

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

Original Signed by 

**SUBMITTED BY:** \_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** July 9, 2019

**SUBJECT:** Street Closure: Parcel 2 – Portion of Purcells Cove Road, Halifax

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## **ORIGIN**

This report originates with a request from the owners of 3010 Purcells Cove Road, Halifax, PID 00340208, to acquire a portion of the Purcells Cove Road right-of-way in front of their property as shown as Parcel 2 on Attachment "A" to this report.

## **LEGISLATIVE AUTHORITY**

Halifax Regional Municipality Charter, Chapter 39,

Section 61:

(3) The property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise.

(4) Possession, occupation, use or obstruction of property of the Municipality does not give an estate, right or title to the property.

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

Section 325: "(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.

**RECOMMENDATION ON PAGE 2**

(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.

Administrative Order 50 respecting the Disposal of Real Property and Administrative Order 2018-004 respecting Real Property Transactions.

### **RECOMMENDATION**

It is recommended that Halifax Regional Council approve Administrative Order SC-89 in Attachment “B” of this report, to close that portion of Purcells Cove Road shown as Parcel 2 on Attachment “A”.

### **BACKGROUND**

In November 2016, HRM staff received a request from the owners of 3010 Purcells Cove Road (PID 00340208) to acquire a portion of the Purcells Cove Road right-of-way in front of their house. In the process of migrating their property the owners had discovered that a portion of their residence, their entire front yard including front steps, driveway, and a retaining wall and septic system encroach into the right-of-way.

In 2011, Regional Council approved Administrative Order SC-64, which closed a portion of the Purcells Cove Road right-of-way in front of the neighboring properties to the south of the subject property for the purposes of eliminating a similar encroachment. The sale of these properties (PIDs 41350851 & 41350869) was completed in September 2011.

The area of land sought for acquisition by the proponent is designated as Parcel 2 on Attachment “A” and measures 434 square feet. Parcel 2 represents a portion of the Purcells Cove Road right-of-way which no longer forms part of the traveled roadway.

This parcel was subject to technical review and declared surplus to municipal requirements and categorized as “Extraordinary” by Regional Council as part of Administrative Order 50 Package 06.17 on March 20, 2018.

### **DISCUSSION**

Parcel 2 is required by the abutting landowners to reduce the extent of the encroachment of their residence and front steps into the Purcells Cove Road right-of-way. A portion of the landowners’ front steps and driveway, and the retaining wall and the entire area within it, including their septic system will remain within the street right-of-way, as closure of that section of Purcells Cove Road is not recommended by the right-of-way engineer. This encroachment will be the matter of a separate encroachment agreement under the jurisdiction of the right-of-way engineer.

As Parcel 2 is a portion of a street right-of-way, and as per Section 325 of the Halifax Regional Municipality Charter, Regional 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 purpose of this report is to close the portion of street right-of-way identified as Parcel 2 on Attachment "A" under Administrative Order SC-89. The conveyance of the parcel is subject to a separate approval report pursuant to Administrative Order 2018-004 Respecting Real Property Transactions.

### **FINANCIAL IMPLICATIONS**

The net proceeds from the sale shall be credited to the Capital Fund Reserve, Q526.

The Financial Implications associated with the proposed sale of this property will be more fully described in a Private and Confidential Information Report approving the sale of the property, in accordance with Administrative Order 2018-004 Respecting Real Property Transactions.

### **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 to close this portion of Purcells Cove Road, as the closure meets Section 325(2) of the Halifax Regional Municipality Charter.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications identified within this report.

### **ALTERNATIVES**

Halifax Regional Council could elect **not** to close this portion of the Purcells Cove Road right-of-way. This is not recommended as it is not required for street right-of-way purposes.

### **ATTACHMENTS**

Attachment A – Survey Plan  
Attachment B – Administrative Order SC-89

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Colin Walsh, Real Estate Officer, Corporate Real Estate,  
Finance, Asset Management & ICT, 902.579.2824

