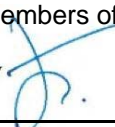





P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 14.1.3
Halifax Regional Council
May 31, 2016

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

John Traves, Q.C., Acting Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: May 4, 2016

SUBJECT: **Modification of the Street Line on Trinity Avenue, Dartmouth**

ORIGIN

This report originates from a request by the owner of 25/29 Trinity Avenue to have the issue of having no street frontage on Trinity Avenue resolved.

LEGISLATIVE AUTHORITY

Halifax Regional Charter, Chapter 39, Section 318 (3); No road, or allowance for a road, becomes a street until the Council formally accepts the road or allowance, or the road or allowance is vested in the Municipality according to law.

RECOMMENDATION

It is recommended that Halifax Regional Council approve the acceptance of two parcels of HRM owned land (PID 90597 and PID 90589) as road so that they may form part of the Trinity Avenue street right of way.

BACKGROUND

PID 90597 and PID 90589 are two long and narrow strips of HRM lands which are located parallel to the existing Trinity Avenue right of way as shown on the sketches in Attachments A1 and A2. PID 90597 was acquired by the former City of Dartmouth in 1968 by tax sale, and PID 90589 was acquired in 1968 by warranty deed. Although it is believed these lands were originally intended to form part of the street right of way, these parcels were never officially added to the street right of way.

A review of internal files resulted in a letter (File No. 1036, dated November 5, 1986) which was addressed to the resident at 34 Parkstone Road. The letter suggested that it was the intention of the Engineering Department to make recommendation to City Council that the land be designated as part of the street. It would appear that the presentation to City Council was not made and thus the parcels did not become part of Trinity Avenue.

The issue of these two parcels of land was once again raised in October 2014 when the property at 25/29 Trinity Avenue was sold. The purchasers would like to have the issue resolved.

DISCUSSION

Changing the classification of PID 90597 and PID 90589 from HRM owned lands to street right of way does not have any notable effect on the Municipality's day to day operations. This housekeeping change would have a positive effect on the adjacent properties, as these parcels would have road frontage on both Trinity Avenue and Parkstone Avenue. This is particularly important to PID 40504243, because both the civic addresses (25/29 Trinity Avenue) and the existing driveway access associated with the PID are on Trinity Avenue even though this property does not have road frontage on Trinity Avenue.

FINANCIAL IMPLICATIONS

There are no expected financial implications with this recommendation.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risks considered rate Low.

To reach this conclusion, consideration was given to hazard, operational, service delivery as well as legal and compliance.

COMMUNITY ENGAGEMENT

No formal community engagement has taken place. Staff has been approached by property owners of both PID 90399 (34 Parkstone Road) and PID 40504243 (25/29 Trinity Avenue) about the status of PID 90597 and PID 90589. Correspondence with these property owners is included in Attachments B and C.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

Council could choose not to approve the acceptance of the two parcels as road. Staff would then evaluate other options for these parcels, including whether they could be declared surplus through the Administrative Order 50 process. This is not recommended, as the right of way width on Trinity Avenue is narrower than the width specified in the current municipal standards for a local street.

ATTACHMENTS

Attachment A1 – Sketch showing PID 90597

Attachment A2 – Sketch showing PID 90589

Attachment B – Correspondence with former property owner at 34 Parkstone Road

Attachment C – Correspondence with current property owner at 25 / 29 Trinity Avenue

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: Jody DeBaie, P.Eng., Engineering Assistant, Right of Way Services, 902.490.6845

Report Approved by:

