



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

**Item No. 11.1.1**  
**Halifax Regional Council**  
**September 22, 2020**

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

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

**DATE:** July 14, 2020

**SUBJECT:** Street Closure – Parcel A, Portion of Shore Road, Eastern Passage

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**ORIGIN**

This report originates with a request from the owner of 1658 Shore Road, Eastern Passage, to acquire a portion of the Shore Road right-of-way.

**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 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.

**RECOMMENDATION ON PAGE 2**

- (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-ADM Respecting Real Property Transactions.

### **RECOMMENDATION**

It is recommended that Halifax Regional Council approve Administrative Order SC-98 in Attachment “B” of this report, to close that portion of Shore Road shown as Parcel A on Attachment “A”.

### **BACKGROUND**

In 1994, the owners of 1658 Shore Road, Eastern Passage, applied to the former Municipality of the County of Halifax to subdivide a portion of the Shore Road right-of-way in front of their property at 1658 Shore Road (PID 00400655), for the purposes of consolidating it with their property. A plan of subdivision was prepared which created Parcel A, a copy of which is included in Attachment “A” with Parcel A shown outlined in red. The application to subdivide Parcel A from the Shore Road right-of-way was approved by the Municipal Development Officer and Nova Scotia Transportation and Infrastructure Renewal, the former owner of the Shore Road right-of-way.

The plan of subdivision approving the creation of Parcel A for consolidation with 1658 Shore Road was approved and submitted to the Registry of Deeds prior to the proponents finalizing the purchase of Parcel A. After Parcel A was created, the proponents abandoned their acquisition of Parcel A. As a result, Parcel A was severed from the main Shore Road right-of-way but was not formally closed as part of the right-of-way, nor was it consolidated with PID 00400655 as approved by the Development Officer.

Subsequently Her Majesty the Queen in Right of the Province of Nova Scotia represented by the Minister of Transportation and Public Works conveyed Shore Road, Eastern Passage, among many other streets, to the Halifax Regional Municipality by deed dated July 10, 1998 which was recorded in Book 6274 at page 733 on September 4, 1998. 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 February 9, 2018.

Because of the uncertainty of title due to purported subdivision of Parcel A prior to the conveyance of Shore Road to the Municipality, Her Majesty the Queen in Right of the Province of Nova Scotia represented by the Minister of Transportation and Infrastructure Renewal conveyed any interest she had in Parcel A to the

Municipality by a Confirmatory Quit Claim Deed dated April 15, 2020 which was registered as document #116243453 on April 24, 2020.

Parcel A is shown outlined in red on Attachment “A” and measures 995 square feet. Parcel A represents a portion of the Shore Road right-of-way which does not form part of the traveled way.

Pursuant to section 325 (2)(a) of the Charter, the engineer has determined that if the street is altered by the closure of Parcel A, the part of the street that remains open would be open to vehicular and pedestrian traffic and meets all the municipal standards. The part of the street that is proposed to be closed has been determined by the engineer to be surplus. 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.

### **DISCUSSION**

Closing Parcel A as part of the Shore Road right-of-way will allow HRM to convey Parcel A to the owners of 1658 Shore Road and complete the consolidation of Parcel A with 1658 Shore Road as originally approved by the Development Officer.

The purpose of this report is to close the portion of street right-of-way identified as Parcel A on Attachment “A” under Administrative Order SC-98. The conveyance of the parcel is subject to a separate Private and Confidential Recommendation Report pursuant to the *Real Property Transaction Policy ADM 2018-004*.

### **FINANCIAL IMPLICATIONS**

There are no financial implications directly associated with the recommendation in this report.

The financial implications associated with the proposed sale will be more fully described in a separate Private and Confidential Recommendation Report, in accordance with the appropriate delegated authority per the *Real Property Transaction Policy ADM 2018-004*. The net proceeds shall be credited to Capital Fund Reserve 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 hearing is not required to close this portion of Shore Road, 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 choose to **not** close this portion of the Shore Road 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-98

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

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PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

# ATTACHMENT 'B' – ADMINISTRATIVE ORDER NO. SC-98

**HALIFAX REGIONAL MUNICIPALITY**

**ADMINISTRATIVE ORDER NUMBER #SC-98**

**RESPECTING CLOSURE OF A PORTION OF**  
**SHORE ROAD, EASTERN PASSAGE**

**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 Shore Road, Eastern Passage, 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 22<sup>nd</sup> 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 22<sup>nd</sup>, 2020.

