

HALIFAX

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

Item No. 11.1

Halifax Regional Council

October 4, 2016

November 8, 2016

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: August 20, 2016

SUBJECT: Declaration of Surplus Property and Street Closure – Parcel DS-2, Doyle Street, Halifax

ORIGIN

This report originates with a request from Westwood Developments, the owner of PID No.'s 00077115, 00077123, 00077131, 40637738, 00473710 and 00077149, 5407-5435 Spring Garden Road to acquire a narrow portion of HRM Right-of-Way from Queen Street to Brunswick Street along the south side of Doyle Street.

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. Declare the portion of the Doyle Street Right-of-Way backing on 5407, 5411, 5415, 5425 and 5435 Spring Garden Road addresses (now demolished), shown as Parcel DS-2 in Attachment "A", surplus to municipal requirements, and categorize Parcel DS-2, as 'Extraordinary', as per Administrative Order 50;
2. Set a date for a public hearing to consider adopting the proposed Administrative Order SC-83, as contained in Attachment "B", to close a portion of public street.
3. Subject to the outcome of the public hearing, approve Administrative Order SC-83 to close a portion of Doyle Street that is at the rear of 5407, 5411, 5415, 5425 and 5435 Spring Garden Road (PID No.s 00077115, 00077123, 00077131, 40637738, 00473710 and 00077149, as shown as Parcel DS-2, in Attachment "A" of this report.

4. Subject to the outcome of the Public Hearing, authorize the Mayor and municipal clerk to enter into an Agreement of Purchase and Sale with Westwood Developments, or assignee, for parcel DS-2, as per the terms and conditions outlined in Table 1 of the Private Confidential Information Report dated August 20, 2016.

BACKGROUND

The official street line for Doyle Street was established on April 6, 1870. Subsequently, the 1931 Charter entitled "Official Plan", stated the following;

"The Council shall cause to be prepared, under the supervision of the engineer, an official Plan of the City, upon which shall be shewn:

- (a) The lines of every existing street which has at any time heretofore been dedicated or conveyed to the City and accepted by resolution of the Council, or laid out under the authority of any enactment;
- (b) The lines of every other street which has been opened and used by the public but has not been accepted by the City; and
- (c) The lines of any projected extension or alteration of any such street, or of any projected new street, approved by the engineer."

The Charter also specified that there would be a public notice about the plan and advertising, as well as a council meeting and the plan will be filed with the Registry of deeds and other steps taken.

Furthermore, under Section 551(1);

"When the plan has been so confirmed by the Council, the same shall be binding and conclusive upon the City and the owner of any property affected, and upon every other person whomsoever, as to the location, dimensions and lines of any existing street shewn thereon, and also that such street at the time of confirming the plan belonged to the City."

Further, at Section 553(1), it stated;

"After the confirming of any such plan, no person shall place upon any land shewn by such plan to be required for any new street, or any alteration or extension of an existing street, any building, or any addition or improvement to any building, other than necessary repairs."

In the Spring of 2016, HRM received a request from the owner of PID No.'s 0007115, 00077123, 00077131, 40637738, 0473710 and 00077149 to acquire a portion of the Doyle Street Right-of-Way to facilitate the creation of a Public Parking Parkade component to the redevelopment for the Spring Garden Road / Queen Street / Doyle Street / Brunswick Street block.

DISCUSSION

The portion of the Doyle Street Right-of-Way sought for acquisition by Westwood Developments is located at the rear of 5407 thru 5435 Spring Garden Road and is identified as Parcel DS-2 on Attachment "A". The land measures 112.6 sq. metres (1,212 sq.ft.) in total area and runs between Queen Street and Brunswick Street along the southern boundary of Doyle Street. The narrow parcel measures 1.416 metres (4.65 feet) in width at the Queen Street end of the block and tapers to 1.288 metres (4.23 feet) in width at the Brunswick Street end of the block.

