

HALIFAX

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

Item No. 15.1.4
Halifax Regional Council
September 17, 2019

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jerry Blackwood, A/Chief Administrative Officer

DATE: July 23, 2019

SUBJECT: Street Closure – Portions of Grosvenor Road, Halifax

ORIGIN

This report originates with a request from the abutting property owner to acquire a portion of HRM owned street right of way.

LEGISLATIVE AUTHORITY

The report complies with Administrative Order Number ADM-2018-004 Respecting Real Property Transactions, as approved by Regional Council on September 18, 2018.

Halifax Regional Municipality Charter, Chapter 39:

Section 61(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.

(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.

RECOMMENDATION

It is recommended that Halifax Regional Council approve Administrative Order SC-90 as set out in Attachment 'C' of this report to close those portions of Grosvenor Road.

BACKGROUND

Wedgewood's Little School child care centre has been operating for almost 25 years at 55 Kearney Lake Road and added 4 Grosvenor Road to its operations in 2017. The facility is Provincially licensed and is a legally non-conforming use under the Halifax Regional Municipality Charter.

LSJ Holdings Limited (LSJ) operates the commercial daycare in each of its two buildings located at 4 Grosvenor Road and 55 Kearney Lake Road, Halifax. Their proposal to expand the daycare's capacity is being considered through the development agreement process. As a result of public feedback LSJ is proposing to expand their driveway system by connecting the two existing Grosvenor Road driveways and providing a link between the 2 properties, resulting in a horseshoe style driveway. The intent is to create a more efficient and safer driveway layout for its staff and clients. In order to facilitate this improvement, LSJ has requested portions of the Grosvenor Road street right-of-way be declared surplus, the street right-of-way be closed, and the property conveyed for the aforementioned purposes.

The street closure matter is independent of the development agreement process. While the improved driveway alignment was the result of public feedback, the improvements can be considered outside of that process. Driveway improvements such as this typically do not require Regional Council approval, unless there is a street closure involved, which is the case in this instance.

The Halifax Regional Municipality Charter states that street closures with a value of more than fifty thousand dollars are subject to a public hearing. Parcel A and Parcel B (Attachment 'B') total 2163 square feet. In order to meet the public hearing threshold, the value of the land would need to exceed \$23 per square foot. Property Valuation Services Corporation assessment figures for these properties average approximately \$11 per square foot, which is well below the requirement for a public hearing.

The Charter also requires notice of the street closure matter be advertised in a newspaper and circulated to the Minister of Transportation and Infrastructure Renewal. Once approved by Regional Council the street closure is to be registered in the land registry and filed with the Minister of Transportation and Infrastructure Renewal.

The matter of designating the parcels as surplus was approved by Regional Council at its August 13, 2019 meeting. Parcel A and Parcel B were approved with the 'Extraordinary' surplus designation.

A portion of HRM sidewalk, along Kearney Lake Road, encroaches upon lands of LSJ. As part of the real estate transaction this parcel will be conveyed to HRM's ownership.

DISCUSSION

The portion of the Grosvenor Road right-of-way sought for acquisition by the abutting property owner is located at the corner of Grosvenor Road and Kearney Lake Road, Halifax, and is identified as Parcel A and Parcel B on Attachment 'B'. The parcels measure 2163 square feet (200.9 square metres) in total area.

The parcels contain portions of two private driveways which service the two abutting properties and are otherwise level, grassed areas. The portions to be closed represent excess right-of-way and are not required for current or future intersection upgrades.

Staff recommend formally closing Parcel A and Parcel B of Grosvenor Road street right-of-way, subject to Regional Council's approval of the subject property's surplus status, declaration and categorization as Extraordinary property.

The conveyance of Parcel A and Parcel B is to be authorized as per the delegated authority set out in Administrative Order 2018-004-ADM Respecting Real Property Transactions.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendation however, the future net proceeds from the sale of the property will be placed in the Capital Reserve Fund Q526.

