



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

**Item No. 15.1.10**  
**Halifax Regional Council**  
**August 22, 2023**

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

**SUBMITTED BY:** Original Signed

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Cathie O'Toole, Chief Administrative Officer

**DATE:** June 19, 2023

**SUBJECT:** Parcel XA, Closure of a Portion of Parkstone Road, Dartmouth

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**ORIGIN**

This report originates with the request from the abutting property owner, to purchase a portion of surplus Parkstone Road right-of-way, shown as Parcel XA, 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, become 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
- (b) The part of the street that is closed
  - (i) Is determined by the engineer to be surplus, and

**LEGISLATIVE AUTHORITY CONTINUED & RECOMMENDATION ON PAGE 2**

(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.

The report complies with Administrative Order Number ADM-2018-004 Respecting Real Property Transactions.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Designate Parcel X as set out in Attachment "C" of this report, as Parkstone Road street right-of-way; and
2. Approve Administrative Order SC-101 as set out in Attachment "B" of this report, to close the surplus portion of Parkstone Road street right-of-way shown as Parcel XA.
3. Designate Parcel X-R as set out in Attachment "A" of this report, as Parkstone Road street right-of-way.

## **BACKGROUND**

In August 1979, the City of Dartmouth acquired Parcel X (PID 00090316), a 441.7 square metre (4,754 square feet) parcel, for the purposes of widening Parkstone Road at the intersection of Windmill Road. Staff can find no record of Parcel X being officially accepted as a street by City of Dartmouth Council. The recommendation to accept Parcel X for street purposes is a housekeeping matter to rectify this.

Parcel X was subject to technical review and declared surplus to municipal requirements and categorized as "Ordinary" by Regional Council as part of Administrative Order 50 Package 01.13 on April 9, 2013.

Public Works recently confirmed that there is no present or strategic need for Parcel XA. The remaining portion of Parcel X (Parcel X-R) will be retained for public street purposes.

In October 2021, HRM staff received a request from the owner of 352 and 354 Windmill Road, Dartmouth, to acquire an abutting portion of the Parkstone Road street right-of-way for consolidation with their property.

The area of land sought for acquisition by the proponent is designated as Parcel XA on Attachment "A" and measures 158.2 square metres (1,703 square feet).

### **DISCUSSION**

As Parcel X was acquired for street right-of-way purposes, 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. An appraisal confirms the portion of the street that is being considered for closure is valued at less than fifty thousand dollars (\$50,000). The part of the street that will remain open is open to vehicular and pedestrian traffic and meets all the municipal standards, therefore, a public hearing is not required.

The purpose of this report is to recommend the closure of the portion of street right-of-way identified as Parcel XA on Attachment "A" under Administrative Orders SC-101. For clarity, it is recommended that the remainder of Parcel X, being Parcel X-R, be accepted as Parkstone Road street right-of-way.

If Council approves the recommendations contained in this report the conveyance of Parcel XA will be subject to a separate approval report pursuant to Administrative Order 2018-004 Respecting Real Property Transactions.

### **FINANCIAL IMPLICATIONS**

There are no financial implications directly associated with the recommendation. The future financial implications associated with the proposed sale will be the subject of a separate report as outlined above.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in this Report. The risks considered rate low.

### **COMMUNITY ENGAGEMENT**

The property was declared surplus by Regional Council as per Administrative Order 50. A public hearing is not required to close this portion of Parkstone Road, as the closure meets Section 325(2) of the 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 Parkstone Road right-of-way. This is not recommended as Parcel XA has been declared surplus and is not required for street purposes.

### **ATTACHMENTS**

- Attachment A – Plan of Survey showing Parcels XA and X-R
- Attachment A-2 – Site Plan
- Attachment B – Administrative Order SC-101
- Attachment C – Plan of Survey of Parcel X