Westwood Developments is redeveloping this entire block of land fronting Spring Garden Road and bound by Doyle, Queen and Brunswick Streets. The site was formerly home to a bank, and a host of eating establishments, coffee shops and pubs. The new development for this block will be comprised of mixed commercial and residential uses. The developer does not require this narrow portion of HRM Right-

of-Way to receive municipal approval for the redevelopment of the Doyle Street Block. The primary reason for the land acquisition is to enable the developer to create a seventy (70) space indoor Public Parking Parkade as part of the redevelopment. The narrow strip of Doyle Street Right-of-Way land requested provides the additional underground space required for the indoor Public Parking configuration.

This request to purchase a small section of HRM Right-of-Way has been circulated to the Real Property Technical Review Committee, as per Administrative Order 50. Staff reviewed the request and determined Doyle Street was required to have a minimum seventeen (17) metre (55.77 ft.) width (measured from the northern edge of the existing Doyle Street Right-of-Way) retained by HRM to ensure orderly two-way traffic flow and double-sided street parking.

Staff review determined that Parcel DS-2 is surplus to municipal needs and therefore available for disposal. The developer of the Spring Garden Road / Doyle Street Block intends to use this additional land to bolster the Public Parking Parkade capacity from the original design of 30 vehicle spaces to 70 vehicle parking spaces.

The purpose of this report is to declare the subject parcel (DS-2) surplus, categorize it as 'Extraordinary' under Administrative Order 50, close the portion of street Right-of-Way under Administrative Order SC-83, and convey the parcel to the abutting property owner at market value.

FINANCIAL IMPLICATIONS

The market value and recommended terms and conditions of sale of the subject property is as outlined in the private and Confidential Report dated August 20, 2016.

RISK CONSIDERATIONS

None.

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.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this land disposal.

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" - Survey
Attachment "B" – Administrative Order SC-83

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: John Dalton, Sr. Real Estate Officer, Corporate Real Estate, Operations Support
902.490.5477