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 information meeting was held as part of the Planning and Development led development agreement process. A public hearing is not required, as the value of the portions of street right of way to be closed are less than fifty thousand dollars.

ENVIRONMENTAL IMPLICATIONS

Environmental Implications were not identified

ALTERNATIVES

Halifax Regional Council could not declare the subject area of the street closed and retain ownership for street right-of-way. This is not recommended as it is classified as surplus and is not required for street right-of-way purposes.

ATTACHMENTS

Attachment A: Location Sketch
Attachment B: Street Closure Survey
Attachment C: Street Closure Administrative Order

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: Mike Cowper, Senior Real Estate Officer. 902.490.5332

HALIFAX

ATTACHMENT 'A' LOCATION SKETCH

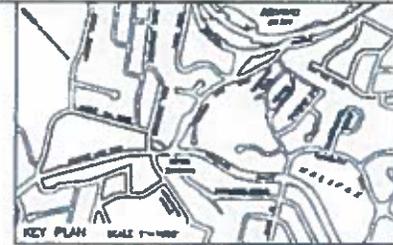


HALIFAX

ATTACHMENT 'B' STREET CLOSURE SURVEY

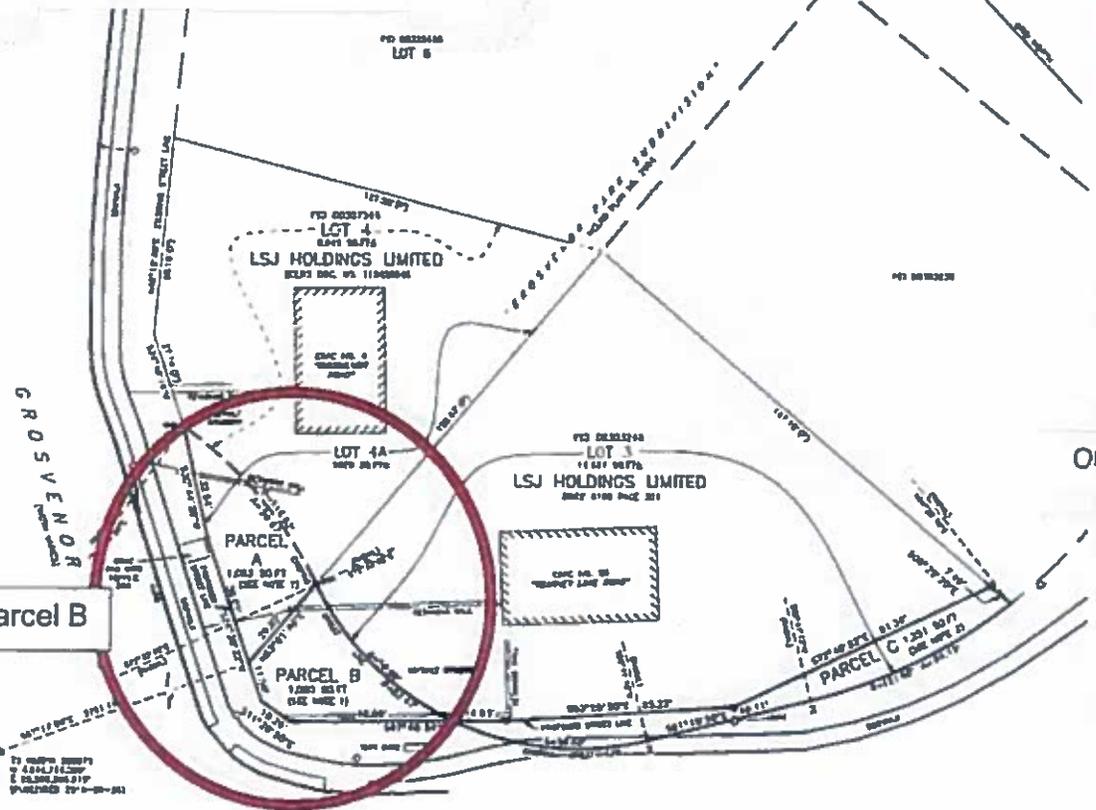
SEE REVERSE TO LOT 4.
B-E ONLY SHOWN. LINES ON THIS PLAN REFER BACK WITH DASHED AND
THE BOUNDARIES OF PARCELS A, B & C. THE DOTTED BOUNDARY BETWEEN
PARCELS A & B, PARCEL A BEING TO THE EAST OF A POINT WHERE LINE B
WAS EXTENDED TO MEET WITH THE DOTTED BOUNDARY. THE DOTTED
BOUNDARY OF PARCEL A IS EXTENDED TO THE EAST AND A GENERAL
DESCRIPTION ONLY AND IS NOT NECESSARILY THE ACTUAL BOUNDARY OF
PARCEL A OR THE BOUNDARY BETWEEN PARCELS A & B.

