STANDARDS MADE THEREUNDER.
DATED THIS 10th DAY OF DECEMBER, A.D. 2014
Frank D. Gillis, N.S.L.S.

APPROVAL STAMPS

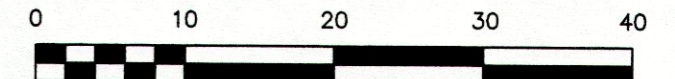


Area reserved for approval stamps, currently blank.



HALIFAX

PLAN OF SURVEY OF
LOT MA-1
A CLOSURE OF A PORTION OF
METROPOLITAN AVENUE
LANDS CONVEYED TO
HALIFAX REGIONAL MUNICIPALITY
METROPOLITAN AVENUE
SACKVILLE NOVA SCOTIA



29/09/2014	Scale 1:500	Drawn DPU	Plan No.
REVIEWED KDH	SUPERVISOR NWD	Job No. SU14083	14016101