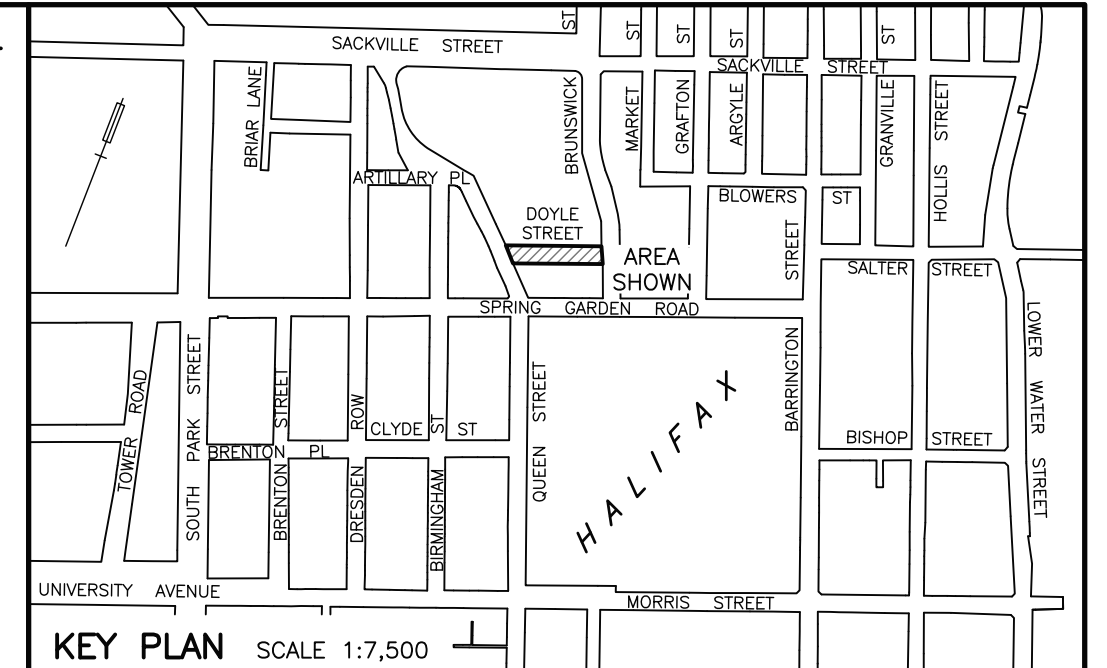
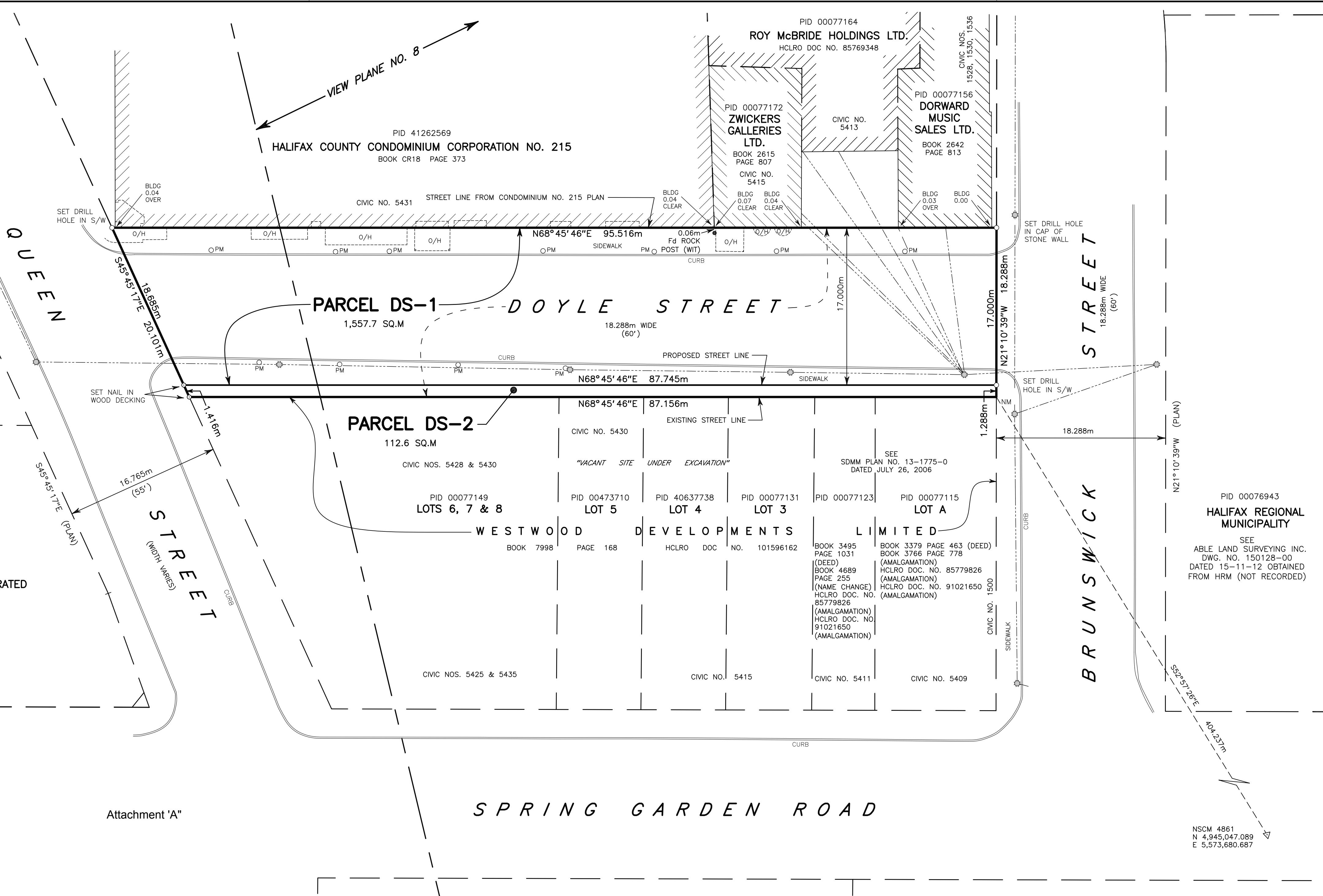
Report Approved by: _____
Michael Wile, A/ Manager Corporate Real Estate, Operations Support, 902.490.5521

Financial Approval by: _____
Amanda Whitewood, Director of Finance and Information Technology/CFO, 902.490.6308

Report Approved by: _____
Peter Stickings, A/ Director, Operations Support, 902.490.7129

Report Approved by: _____
Bruce Zvaniga, Director, Transportation & Public Works, 902.490.4855

Report Approved by: _____
John Traves, Q.C., Director, Legal, Insurance & Risk Management Services, 902-490-4219



- LEGEND**
- PERIMETER OF LANDS DEALT WITH BY THIS SURVEY
 - Δ NSCM NOVA SCOTIA COORDINATE MONUMENT
 - DH DRILL HOLE
 - HCLRO HALIFAX COUNTY LAND REGISTRATION OFFICE
 - PID PARCEL IDENTIFICATION NUMBER
 - O/H OVERHANG
 - PM PARKING METER
 - SQ.M SQUARE METRES
 - NM NO MONUMENT SET DUE TO SITE CONDITIONS

BEARINGS REFER TO ZONE 5, CENTRAL MERIDIAN 64°30' WEST, OF THE NOVA SCOTIA 3°MTM PROJECTION, ATS77 DATUM, AND ARE DERIVED FROM GNSS OBSERVATIONS RELATED TO MONUMENT NO. 4861 (1979 VALUES).

GRID DISTANCES ARE SHOWN WITH A SCALE FACTOR OF 0.999968 APPLIED.

FIELD SURVEYS WERE CARRIED OUT DURING THE PERIOD JUNE 17, 2016 TO JULY 5, 2016; TRAVERSES HAVE BEEN ADJUSTED BY "COMPASS RULE".

- NOTES:**
1. PARCEL IDENTIFIERS DS-1 & DS-2 ORIGINATE ON THIS PLAN.

PID 00076943
HALIFAX REGIONAL MUNICIPALITY
 SEE
 ABLE LAND SURVEYING INC.
 DWG. NO. 150128-00
 DATED 15-11-12 OBTAINED
 FROM HRM (NOT RECORDED)

SURVEYOR'S CERTIFICATE

I, **CARL K. HARTLEN**, 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 7th day of JULY, 2016

Carl K. Hartlen, N.S.L.S.

PLAN OF SURVEY OF
PARCELS DS-1 AND DS-2
 DOYLE STREET
 HALIFAX REGIONAL MUNICIPALITY
 HALIFAX, HALIFAX COUNTY, NOVA SCOTIA

SDMM
 Servant, Dunbrack, McKenzie & MacDonald Ltd.
 NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS
 36 OLAND CRESCENT PHONE: (902) 455-1537
 BAYERS LAKE BUSINESS PARK FAX: (902) 455-8479
 HALIFAX, NS B3S 1C6 WEB: www.sdmm.ca

DATE: JULY 7, 2016
 SCALE 1 : 250 (METRIC)
 FILE No. 1-1-156 (31904)
 PLAN No. 13-2496-0



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Attachment “B”

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER Admin Order #SC-83

RESPECTING CLOSURE OF A PORTION OF

DOYLE STREET, HALIFAX

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 Doyle Street, Halifax, Nova Scotia more particularly described in Attachment “A” is hereby closed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council, the ____ day of _____, 2016.

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 _____, 2016.

Kevin Arjoon, Municipal Clerk