Original Signed



LEGEND

①	PORTIONS OF LOTS BOUNDARIES
②	BOUNDARIES BETWEEN PARCELS
③	BOUNDARY BETWEEN LOT 4
④	UTILITY POLE & JOINT
⑤	BOUNDARY BETWEEN PARCELS
⑥	BOUNDARY BETWEEN PARCELS
⑦	POINT OF BEGINNING
⑧	POINT OF BEGINNING
⑨	BOUNDARY BETWEEN PARCELS
⑩	BOUNDARY BETWEEN PARCELS
⑪	BOUNDARY BETWEEN PARCELS
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PLAN OF SURVEY OF
PARCELS A & B
PORTIONS OF GROSVENOR ROAD TO BE CLOSED
AND
PARCELS C
PORTION OF LANDS CONVEYED TO
LSJ HOLDING LIMITED
PARCEL A TO BE CONSOLIDATED WITH LOT 4
LANDS CONVEYED TO
LSJ HOLDING LIMITED
TO CREATE LOT 4A
GROSVENOR ROAD & KEARNEY LAKE ROAD
HALIFAX, HALIFAX COUNTY, NOVA SCOTIA

SDMM
Serrano, Dunbrack, McKenzie & MacDonald Ltd
NOVA SCOTIA LAND SURVEYORS & CONSULTANTS INCORPORATED
10 BROAD STREET, FREDERICTON, NB, CANADA E3B 1C2
DUNBRACK, HALIFAX OFFICE: (902) 438-1237
FAX: (902) 438-1237
MOBILE: (902) 438-1237
WWW.SDMM.NS.CA

DATE: JULY 18, 2019
SCALE: 1" = 20'
FILE No. 1-5-7 (342077)
PLAN No. 13-2740-0



NOTICE

1. PARCELS A AND B ARE CREATED PURSUANT TO SECTION 27(1) OF THE REAL PROPERTY ACT AND IT IS HEREBY CERTIFIED THAT THE SURVEY IS ACCURATE.
2. PARCEL C IS CREATED PURSUANT TO SECTION 27(1) OF THE REAL PROPERTY ACT AND IT IS HEREBY CERTIFIED THAT THE SURVEY IS ACCURATE.

KEARNEY LAKE ROAD
(DOTTED LINE)
RELATES TO CITY OF HALIFAX PLAN NO. 71-10-1148
DATED APR 28, 1978

ATTACHMENT 'C'

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER #SC-90

RESPECTING CLOSURE OF A PORTION OF GROSVENOR 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. Portions of Grosvenor Road, Halifax, Nova Scotia more particularly shown as Parcel A and Parcel B on the Attachment is hereby closed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council the 17th day of September 2019.

Mayor Mike Savage

Kevin Arjoon, Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was passed at a meeting of Halifax Regional Council held on September 17, 2019.

Kevin Arjoon, Municipal Clerk