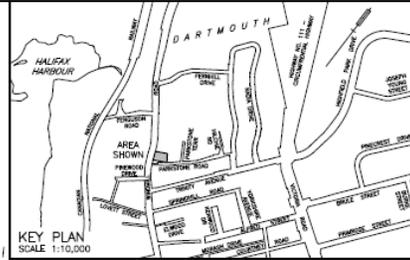
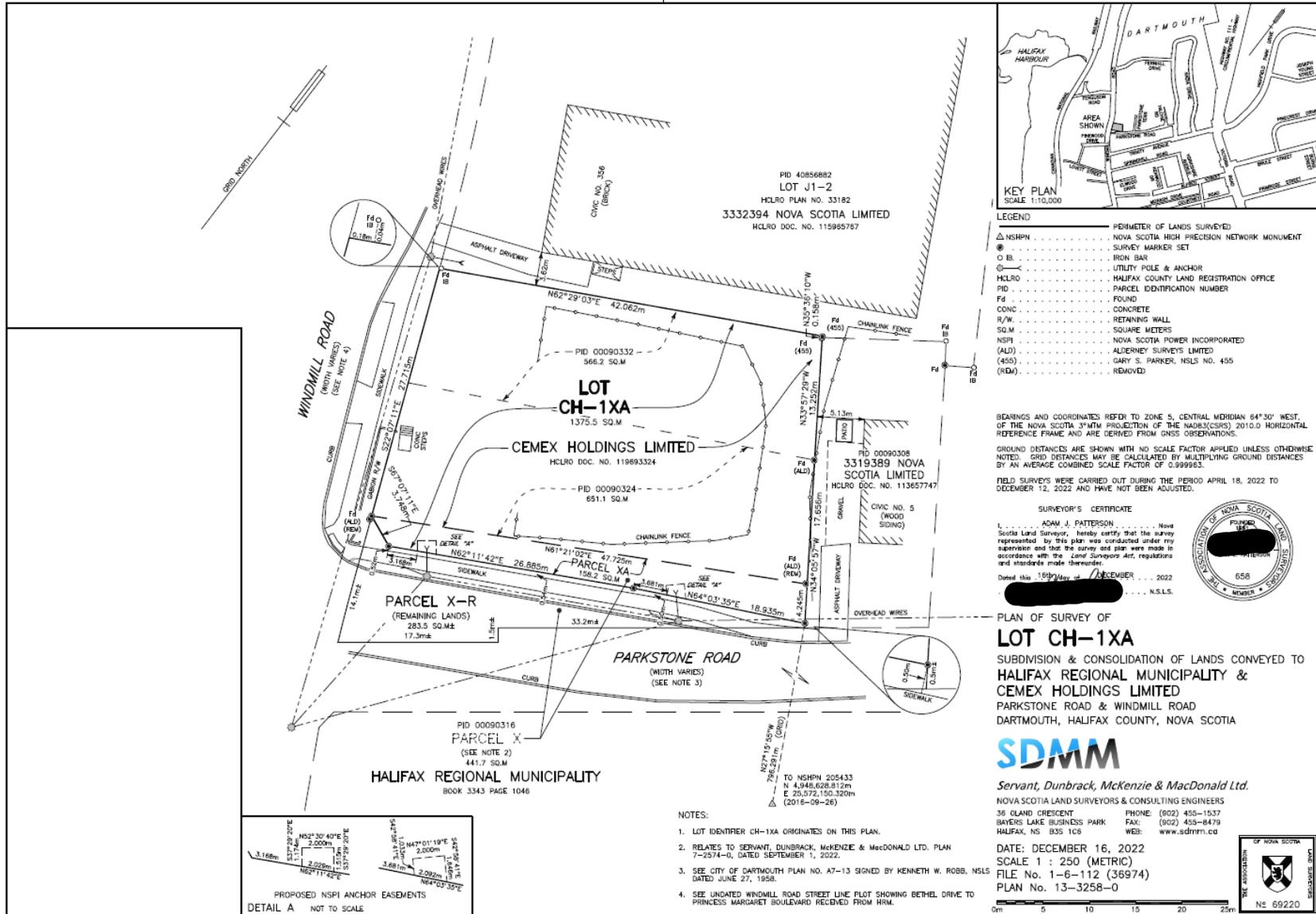
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by:      Cale Kilyanek, Real Estate Officer, Corporate Real Estate,  
Property, Fleet & Environment 782-640-7043

