

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: 
Original Signed by _____
Jacques Dubé, Chief Administrative Officer

DATE: June 19, 2018

SUBJECT: Declaration of Surplus Property, Street Closure and Property Disposal –
Parcel 1 – Portion of Bedford Highway, Halifax.

ORIGIN

This report originates with a request from the abutting owner located at 12 Evans Avenue, Halifax, PID No. 00188961 to acquire a portion of the Bedford Highway abutting her property.

LEGISLATIVE AUTHORITY

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

“Extraordinary

(e) Properties having a legal distinction which include conditions or extraordinary process with respect to their preservation or disposal including but not limited to:

- (i) the Halifax Commons;*
- (ii) the Dartmouth Commons;*
- (iii) streets;*
- (iv) any municipal properties, including parks, which are held in trust, or upon condition, or with reserving interests, or like constraints;*
- (v) and parkland acquired through subdivision process.*

Halifax Regional Municipality Charter, Chapter 39,

Section 61:

“(5)(b): “The Municipality sell property at market value when the property is no longer required for the purposes of the Municipality;”

Section 325:

“(1) The Council may, by policy, permanently close any street or part of a street and the Council shall hold a public hearing before passing the policy.

“(2) Notwithstanding subsection (1), where a street or part of a street is being altered, improved, or redesigned, part of that street may be closed without holding a public hearing under subsection (1) if

- (a) *The part of the street that remains open*
 - (i) *Is open to vehicular and pedestrian traffic, and*
 - (ii) *Meets all the municipal standards; and*
- (b) *The part of the street that is closed*
 - (i) *Is determined by the engineer to be surplus, and*
 - (ii) *Is worth less than fifty thousand dollars.*

(3) *The Council shall give notice of its intent to close the street by advertisement in a newspaper circulating in the Municipality.*

(4) *The notice must set out the time and place of the public hearing at which those in favour or opposed to the street closing will be heard and describe the street to be closed sufficiently to identify it.*

(5) *A copy of the notice must be mailed to the Minister of Transportation and Infrastructure Renewal before the public hearing.*

(6) *A copy of the policy passed by the Council, certified by the Clerk under the seal of the Municipality, incorporating a survey or a metes and bounds description of the street that is closed, must be filed in the registry and with the Minister of Transportation and Infrastructure Renewal.*

(7) *Upon filing the policy in the registry, all rights of public user in the land described in the policy are forever extinguished and the Municipality may sell and convey the land or may subsequently reopen the land as a street in the manner required by this Act. 2008, c. 39, s. 325.”*

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Declare the portion of the Bedford Highway right-of-way, Halifax, shown as Parcel 1 in Attachment “A”, (“Parcel 1”) surplus to municipal requirements, and categorize Parcel 1, as ‘Extraordinary’, as per Administrative Order 50; and
2. Approve Administrative Order SC-88 in Attachment “B” of this report, to close that portion of Bedford Highway shown as Parcel 1.

BACKGROUND

In the Spring 2018, HRM received a request from the owner of civic number 12 Evans Avenue, Halifax (identified by current PID No. 00188961), to purchase Parcel 1, a small portion of the abutting Bedford Highway right-of-way. This land owner is seeking to reconstruct her residential dwelling which was heavily damaged by fire in April 2017. The area of Parcel 1, portion of PID No. 40923112 (See Attachment “A”), is 37.2 square feet.

DISCUSSION

Parcel 1 is needed by the land owner to increase the property line setback requirements for the proposed area of the land to satisfy the reconstructed dwelling. As Parcel 1 is a portion of street right-of-way, Section 325 of the HRM Charter applies. Council may, by policy, permanently close any street or part of a street. The portion of the street that is being considered for closure is valued at less than fifty thousand dollars (\$50,000), therefore, a public hearing is not required.

The request to declare the small area of right-of-way surplus was submitted for review as per Administrative Order 50. The Engineer has determined that Parcel 1, the part of the street to be closed, is surplus to municipal requirements, and is surplus because it is high atop of a cliff with no present or potential future use for the Bedford Highway.

The purpose of this report is to declare Parcel 1 surplus, categorize it as 'Extraordinary' under Administrative Order 50, close the portion of street right-of-way under Administrative Order SC-88, to enable the sale to the abutting property owner at market value. The conveyance of the parcel is subject to a separate approval report pursuant to the Transaction Policy for real property.

FINANCIAL IMPLICATIONS

The future net proceeds from the sale of the property will be placed in the Capital Fund Reserve Q526.

Market Value Definition

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of the specific date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in Canadian Dollars or in financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

(Appraisal Institute of Canada. Canadian Uniform Standards of Professional Appraisal Practice)

RISK CONSIDERATION

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

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

There are no environmental implications identified with this report.

ALTERNATIVES

Halifax Regional Council could instruct staff to **not** declare the subject property 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 right-of-way purposes.