Christopher Davis, P.Eng., Supervisor, Right of Way Services, 902.490.7462

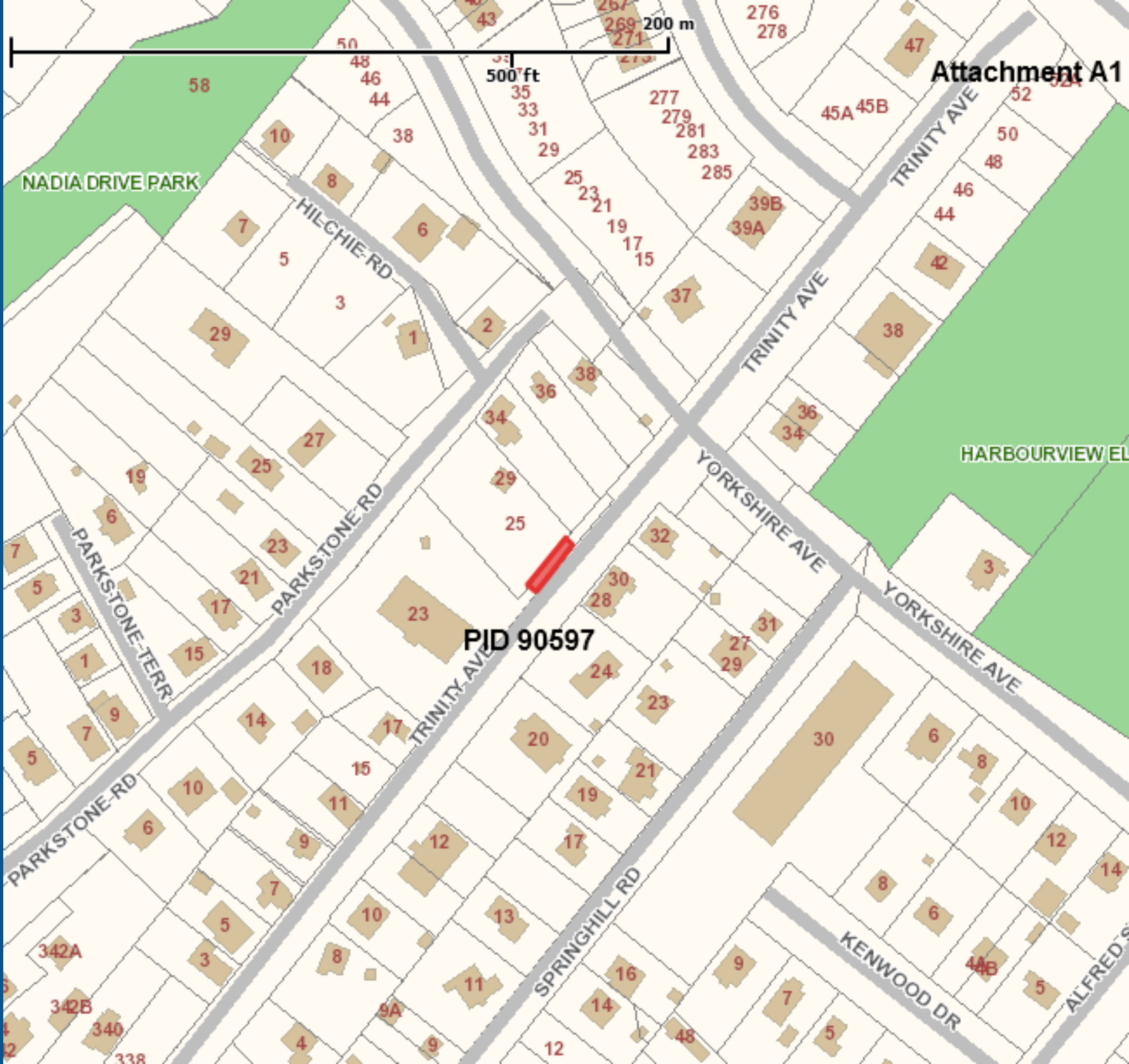
Taso Koutroulakis, P.Eng., PTOE, Manager, Traffic Management, 902.490.4816

Report Approved by:

Kirby Grant, Senior Solicitor, 902.490.4831

Report Approved by:

Bruce Zvaniga, P.Eng., Director, Transportation and Public Works, 902.490.4855



HALIFAX

ReGIS



1:1500

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PID 90597

HALIFAX

ReGIS



1:1500

Created: 29/04/2016

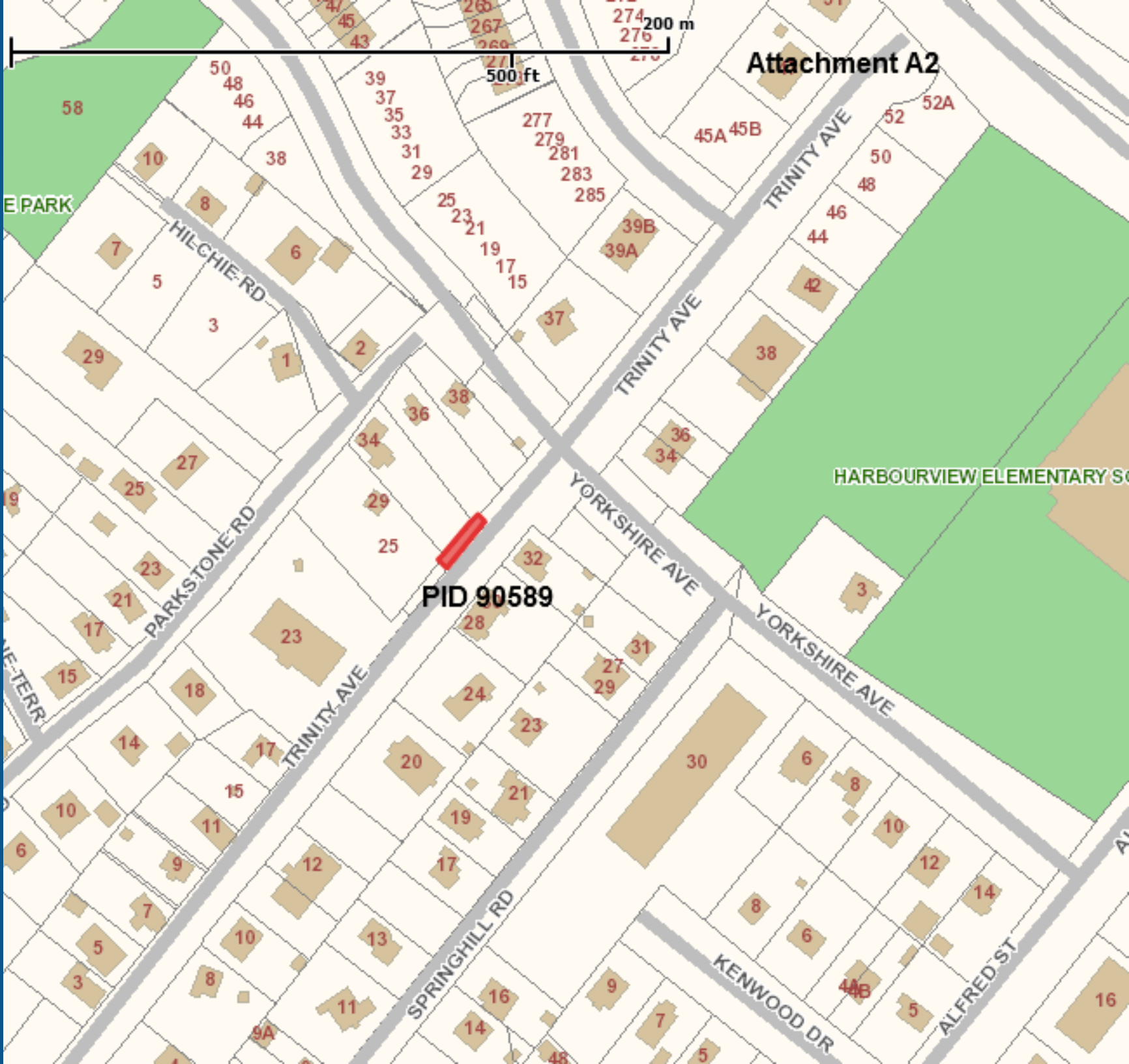
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Attachment A2