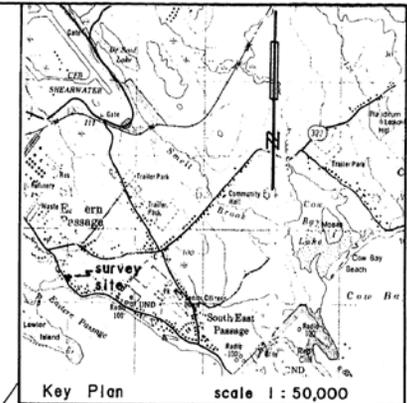
\_\_\_\_\_  
\_\_\_\_\_, Municipal Clerk

3° M.T.M. Grid North, Zone 5  
Central Meridian 64°30' West

Block BF-X  
lands of  
A. F. Faulkner & A. Faulkner  
Book 4052 Page 802

Table of Coordinate Values: 1979 adjustment

N.S.C.M.	Northing (ft)	Easting (ft)
4366	16 213 269. 27	18 311 155. 49
4408	16 212 427. 15	18 310 629. 50



Notes:

All bearings are referenced to the Three Degree Modified Transverse Mercator Grid North, Zone 5, Central Meridian 64°30' West Longitude, and are derived from Nova Scotia Coordinate Monuments numbers 4366 and 4408.

Field measurements have been adjusted by the "compass rule", and scale factor has not been applied.

This survey was carried out during the period of time from September 23rd to September 30th, 1994.

Plan References:

- \*1 Plan of survey showing lands of Daniel Tobin and Caroline Tobin, dated November 7, 1989, by K. W. Robb, N.S.L.S.

Symbol Legend:

- fd ..... found
- ⊙ S.M. .... survey marker
- △ N.S.C.M. .... Nova Scotia Coordinate Monument
- A, R ..... arc, radius
- P.C. .... point of curvature
- P.I.D. No. .... Property Identification Number
- ..... perimeter of subject lands

Halifax County Municipality

THIS FINAL PLAN OF SUBDIVISION IS APPROVED FOR

LOT(S) Parcel "A" as addition to Lot T to form Lot TA

DATE: NOV 04 1994

Endorsed by Development Officer  
KELLY DENTY

IMPORTANT NOTICE

HALIFAX COUNTY MUNICIPALITY OFFERS NO GUARANTEE THAT BUILDING OR DEVELOPMENT PERMITS WILL BE ISSUED ON ANY OF ALL LOTS APPROVED ON THIS ENDORSED SUBDIVISION PLAN.

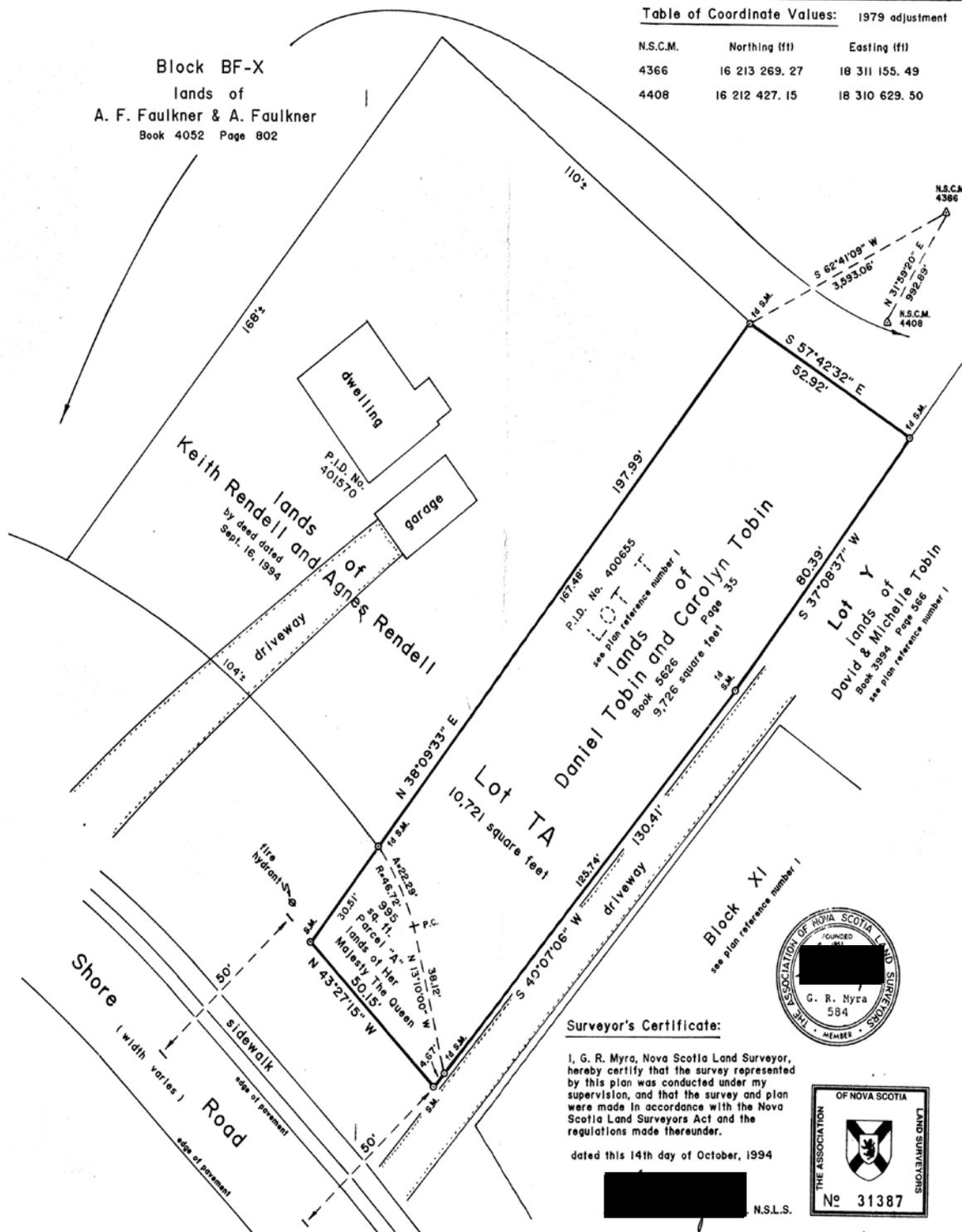
NOTICE: "In the interest of water quality preservation, it is advised that there is a legal requirement under the Nova Scotia Water Act to obtain a water rights permit from the Department of Environment prior to commencing any work in or around the immediate vicinity of any watercourse, including the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, whether it contains water or not."

CENTRAL SERVICES

LOT(S) TA ARE SERVICED WITH MUNICIPAL WATER & SEWER.

SERVICE LATERALS FROM THE MAINS TO THE BUILDING SHALL BE THE RESPONSIBILITY OF THE OWNER.

PUBLIC STREETS OR HIGHWAYS THE FOLLOWING STREETS AND HIGHWAYS ARE OWNED AND MAINTAINED BY THE NOVA SCOTIA DEPARTMENT OF TRANSPORTATION:  
Southeast Passage Road (Shore Road)



Plan of survey of Lot TA

a subdivision of lands of Her Majesty The Queen and of lands of Daniel Tobin and Carolyn Tobin

at Shore Road Eastern Passage Halifax County Nova Scotia

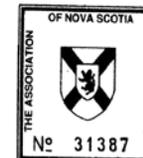
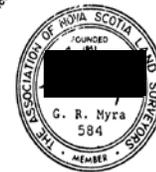
scale: 1 inch to 20 feet  
date: October 14, 1994

G. R. Myra Land Surveying Limited File No. 2206

Surveyor's Certificate:

I, G. R. Myra, Nova Scotia Land Surveyor, hereby certify that the survey represented by this plan was conducted under my supervision, and that the survey and plan were made in accordance with the Nova Scotia Land Surveyors Act and the regulations made thereunder.

dated this 14th day of October, 1994



N.S.L.S.

47561  
ENTERED AND FILED: 2:26 P.M.  
Nov 9 A.D. 1994  
CLASS 28  
Deputy