ATTACHMENTS

Attachment "A" – Site Plan

Attachment "B" – Administrative Order SC-88

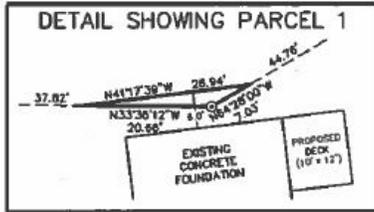
A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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

HALIFAX

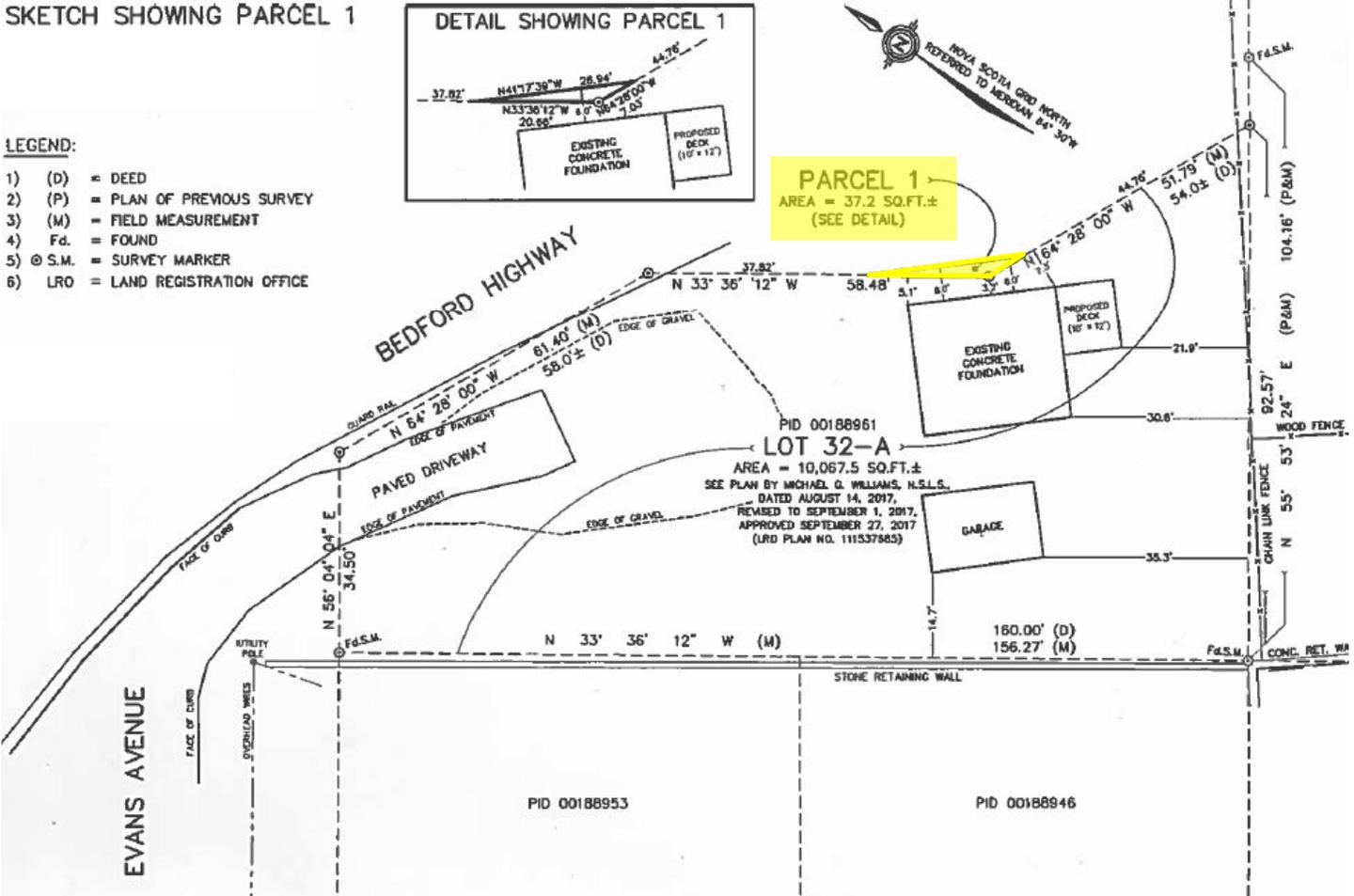
ATTACHMENT 'A' – SITE PLAN & PHOTO

SKETCH SHOWING PARCEL 1



LEGEND:

- 1) (D) = DEED
- 2) (P) = PLAN OF PREVIOUS SURVEY
- 3) (M) = FIELD MEASUREMENT
- 4) Fd. = FOUND
- 5) ⊙ S.M. = SURVEY MARKER
- 6) LRO = LAND REGISTRATION OFFICE



Aerial Image of Subject HRM Property





PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

ATTACHMENT 'B' – ADMINISTRATIVE ORDER NO. SC-88

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER SC-88

RESPECTING CLOSURE OF A PORTION OF

BEDFORD HIGHWAY, 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 Bedford Highway, Halifax, Nova Scotia more particularly shown as Parcel 1 on the Attachment is hereby closed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council, the ____ day of _____, 2018.

