



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

Item No. 11.1.7
Halifax Regional Council
September 1, 2020

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Caroline Blair-Smith, Acting Chief Administrative Officer

DATE: July 7, 2020

SUBJECT: Surplus Property & Street Closure – Portions of Osborne Street & Wildwood Avenue

ORIGIN

This report originates with requests from the owners of 28 Sunset Avenue and 22 Sunset Avenue, Halifax, to acquire portions of the Osborne Street and Wildwood Avenue rights-of-way abutting their properties shown as Parcels A & B and Parcel C, respectively, 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.
- (5)(b) The Municipality may sell property at market value when the property is no longer required for the purposes of the Municipality;

Section 318:

- (3) No road, or allowance for a road, becomes a street until the Council formally accepts the road or allowance, or the road or allowance is vested in the Municipality according to law.

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

RECOMMENDATIONS ON PAGE 2

- (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.

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:

1. Accept Parcel RL-1 as part of Osborne Street;
2. Declare Parcel "C" as shown on Attachment "A" as surplus to municipal requirements pursuant to Administrative Order 50 and Categorize it as "Extraordinary";
3. Approve Administrative Order SC-95 in Attachment "B" of this report, to close that portion of Osborne Street shown as Parcel "A" on Attachment "A"; and
4. Approve Administrative Order SC-96 in Attachment "C" of this report, to close those portions of Wildwood Avenue shown as Parcel "B" and Parcel "C" on Attachment "A".

BACKGROUND

In March 1992, the City of Halifax acquired Lot 29 (now part of PID 40214702) for the purposes of extending Osborne Street to Dunbrack Street. The Osborne Street extension was subsequently constructed; however, staff can find no record of Lot 29 being officially accepted as a street by Halifax City Council. The recommendation to accept Parcel RL-1 for street purposes is a housekeeping matter to rectify this.

In June 2017, HRM staff received a request from the owners of 28 Sunset Avenue to acquire portions of the Osborne Street and Wildwood Avenue rights-of-way abutting their property, which are shown as Parcels A and B on Attachment "A". These parcels were subject to technical review and declared surplus to municipal requirements and categorized as "Extraordinary" by Regional Council as part of Administrative Order 50 Package 07.19 on August 13, 2019.

Subsequent to the declaration of Parcels A and B as surplus to municipal requirements, the owners of 22 Sunset Avenue reached out to staff seeking to acquire Parcel "C" for consolidation with their property.

DISCUSSION

Parcels A, B, and C are sought by the abutting owners to consolidate with their properties.

The purpose of this report is to close the portions of the street rights-of-way identified as Parcels A, B, and C, on attachment "A" under Administrative Orders SC-95 and SC-96.

As Parcels A, B, and C are parts of street rights-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.

Pursuant to section 325 (2)(a) of the Charter, the engineer has determined that if the streets are altered by the closures of Parcels A, B and C, the parts of the streets that remain open would be open to vehicular and pedestrian traffic and meets all the municipal standards. The parts of the street that are proposed to be closed have been determined by the engineer to be surplus. The portion of the streets that are being considered for closure are valued at less than fifty thousand dollars (\$50,000), therefore, a public hearing is not required.

The conveyance of the parcels is subject to a separate approval report pursuant to Administrative Order 2018-004 Respecting Real Property Transactions.

FINANCIAL IMPLICATIONS

The net proceeds from the sales shall be credited to the Capital Fund Reserve, Q526. The Financial Implications associated with the proposed sales of these properties will be more fully described in Private and Confidential Information Reports approving the sales of the properties, 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 Parcel

C with the Extraordinary categorization. A public hearing is not required to close these portions of Osborne Street and Wildwood Avenue, as the closures meet Section 325(2) of the Charter.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications identified within this report.

ALTERNATIVES

1. Halifax Regional Council could elect **not** to declare Parcel C as surplus to municipal requirements and direct staff to retain the property. This is not recommended as there is no identified operational use for the property.
2. Halifax Regional Council could elect **not** to close these portions of the Osborne Street and Wildwood Avenue rights-of-way. This is not recommended as the properties are not required for street purposes.

ATTACHMENTS

Attachment "A" – Plan of Survey Showing Parcels A, B, and C

Attachment "B" – Administrative Order SC-95

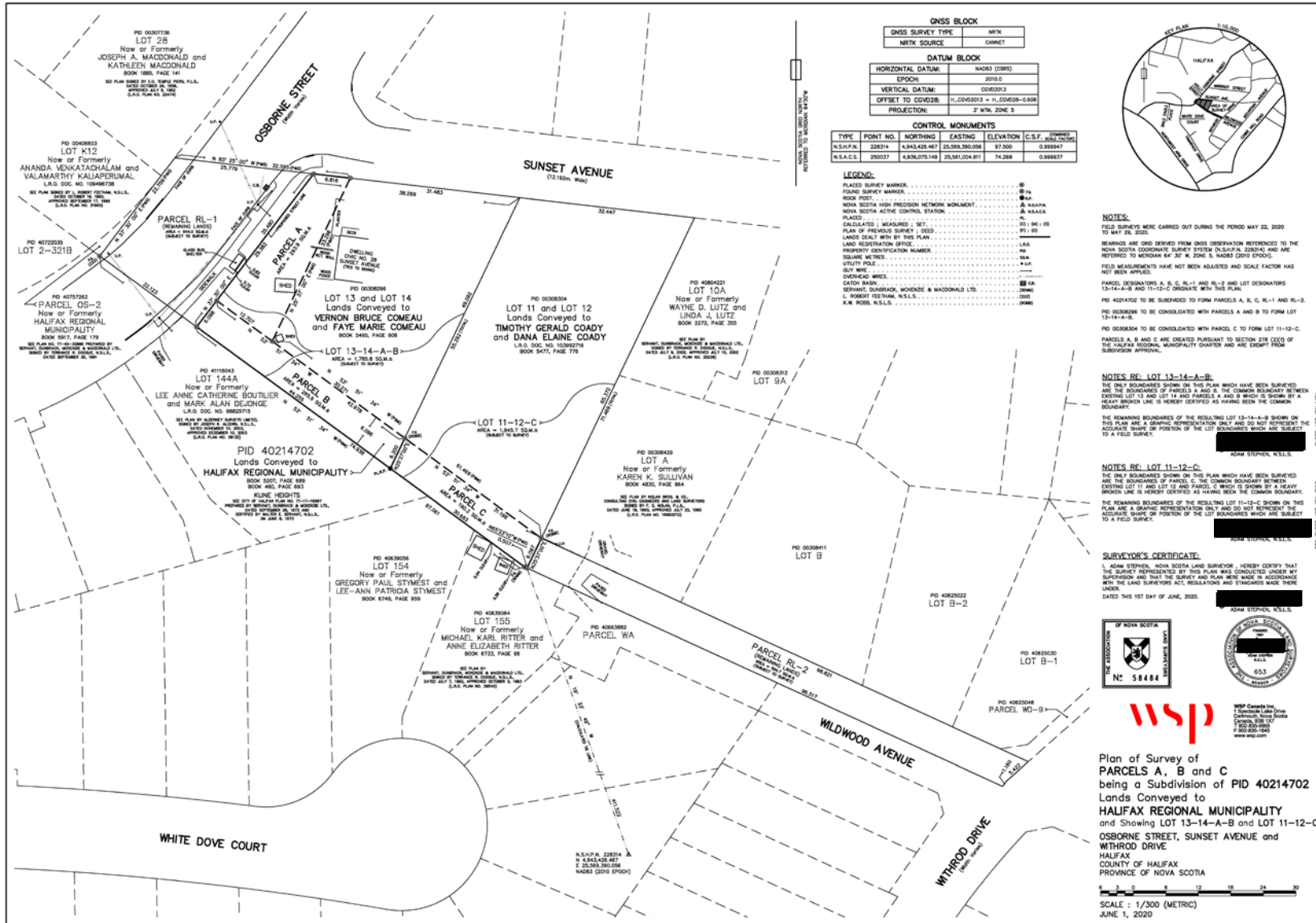
Attachment "C" – Administrative Order SC-96

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: Colin Walsh, A/Project Manager, Corporate Real Estate
Finance, Asset Management, and ICT 902.579.2824

HALIFAX

ATTACHMENT 'A' PLAN OF SURVEY SHOWING PARCELS A, B, AND C



GNSS BLOCK	
GNSS SURVEY TYPE	NETX
NETX SOURCE	CARNET

DATUM BLOCK	
HORIZONTAL DATUM:	NAD83 (CSRS)
EPOCH:	2010.0
VERTICAL DATUM:	CGVD2013
OFFSET TO CGVD2013:	+1.020203 = H.020203+0.000
PROJECTION:	2 WTM ZONE 5

CONTROL MONUMENTS					
TYPE	POINT NO.	NORTHING	EASTING	ELEVATION	C.S.F. (UNWEIGHTED)
N.S.H.P.A.	228214	4,843,428.487	25,569,390.058	87.500	0.99947
N.S.A.C.L.	250037	4,838,075.149	25,581,024.811	74.280	0.99937

- LEGEND:**
- PLACED SURVEY MARKER: ○
 - FOUND SURVEY MARKER: ●
 - ROCK POST: ●
 - NOVA SCOTIA HIGH PRECISION NETWORK MONUMENT: ●
 - NOVA SCOTIA ACTIVE CONTROL STATION: ●
 - PLACED: ○
 - CALCULATED / MEASURED / SET: ○
 - PLAN OF PREVIOUS SURVEY / USED: ○
 - LANDS DEALT WITH BY THIS PLAN: ○
 - LAND REGISTRATION OFFICE: ○
 - PROPERTY IDENTIFICATION NUMBER: ○
 - SQUARE METRES: ○
 - UTILITY POLE: ○
 - OUT WIRE: ○
 - CONCRETE MILES: ○
 - CATCH BASIN: ○
 - SEWER, DRAINAGE, WOODPILE & WAGONLOAD LTD.: ○
 - L. BOUNDARY TESTIMONIAL: ○
 - N.S. ROBE, N.S.L.S.: ○



NOTES:

FIELD SURVEYS WERE CARRIED OUT DURING THE PERIOD MAY 22, 2020 TO MAY 26, 2020.

BEARINGS ARE SHOWN DERIVED FROM GNSS OBSERVATION REFERENCED TO THE NOVA SCOTIA COORDINATE SURVEY SYSTEM (N.S.H.P.A. 228214) AND ARE REFERRED TO HEREIN BY "Z" & "E" ZONE 5, NAD83 (DATE SPECIFIED).

FIELD MEASUREMENTS HAVE NOT BEEN ADJUSTED AND SCALE FACTOR HAS NOT BEEN APPLIED.

PARCEL DESIGNATIONS A, B, C, RL-1 AND LOT DESIGNATIONS 13-14-A-B AND 11-12-C COINCIDE WITH THIS PLAN.

FIELD MEASUREMENTS HAVE NOT BEEN ADJUSTED AND SCALE FACTOR HAS NOT BEEN APPLIED.

PARCEL DESIGNATIONS A, B, C, RL-1 AND LOT DESIGNATIONS 13-14-A-B AND 11-12-C COINCIDE WITH THIS PLAN.

PARCEL DESIGNATIONS A, B, C, RL-1 AND LOT DESIGNATIONS 13-14-A-B AND 11-12-C COINCIDE WITH THIS PLAN.

PARCEL DESIGNATIONS A, B, C, RL-1 AND LOT DESIGNATIONS 13-14-A-B AND 11-12-C COINCIDE WITH THIS PLAN.

NOTES RE: LOT 13-14-A-B:

THE ONLY BOUNDARIES SHOWN ON THIS PLAN WHICH HAVE BEEN SURVEYED ARE THE BOUNDARIES OF PARCELS A AND B. THE COMMON BOUNDARY BETWEEN EXTENDING LOT 13 AND LOT 14 AND PARCELS A AND B WHICH IS SHOWN BY A HEAVY BROKEN LINE IS HEREBY CERTIFIED AS HAVING BEEN THE COMMON BOUNDARY.

THE REMAINING BOUNDARIES OF THE RESULTING LOT 13-14-A-B SHOWN ON THIS PLAN ARE A GRAPHIC REPRESENTATION ONLY AND DO NOT REPRESENT AN ACCURATE SHOWN OR POSITION OF THE LOT BOUNDARIES WHICH ARE SUBJECT TO A FIELD SURVEY.

NOTES RE: LOT 11-12-C:

THE ONLY BOUNDARIES SHOWN ON THIS PLAN WHICH HAVE BEEN SURVEYED ARE THE BOUNDARIES OF PARCEL C. THE COMMON BOUNDARY BETWEEN EXTENDING LOT 11 AND LOT 12 AND PARCEL C WHICH IS SHOWN BY A HEAVY BROKEN LINE IS HEREBY CERTIFIED AS HAVING BEEN THE COMMON BOUNDARY.

THE REMAINING BOUNDARIES OF THE RESULTING LOT 11-12-C SHOWN ON THIS PLAN ARE A GRAPHIC REPRESENTATION ONLY AND DO NOT REPRESENT AN ACCURATE SHOWN OR POSITION OF THE LOT BOUNDARIES WHICH ARE SUBJECT TO A FIELD SURVEY.

SURVEYOR'S CERTIFICATE:

I, ADAM STEPHEN, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAN WAS CONDUCTED UNDER MY SUPERVISION AND THAT THE SURVEY PLAN WERE MADE IN ACCORDANCE WITH THE LAND SURVEYORS ACT, REGULATIONS AND STANDARDS MADE THERE UNDER, DATED THIS 1ST DAY OF JUNE, 2020.



wsp

Plan of Survey of
PARCELS A, B and C
being a Subdivision of PID 40214702
Lands Conveyed to
HALIFAX REGIONAL MUNICIPALITY
and Showing LOT 13-14-A-B and LOT 11-12-C
OSBORNE STREET, SUNSET AVENUE and
WITHROD DRIVE
HALIFAX
COUNTY OF HALIFAX
PROVINCE OF NOVA SCOTIA

SCALE: 1/300 (METRIC)
JUNE 1, 2020



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

ATTACHMENT 'B' – ADMINISTRATIVE ORDER NO. SC-95

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER #SC-95

RESPECTING CLOSURE OF A PORTION OF

OSBORNE STREET, 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 Osborne Street, Halifax, Nova Scotia more particularly shown as Parcel A on the Attachment is hereby closed.

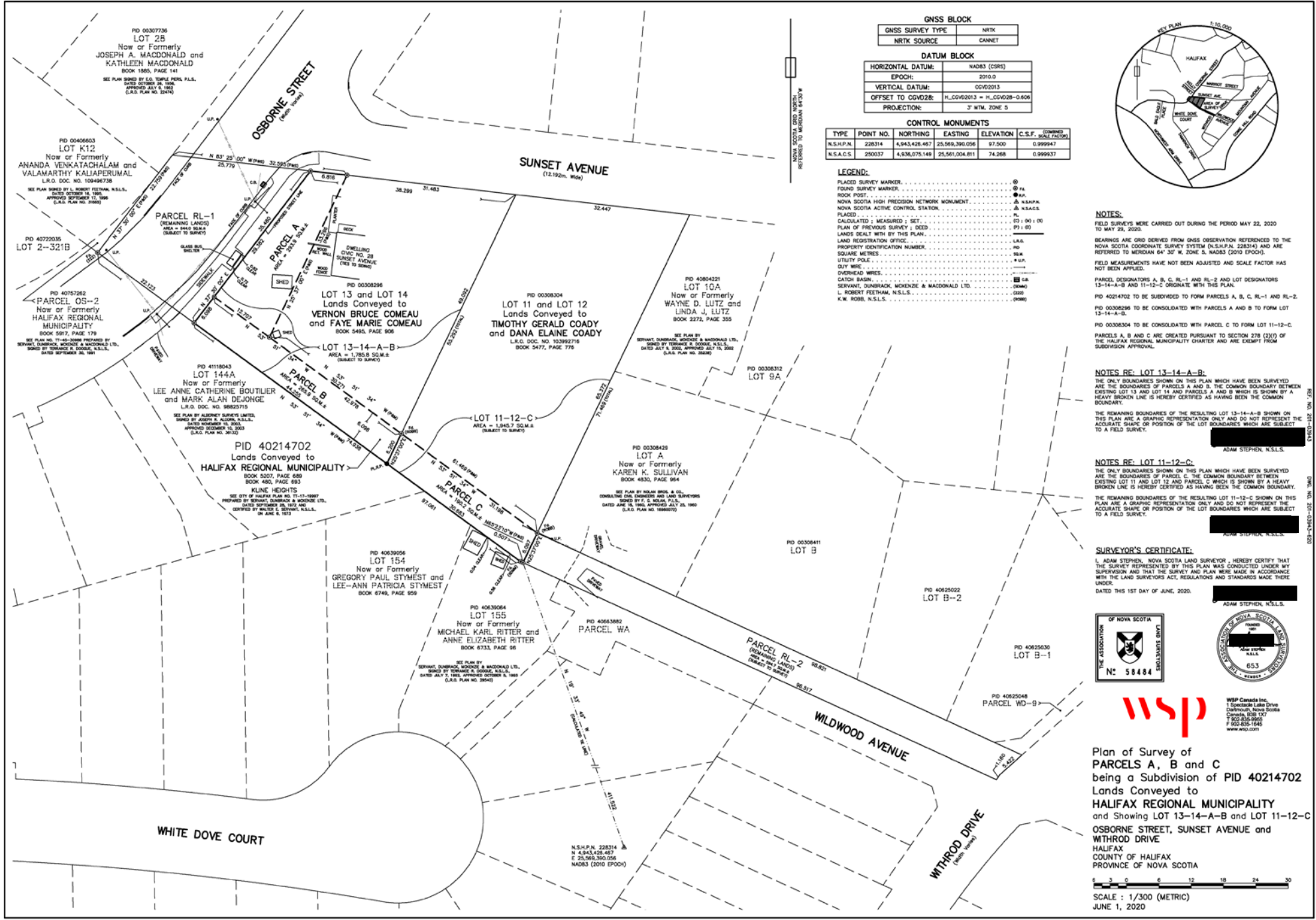
I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council, the 15th day of September, 2020.

Mayor

Municipal Clerk

I, _____, 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 September 15th, 2020.

_____, Municipal Clerk



GNSS BLOCK

GNSS SURVEY TYPE	NRTK
NRTK SOURCE	CANNET

DATUM BLOCK

HORIZONTAL DATUM:	NAD83 (CSRS)
EPOCH:	2010.0
VERTICAL DATUM:	CGVD2013
OFFSET TO CGVD2:	H_CGVD2013 = H_CGVD08-0.806
PROJECTION:	3° WTM, ZONE 5

CONTROL MONUMENTS

TYPE	POINT NO.	NORTHING	EASTING	ELEVATION	C.S.F.	(CORRECTED SCALE FACTOR)
N.S.H.P.N.	228314	4,943,428.467	25,569,390.056	97.500	0.999947	
N.S.A.C.S.	250037	4,830,075.148	25,561,004.811	74.268	0.999937	

- LEGEND:**
- PLACED SURVEY MARKER ○
 - FOUND SURVEY MARKER ○ FL
 - ROCK POST ○ RP
 - NOVA SCOTIA HIGH PRECISION NETWORK MONUMENT ○ NSHPN
 - NOVA SCOTIA ACTIVE CONTROL STATION ○ NSACS
 - PLACED ○
 - CALCULATED / MEASURED / SET (D) (M) (S)
 - PLAN OF PREVIOUS SURVEY / DEED (P) (D)
 - LANDS DEALT WITH BY THIS PLAN (L)
 - LAND REGISTRATION OFFICE L.R.O.
 - PROPERTY IDENTIFICATION NUMBER P.I.N.
 - SQUARE METRES SM
 - UTILITY POLE U.P.
 - OUTY WIRE O.W.
 - CATCH BASIN C.B.
 - OVERHEAD WIRE O.W.
 - SERVANT, DUNBRACK, MOKEWZE & MACDONALD LTD. (S)
 - L. ROBERT FETTHAM, N.S.L.S. (R)
 - K.W. ROBB, N.S.L.S. (R)



NOTES:

FIELD SURVEYS WERE CARRIED OUT DURING THE PERIOD MAY 22, 2020 TO MAY 28, 2020.

BEARINGS ARE GRID DERIVED FROM GNSS OBSERVATION REFERENCED TO THE NOVA SCOTIA COORDINATE SURVEY SYSTEM (N.S.H.P.N. 228314) AND ARE REFERRED TO MERIDIAN 64° 30' W, ZONE 5, NAD83 (2010 EPOCH).

FIELD MEASUREMENTS HAVE NOT BEEN ADJUSTED AND SCALE FACTOR HAS NOT BEEN APPLIED.

PARCEL DESIGNATORS A, B, C, RL-1 AND RL-2 AND LOT DESIGNATORS 13-14-A-B AND 11-12-C ORIGINATE WITH THIS PLAN.

PID 40214702 TO BE SUBDIVIDED TO FORM PARCELS A, B, C, RL-1 AND RL-2.

PID 00308296 TO BE CONSOLIDATED WITH PARCELS A AND B TO FORM LOT 13-14-A-B.

