

HALIFAX

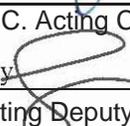
P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1
Halifax Regional Council
March 8, 2016
April 5, 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: February 8, 2016

SUBJECT: Declaration of Surplus Right of Way and Street Closure – Irving Street,
Dartmouth

ORIGIN

This report originates with a request from Irving Oil Company, owner of adjoining lands, to close the section of Irving Street west of Pleasant Street, Dartmouth.

LEGISLATIVE AUTHORITY

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

Halifax Regional Municipal Charter, Chapter 39, Section 325(1); Street Closure.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Declare the section of Irving Street right of way west of Pleasant Street, Dartmouth, shown as PID 40936882 and PID 40935595 in Attachment "A", surplus to municipal requirements, and categorize as 'Economic Development', as per Administrative Order 50;
2. Set a date for a public hearing to consider adopting the proposed Administrative Order SC-82, as contained in Attachment "B", to close that part of Irving Street that is west of Pleasant Street, Dartmouth; and
3. Subject to the outcome of the public hearing, approve Administrative Order SC-82 to close that part of Irving Street that is west of Pleasant Street, Dartmouth, shown as PID 40936882 and PID 40935595, in Attachment "A" of this report.

BACKGROUND

This section of the Irving Street right of way was conveyed to the Province of Nova Scotia in April, 1955. It is staffs understanding that the streets within the area annexed by the former City of Dartmouth were transferred to the former City of Dartmouth by the Province. A list prepared by the Province specifying the transferred streets shows Irving Street, formerly known as Irwin Street, in two sections: one section being east of Pleasant Street, the other west. It is the western section that is the subject of this report.

DISCUSSION

The subject section of Irving Street consists of two PID's: 40936882 and 40935595, and are west of Pleasant Street, Dartmouth. The right of way width is fifty (50) feet, and is two hundred ninety eight (298) feet in length.

Irving Oil is rebuilding its marine terminal for petroleum products on the south Woodside waterfront. To facilitate the expanded size of their facility, and without impacting the neighbourhood, Irving has been purchasing a number of properties in the immediate area, including two residential properties located on the lower west side of Irving Street. The completion of these sales makes Irving Oil the only abutting land owner to the subject section of Irving Street.

The company has requested the closure of this portion of the HRM right of way, as they are currently under construction at the Woodside terminal and including this section of Irving Street in their plans would be beneficial to the project with respect to site security, community safety, reduced street maintenance, and internal traffic flow.

The request was considered by the Real Property Technical Review Committee and Steering Committee, as per Administrative Order 50. Staff considers this section of Irving Street surplus to municipal needs and recommend it be declared surplus for disposal, subject to securing easements for underground infrastructure, and place under the category of 'Economic Development', as the overall project is in the range of \$80M.

FINANCIAL IMPLICATIONS

The recommended street closure requires administrative work which can be accommodated within current operating budgets and has minimal impact to future street maintenance budgets. The market value and recommended terms and conditions of sale of the subject properties will be the subject of a separate approval report at the time of sale.

COMMUNITY ENGAGEMENT

As per Administrative Order 50, the area Councillor was advised of the recommendation to *surplus* the subject property with the Economic Development categorization.

A public hearing is required, as the closure is for the entire width of the street.

ENVIRONMENTAL IMPLICATIONS

None.

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.

ATTACHMENTS

Attachment "A" – Site Plan
Attachment "B" – Administrative Order SC-82

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.

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Report Approved by: _____
Jane Fraser, Director, Operations Support, 902.490.7166

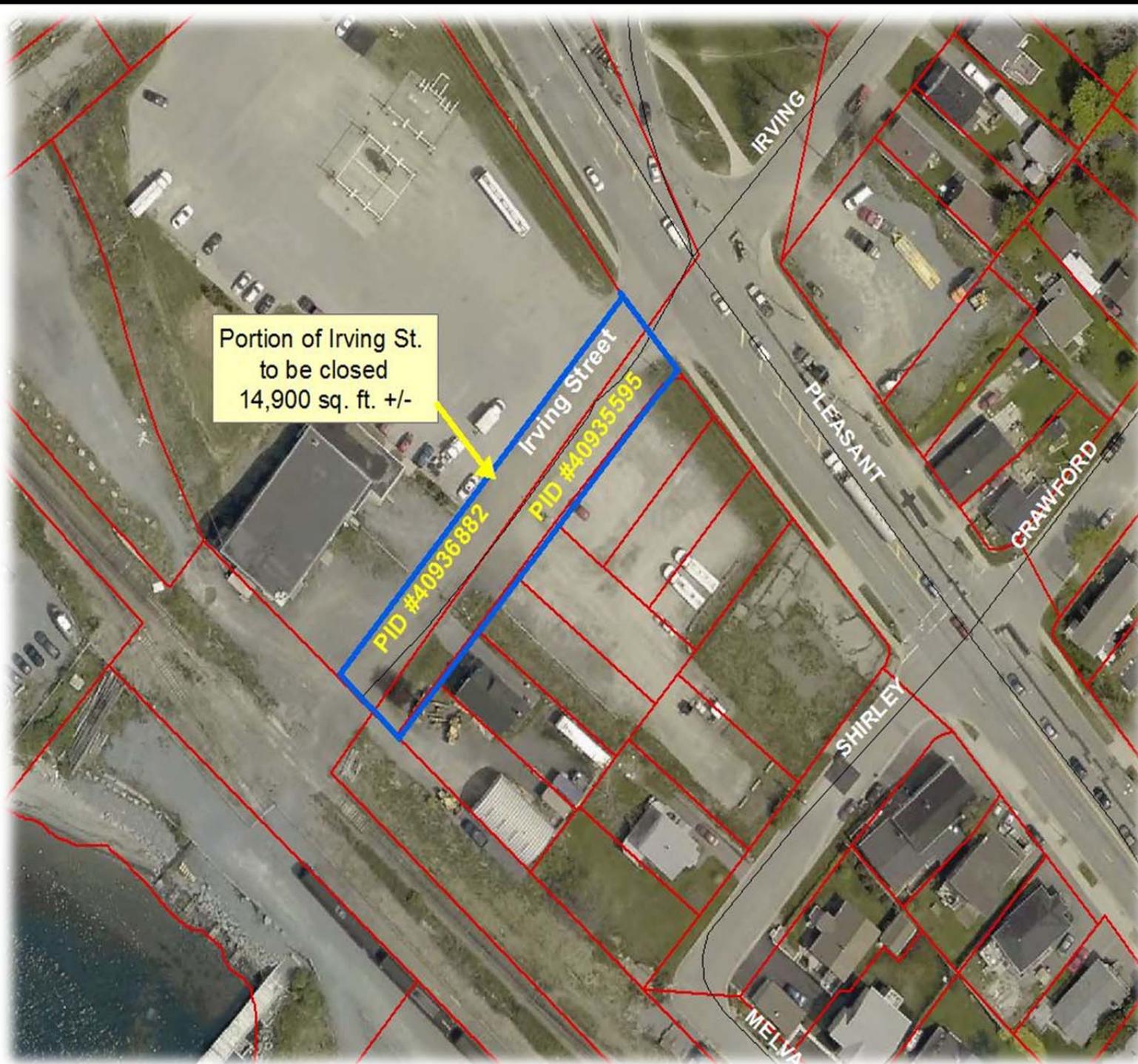
Report Approved by: _____
Bruce Zvaniga, Director, Transportation & Public Works, 902.490.4855

Original Signed

ATTACHMENT "A"

Declaration of
Surplus Right-of-
Way as Street
Closure – Irving
Street, Dartmouth

SITE PLAN





PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Attachment “B”

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER Admin Order #SC-82

RESPECTING CLOSURE OF A PORTION OF

IRVING STREET, DARTMOUTH

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 Irving Street, Dartmouth, 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