PID 90589

HARBOURVIEW ELEMENTARY SCHOOL



OFFICE OF THE
CITY ADMINISTRATOR

City of Dartmouth

P.O. BOX 817
DARTMOUTH, NOVA SCOTIA
B2Y 3Z3

Our File: 1036

November 5, 1986

Mr. D. G. Pettipas,
34 Parkstone Road,
Dartmouth, N. S.
B3A 4J2

....., B...No.
This is Exhibit "E" referred to in
the Affidavit of Daniel Pettipas
sworn before me this 2nd
day of Original Signed A.D. 1987
.....
A Barrister of the Supreme
Court of Nova Scotia

ELIZABETH M. HALDANE
A BARRISTER OF THE
SUPREME COURT OF NOVA SCOTIA

Dear Sir:

This will acknowledge receipt of your letter of October 14 requesting information regarding the City's intention insofar as a 7 ft. parcel of land between 34 Parkstone Road and Trinity Avenue is concerned.

Upon receipt of your letter, I forwarded copies to the City Engineering Department and the Director of Planning and Development. On today's date, I heard from the City Engineer who had referred this matter to our Chief Surveyor. Basically, the recommendation is that the land is not for sale. It is the recommendation of the Engineering Department that the City's parcels be added to the street (Trinity Avenue). This will eliminate preparing plans and documents for an easement, or receiving approvals to convey the parcels of land.

If the parcels are added to the street, both of your existing lots will have full frontage on Trinity Avenue, as well as Parkstone Road.

Our records indicate that you have a deed for Lots 6 and 7 but it appears that you are occupying Lots 7 and 8 with your dwelling on Lot 8. This is not directly a City problem, but will have to be sorted out for assessment purposes, as well as for building permits.

It is my intention to meet with the Engineering Department and the Chief Surveyor to go over this particular problem with them and other problems in the area in order that we may make a recommendation to City Council designating this parcel of land as part of the street.

Yours very truly,

Original Signed

Clara Moir
City Administrator



Lola Doucet
The Terrace Professional Center
647 Bedford Highway, Suite 101
PO Box 48115, RPO Mill Cove
Bedford, Nova Scotia
B4A 3Z2

November 18, 2014

Ms. Doucet,

Please be advised that we have received your request for more information regarding PIDs 90597 and 90589. Staff have reviewed the file, and feel it is appropriate to take this matter before HRM Regional Council. Our recommendation will be that the two parcels in question be added to the Trinity Avenue street right of way. This is consistent with the intentions stated in the letter dated November 5, 1986 from City of Dartmouth Staff.

In the event that Council does not accept the recommendation of Staff to add PIDs 90597 and 90589 to the Trinity Avenue street right of way, Staff would circulate information regarding these parcels to an internal review to determine if the parcels are surplus to the Municipality's needs (in accordance with HRM Administrative Order 50). Subject to Regional Council's approval, these parcels would most likely be categorized as remnant and would be offered to the abutters at market value.

Respectfully,

Original Signed

Christopher Davis, P.Eng.

Supervisor, Right of Way Services
Traffic Management
Halifax Regional Municipality

Tel 902.490.7462
Fax 902.490.6727
Email davisc@halifax.ca

cc. T. Crouse, K. Grant, T. Koutroulakis

HALIFAX

Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca