

# HALIFAX

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**Item No. 11.1.11**  
**Halifax Regional Council**  
**September 1, 2020**

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

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

**DATE:** June 29, 2020

**SUBJECT:** Declaration of Surplus Status – Dickson Street Laneway

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## **ORIGIN**

This report originates with a request from the abutting property owner to acquire HRM property.

## **LEGISLATIVE AUTHORITY**

Halifax Regional Municipality Charter, S.N.S. 2008. c. 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 64 Sale to abutting owner – "Where the Municipality holds land that is of insufficient size or dimensions to be capable of any reasonable use, in the opinion of the Council, all or part of the land may be sold to the owner of any lot abutting that land and may be consolidated with such lot and, notwithstanding Section 63, the sale price of the land so sold may be set by the Council at a price that is less than market value at the time of the sale. 2008, c. 39, s. 64".

Administrative Order Number 50 Respecting the Disposal of Surplus Real Property

### **Remnant**

2(d) Properties which are remaining or subdivided lands which:

- (i) by nature of their size or dimensions have limited or no reasonable use;
- (ii) but which may have utility for abutting property owners and can be disposed under s. 64 of the HRM Charter allowing Council to set a price that is less than market value.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council declare the parcel of land shown as 'Parcel A' on Attachment 'B', surplus to municipal requirements and categorize it as 'Remnant, as per Administrative Order 50.

## **BACKGROUND**

The subject property is comprised of a 12-foot-wide by 280 foot long parcel totaling 3360 square feet in area. It is positioned at the rear of lots fronting on Faulkner Street and Lyle Street, Dartmouth and has 12 feet of frontage on Dickson Street and Williams Street (Attachment 'A'). A 1951 plan of survey shows the parcel once acted as a laneway.

The parcel is indistinguishable from the surrounding lots, which the majority have been vacant for several decades, and have a generally flat grade, grass and natural vegetative growth.

While undertaking title work in advance of a large-scale residential development, the abutter (who has title to ten of the eleven abutting lots and many others on the abutting block) discovered that the lands did not have clear title in their name. A 1938 certificate of lien to the former City of Dartmouth appears to vest title in the municipality. The subject parcel has been subsequently conveyed (albeit through quit claim deed) along with the surrounding lands many times in the ensuing years. This could be an issue when the title is migrated by the Municipality prior to sale.

## **DISCUSSION**

The abutter of the majority of the adjacent lots is preparing a large-scale residential development, comprising of several multiple story multi-unit residential dwellings. While undertaking a title review of the lots, it was discovered that although the title for this strip of land appeared to describe the said abutter as the owner, however there was a certificate of lien registered by the former City of Dartmouth under the Lien Law in effect in 1938-

The property has been reviewed by Technical and Steering Committees for surplus status and they have recommended a surplus designation with 'Remnant' categorization. The review included a statement from Parks and Recreation as well as Transportation and Public Works that the parcel is not required for parkland purposes and will not impact operations of the abutting street network.

If approved as surplus, the conveyance of the parcel will 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 this report at this time. The market value and recommended terms and conditions of the sale of the surplus parcel will be the subject of a separate approval report with the appropriate delegated authority. The 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 property with the Remnant categorization.

**ENVIRONMENTAL IMPLICATIONS**

Implications not identified.

**ALTERNATIVES**

Halifax Regional Council could choose to not declare the subject parcels as surplus under Administrative Order Number 50 and retain ownership. This is not recommended as it is not required for municipal purposes.

**ATTACHMENTS**

Attachment 'A' – Location Sketch

Attachment 'B' – Site Survey

Attachment 'C' – Proponent's Concept Sketch – Adjacent Lands

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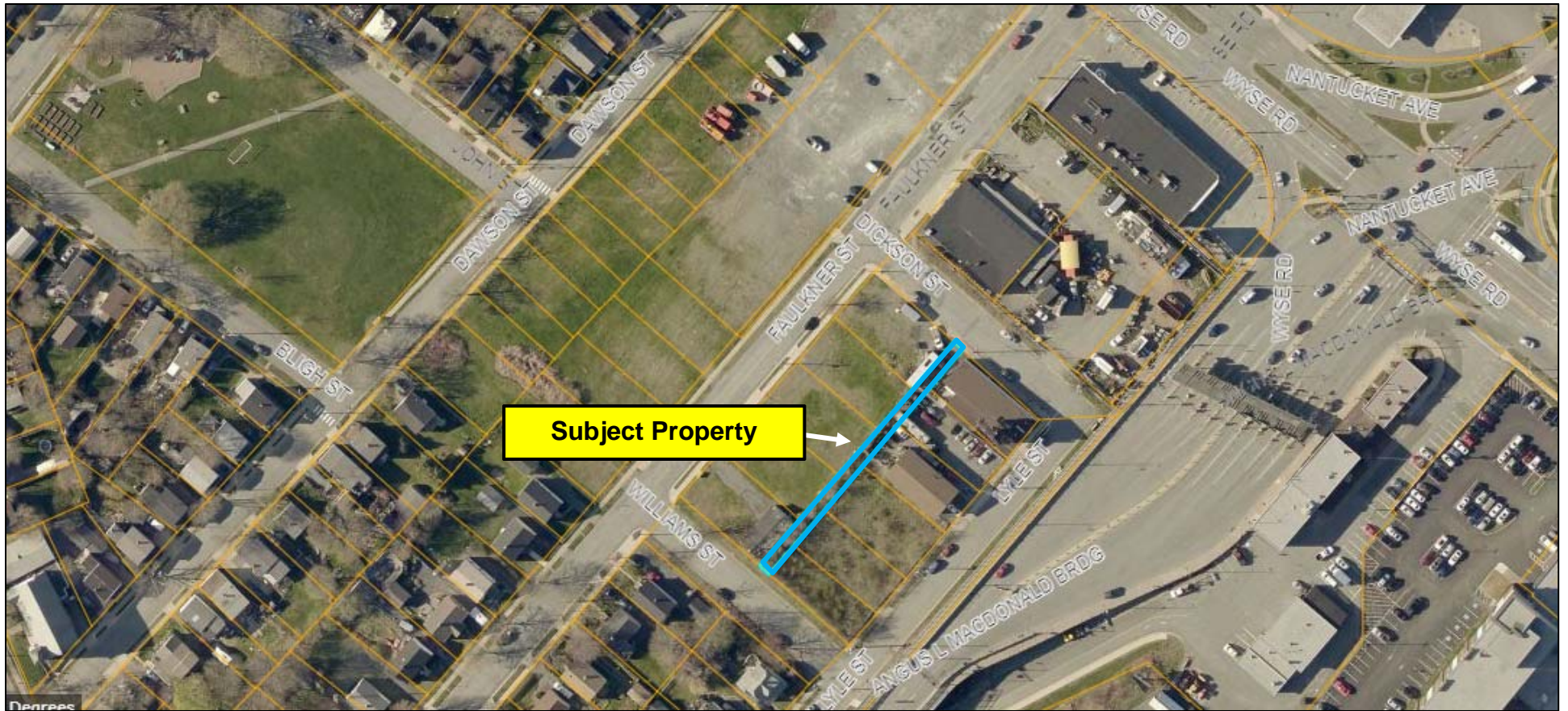
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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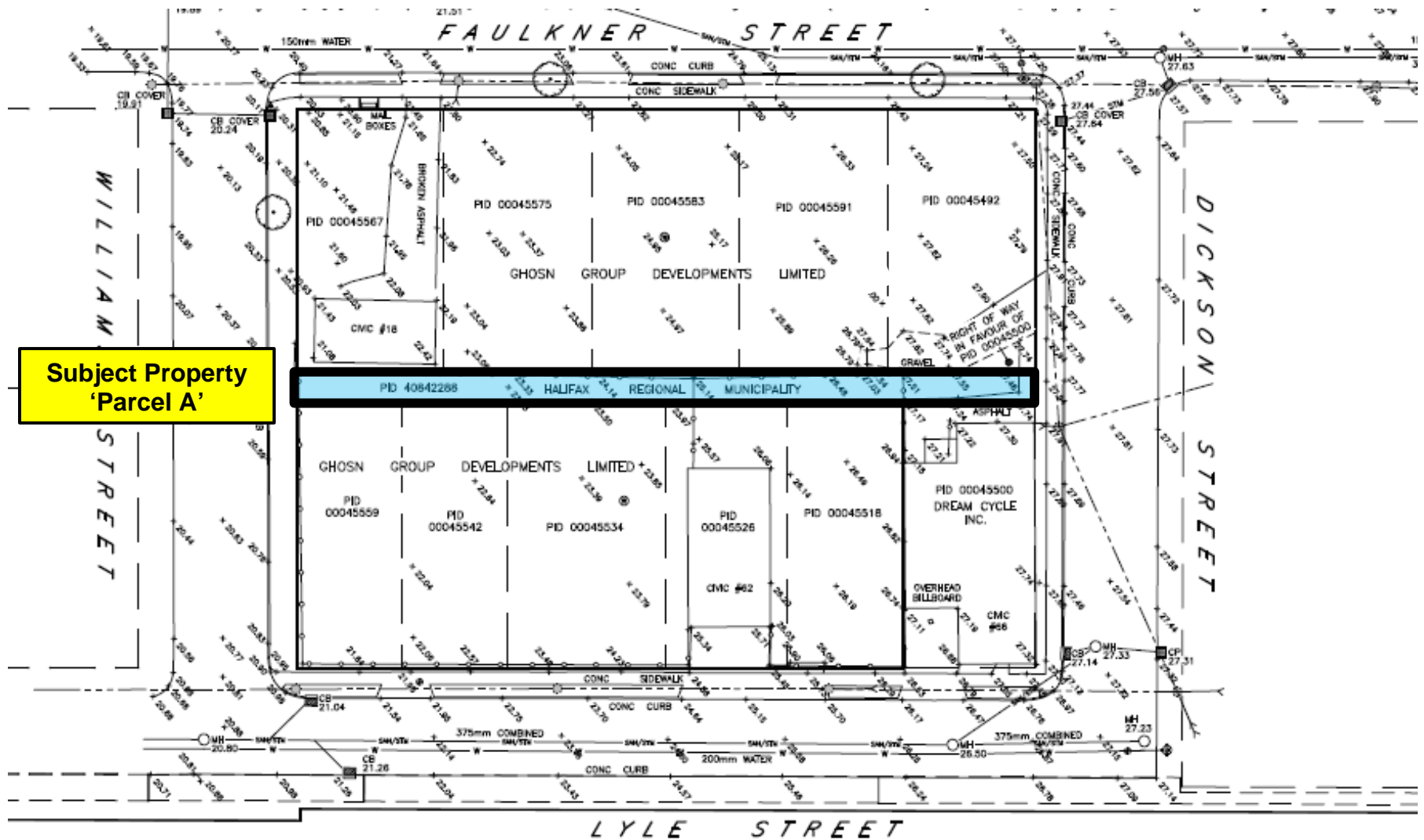
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## ATTACHMENT 'A' – AREA OVERVIEW



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## ATTACHMENT 'B' – SURVEY EXCERPT





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## ATTACHMENT 'C' – CONCEPT IMAGE