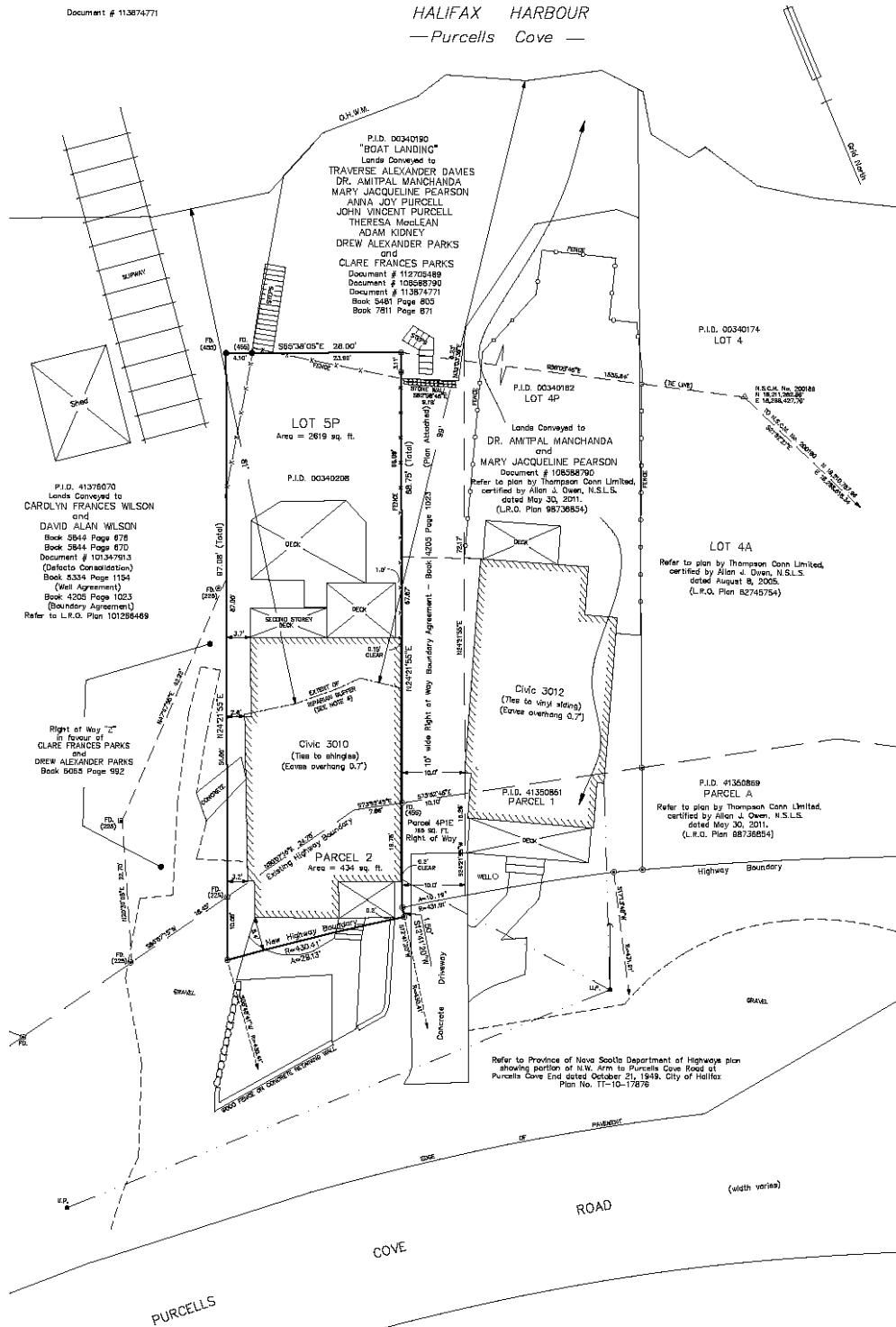
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# HALIFAX

## ATTACHMENT "A" SITE PLAN

Document # 113874771

HALIFAX HARBOUR  
— Purcells Cove —



Refer to Province of Nova Scotia Department of Highways plan showing portion of N.W. 4th to Purcells Cove Road at Purcells Cove End dated October 21, 1949, City of Halifax Plan No. TT-10-17876



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**ATTACHMENT 'B' – ADMINISTRATIVE ORDER NO. SC-89**

**HALIFAX REGIONAL MUNICIPALITY**

**ADMINISTRATIVE ORDER NUMBER #SC-89**

**RESPECTING CLOSURE OF A PORTION OF**

**PURCELLS COVE ROAD, 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 Purcells Cove Road, Halifax, Nova Scotia more particularly shown as Parcel 2 on the Attachment is hereby closed.

**I HEREBY CERTIFY THAT** the foregoing Administrative Order was duly adopted by Halifax Regional Council, the \_\_\_\_ day of \_\_\_\_\_, 2019 .

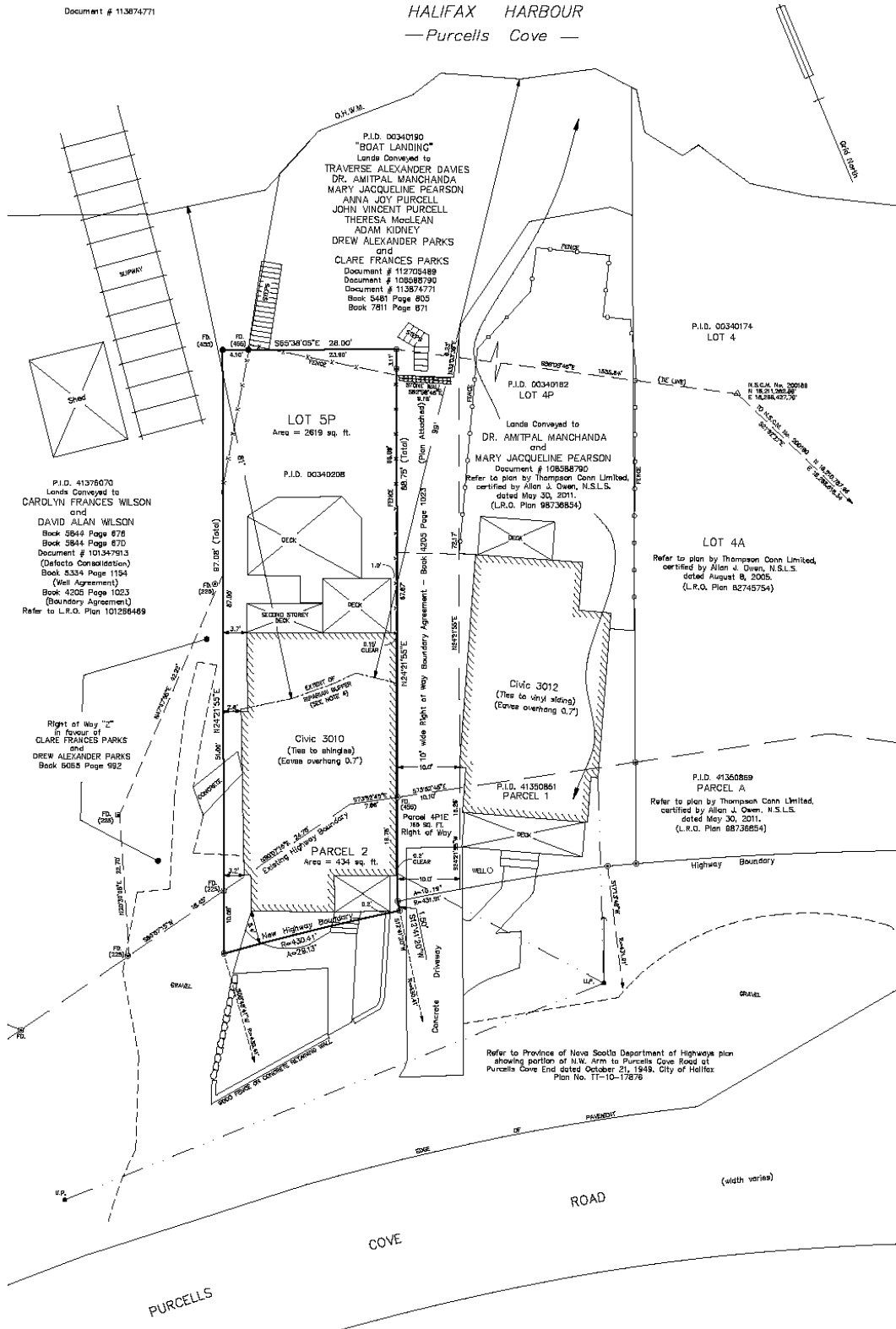
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Kevin Arjoon, Municipal Clerk

HALIFAX HARBOUR  
— Purcells Cove —



P.I.D. 41376070  
Lands Conveyed to  
CAROLYN FRANCES WILSON  
and  
DAVID ALAN WILSON  
Book 5844 Page 676  
Book 5844 Page 670  
Document # 101347913  
(Defacto Consolidation)  
Book 5334 Page 1154  
(Veil Agreement)  
Book 4205 Page 1023  
(Boundary Agreement)  
Refer to L.R.O. Plan 101286469

Right of Way "Z"  
in favour of  
CLARE FRANCES PARKS  
and  
DREW ALEXANDER PARKS  
Book 5855 Page 692

P.I.D. 00340190  
"BOAT LANDING"  
Lands Conveyed to  
TRAVERSE ALEXANDER DAMES  
DR. AMITPAL MANCHANDA  
MARY JACQUELINE PEARSON  
ANNA JOY PURCELL  
JOHN VINCENT PURCELL  
THERESA MacLEAN  
ADAM KIDNEY  
DREW ALEXANDER PARKS  
and  
CLARE FRANCES PARKS  
Document # 112705489  
Document # 109548790  
Document # 113874771  
Book 5481 Page 805  
Book 7811 Page 671

Lands Conveyed to  
DR. AMITPAL MANCHANDA  
and  
MARY JACQUELINE PEARSON  
Document # 108558790  
Refer to plan by Thompson Conn Limited,  
certified by Allan J. Owen, N.S.L.S.  
dated May 30, 2011.  
(L.R.O. Plan 98736854)

LOT 4A  
Refer to plan by Thompson Conn Limited,  
certified by Allan J. Owen, N.S.L.S.  
dated August 8, 2005.  
(L.R.O. Plan 82745754)

P.I.D. 41360869  
PARCEL A  
Refer to plan by Thompson Conn Limited,  
certified by Allan J. Owen, N.S.L.S.  
dated May 30, 2011.  
(L.R.O. Plan 98736854)

Refer to Province of Nova Scotia Department of Highways plan  
showing portion of N.W. Arm to Purcells Cove Road at  
Purcells Cove End dated October 21, 1949, City of Halifax  
Plan No. 11-10-17679