PID 00308304 TO BE CONSOLIDATED WITH PARCEL C TO FORM LOT 11-12-C.

PARCELS A, B AND C ARE CREATED PURSUANT TO SECTION 278 (2)(D) OF THE HALIFAX REGIONAL MUNICIPALITY CHARTER AND ARE EXEMPT FROM SUBDIVISION APPROVAL.

NOTES RE: LOT 13-14-A-B:

THE ONLY BOUNDARIES SHOWN ON THIS PLAN WHICH HAVE BEEN SURVEYED ARE THE BOUNDARIES OF PARCELS A AND B. THE COMMON BOUNDARY BETWEEN EXISTING LOT 13 AND LOT 14 AND PARCELS A AND B WHICH IS SHOWN BY A HEAVY BROKEN LINE IS HEREBY CERTIFIED AS HAVING BEEN THE COMMON BOUNDARY.

THE REMAINING BOUNDARIES OF THE RESULTING LOT 13-14-A-B SHOWN ON THIS PLAN ARE A GRAPHIC REPRESENTATION ONLY AND DO NOT REPRESENT THE ACCURATE SHAPE OR POSITION OF THE LOT BOUNDARIES WHICH ARE SUBJECT TO A FIELD SURVEY.

ADAM STEPHEN, N.S.L.S.

NOTES RE: LOT 11-12-C:

THE ONLY BOUNDARIES SHOWN ON THIS PLAN WHICH HAVE BEEN SURVEYED ARE THE BOUNDARIES OF PARCEL C. THE COMMON BOUNDARY BETWEEN EXISTING LOT 11 AND LOT 12 AND PARCEL C WHICH IS SHOWN BY A HEAVY BROKEN LINE IS HEREBY CERTIFIED AS HAVING BEEN THE COMMON BOUNDARY.

THE REMAINING BOUNDARIES OF THE RESULTING LOT 11-12-C SHOWN ON THIS PLAN ARE A GRAPHIC REPRESENTATION ONLY AND DO NOT REPRESENT THE ACCURATE SHAPE OR POSITION OF THE LOT BOUNDARIES WHICH ARE SUBJECT TO A FIELD SURVEY.

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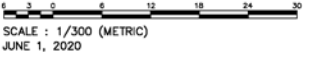
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DATED THIS 1ST DAY OF JUNE, 2020.



Plan of Survey of
PARCELS A, B and C
 being a Subdivision of PID 40214702
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 and Showing LOT 13-14-A-B and LOT 11-12-C
 OSBORNE STREET, SUNSET AVENUE and
 WITHROD DRIVE
 HALIFAX
 COUNTY OF HALIFAX
 PROVINCE OF NOVA SCOTIA





PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

ATTACHMENT 'C' – ADMINISTRATIVE ORDER NO. SC-96

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER #SC-96

RESPECTING CLOSURE OF A PORTION OF

WILDWOOD AVENUE, 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 Wildwood Avenue, Halifax, Nova Scotia more particularly shown as Parcel B and Parcel C on the Attachment is hereby closed.

