

# HALIFAX

P.O. Box 1749  
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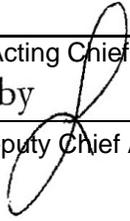
**Item No. 14.1.5**  
**Halifax Regional Council**  
**February 23, 2016**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed by 

**SUBMITTED BY:**

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

Original Signed by 

\_\_\_\_\_  
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** January 29, 2016

**SUBJECT:** Declaration of Surplus Right of Way and Street Closure - Parcel PS-B - Portland Street, Dartmouth

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## **ORIGIN**

This report originates with a request from the owner of PID's 41067661 and 41067679, 520-530 Portland Street, Dartmouth, to close a portion of the Portland Street right-of-way in front of their property.

## **LEGISLATIVE AUTHORITY**

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

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

## **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Declare the portion of the Portland Street right of way in front of 520-530 Portland Street, Dartmouth, shown as Parcel PS-B in Attachment "A", surplus to municipal requirements, and categorize Parcel PS-B, as 'Extraordinary', as per Administrative Order 50; and
2. Approve Administrative Order SC-81 to close a portion of Portland Street, shown as Parcel PS-B, in Attachment "A" of this report.

## **BACKGROUND**

Parcel PS-B is a portion of a parent Parcel 6. Parcel 6 was originally acquired by the Province of Nova Scotia in 1975 for the interchange at Portland Street and the Circumferential Highway (Route 111). In 1988, The Province conveyed Parcel 6, along with other parcels, to the City of Dartmouth; as the Province was responsible for the right of way lands a certain distance from the interchange, and the City for the remaining right of way. During the construction of the new interchange, Portland Street was re-aligned, leaving irregular shaped remnant parcels of land not required for right of way; the subject is one such parcel.

The following is a summary of the subject parcels' involvement in the planning process for the abutting lands;

- In October 2000 a Development Agreement was approved permitting various residential type units at the rear of the developer's lands known as 520-530 Portland Street, and commercial uses along the Portland Street frontage. The Parcel PS-B was not included in the initial Development Agreement.
- In October 2003 substantive amendments to the Development Agreement were approved, which applied to the commercial uses on the Portland Street frontage. On Schedule C-1 (Site Plan) of the Amendment Agreement, it was identified that Parcel PS-B would be acquired from the Municipality by the developer.
- In March 2015 there was a Joint Public Hearing at Regional Council for the approval of MPS/LUB amendments and consideration of the proposed Amending Agreement.
- In June 2015 Harbour East Marine Drive approved a third Amending Agreement, which showed the Parcel PS-B being used as amenity space, and a portion of it being required for sidewalk development. The signing of these amendments is subject to Parcel PS-B being conveyed to the developer at market value.

## **DISCUSSION**

The subject portion of the Portland Street right of way in front of 520-530 Portland Street, is identified as Parcel PS-B, and it is 5862 square feet in area. (Attachment A) It is a triangular piece of remnant right-of-way; one half being owned by HRM, the other half being owned by the Province of Nova Scotia.

A request has been made by the owner of 520-530 Portland Street to close this portion of the HRM right-of-way which is contemplated by the above noted amendments to the Development Agreement.

The request was considered by the Real Property Technical Review Committee, and Steering Committee, as per Administrative Order 50. Staff consider Parcel PS-B surplus to municipal needs, and recommend it declared surplus for disposal under the category of 'Extraordinary'.

## **FINANCIAL IMPLICATIONS**

The recommended street closure requires administrative work which can be accommodated within current operating budgets and has no impact to 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 Extraordinary categorization. A public hearing is not required, as the closure meets Section 325(2) of the Halifax Regional Municipality Charter.

**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-81

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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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CIRCUMFERENTIAL HIGHWAY RAMP

Civic 530

Province of  
Nova Scotia

HRM  
Parcel PS-B  
5862 sq. ft.

PORTLAND STREET

Civic 520

GREEN VILLAGE LANE

# ATTACHMENT "A"

Declaration of  
Surplus  
Property and Street  
Closure –  
Portland Street

Site Plan



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Attachment B

**HALIFAX REGIONAL MUNICIPALITY**

**ADMINISTRATIVE ORDER NUMBER Admin Order #SC-81**

**RESPECTING CLOSURE OF A PORTION OF**

**Portland Street**

**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 Portland Street, Parcel PS-B, 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