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 _____, 2018.

Kevin Arjoon, Municipal Clerk

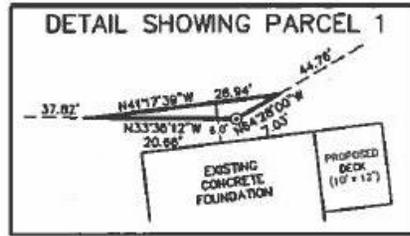
SKETCH SHOWING PARCEL 1
BEING A PROPOSED
ADDITION TO LOT 32-A

LEGEND:

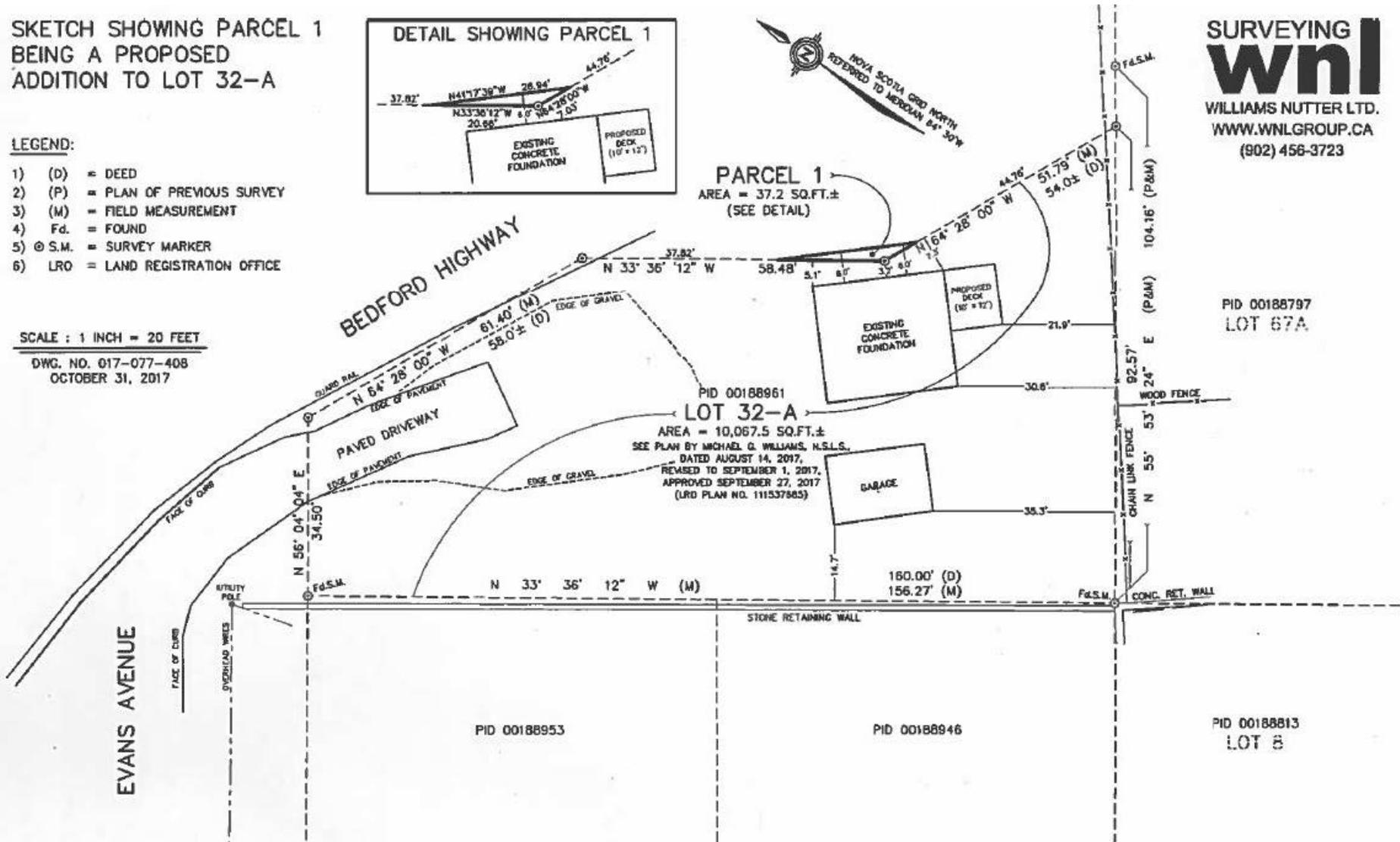
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SCALE : 1 INCH = 20 FEET

DWG. NO. 017-077-408
OCTOBER 31, 2017



PARCEL 1
AREA = 37.2 SQ.FT.±
(SEE DETAIL)



SURVEYING
wnl
WILLIAMS NUTTER LTD.
WWW.WNLGROUP.CA
(902) 456-3723

PID 00188797
LOT 67A

PID 00188813
LOT 8