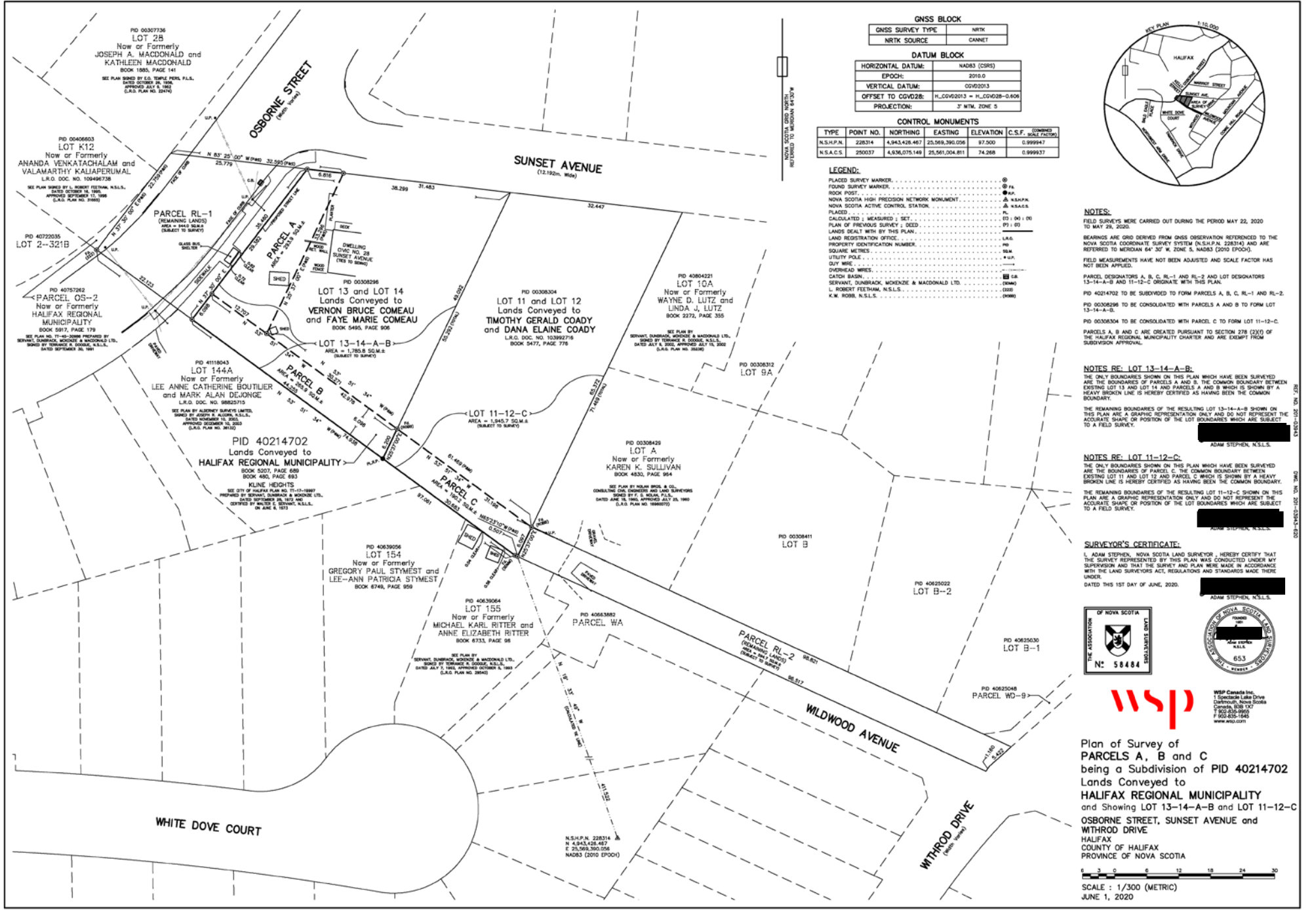
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_____, Municipal Clerk



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NRTK SOURCE	CANNET

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VERTICAL DATUM:	CGVD2013
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 - NOVA SCOTIA HIGH PRECISION NETWORK MONUMENT ○ NSHPN
 - NOVA SCOTIA ACTIVE CONTROL STATION ○ NSACS
 - PLACED ○
 - CALCULATED / MEASURED / SET (D) (M) (S)
 - PLAN OF PREVIOUS SURVEY / DEED (P) (D)
 - LANDS DEALT WITH BY THIS PLAN (L) (D)
 - PROPERTY IDENTIFICATION NUMBER I.A.G.
 - LAND REGISTRATION OFFICE I.R.O.
 - PROPERTY IDENTIFICATION NUMBER I.P.N.
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 - OVERHEAD WIRE O.W.
 - SERVANT, DUNBRACK, MOKEWIZ & MACDONALD LTD. (D) (M) (S)
 - L. ROBERT FETTHAM, N.S.L.S. (D) (M) (S)
 - K.W. ROSE, N.S.L.S. (D) (M) (S)



NOTES:

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LOT 40214702 TO BE SUBDIVIDED TO FORM PARCELS A, B, C, RL-1 AND RL-2.

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PID 00308304 TO BE CONSOLIDATED WITH PARCEL C TO FORM LOT 11-12-C.

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NOTES RE: LOT 13-14-A-B:

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NOTES RE: LOT 11-12-C:

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DATED THIS 1ST DAY OF JUNE, 2020.

ADAM STEPHEN, N.S.L.S.

WSP Canada Inc.
 1000 University Drive
 Dartmouth, Nova Scotia
 Canada B3B 1X7
 T 902-338-9950
 F 902-338-1640
 www.wsp.com

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