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# HALIFAX

## ATTACHMENT 'A' PLAN OF SURVEY OF LOT CH-1XA



**LEGEND**

△ NSRPN	PERIMETER OF LANDS SURVEYED
○ NS	NOVA SCOTIA HIGH PRECISION NETWORK MONUMENT
○ B	SURVEY MARKER SET
○ R/S	IRON BAR
○ U	UTILITY POLE & ANCHOR
HCLRO	HALIFAX COUNTY LAND REGISTRATION OFFICE
PID	PARCEL IDENTIFICATION NUMBER
Fd	FOUND
CONC	CONCRETE
R/W	RETAINING WALL
SQ.M	SQUARE METERS
NSPI	NOVA SCOTIA POWER INCORPORATED
(ALD)	ALDERNEY SURVEYS LIMITED
(455)	GARY S. PARKER, NSLS NO. 455
(RD)	REMOVED

BEARINGS AND COORDINATES REFER TO ZONE 5, CENTRAL MERIDIAN 64°30' WEST, OF THE NOVA SCOTIA 3°MTM PROJECTION OF THE NAD83(CSRS) 2010.0 HORIZONTAL REFERENCE FRAME AND ARE DERIVED FROM GNSS OBSERVATIONS.

GROUND DISTANCES ARE SHOWN WITH NO SCALE FACTOR APPLIED UNLESS OTHERWISE NOTED. GRID DISTANCES MAY BE CALCULATED BY MULTIPLYING GROUND DISTANCES BY AN AVERAGE COMBINED SCALE FACTOR OF 0.999963.

FIELD SURVEYS WERE CARRIED OUT DURING THE PERIOD APRIL 18, 2022 TO DECEMBER 12, 2022 AND HAVE NOT BEEN ADJUSTED.

**SURVEYOR'S CERTIFICATE**

I, **ASAM J. PATTERSON**, 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 Land Surveys Act, regulations and standards made thereunder.

Dated this 15th day of **DECEMBER**, 2022

**ASAM J. PATTERSON**, N.S.L.S.



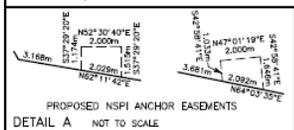
**PLAN OF SURVEY OF  
LOT CH-1XA**

SUBMISSION & CONSOLIDATION OF LANDS CONVEYED TO  
**HALIFAX REGIONAL MUNICIPALITY &  
CEMEX HOLDINGS LIMITED**  
PARKSTONE ROAD & WINDMILL ROAD  
DARTMOUTH, HALIFAX COUNTY, NOVA SCOTIA



**Servant, Dunbrack, McKenzie & MacDonald Ltd.**  
NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS  
36 OLAND CRESCENT PHONE: (902) 455-1537  
BAYERS LAKE BUSINESS PARK FAX: (902) 455-8479  
HALIFAX, NS B3S 1C8 WEB: www.sdmm.ca

DATE: DECEMBER 16, 2022  
SCALE 1 : 250 (METRIC)  
FILE No. 1-6-112 (36974)  
PLAN No. 13-3258-0



- NOTES:**
- LOT IDENTIFIER CH-1XA ORIGINATES ON THIS PLAN.
  - RELATES TO SERVANT, DUNBRACK, MCKENZIE & MACDONALD LTD. PLAN 7-2574-0, DATED SEPTEMBER 1, 2022.
  - SEE CITY OF DARTMOUTH PLAN NO. A7-13 SIGNED BY KENNETH W. ROBB, NSLS DATED JUNE 27, 1958.
  - SEE UNDATED WINDMILL ROAD STREET LINE PLOT SHOWING BETHEL DRIVE TO PRINCESS MARGARET BOULEVARD RECEIVED FROM HRM.

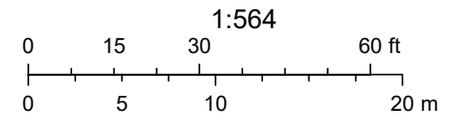
HALIFAX REGIONAL MUNICIPALITY  
BOOK 3343 PAGE 1046

# Attachment A-2 - Site Plan



2023-06-23, 8:57:14 a.m.

- |                                                                                                |                                                                                            |                                                                                                       |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>Lines</b>                                                                                   | <b>Street Labels</b>                                                                       | <b>HRM Owned Land by Classification</b>                                                               |
| Override 1                                                                                     | Civic Addresses                                                                            |  Right-of-Way Land |
|  Override 2 |  Parcel |  Vacant            |
|  Override 3 |                                                                                            |                                                                                                       |



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PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

# ATTACHMENT 'B' – ADMINISTRATIVE ORDER NO. SC-101

## HALIFAX REGIONAL MUNICIPALITY

### ADMINISTRATIVE ORDER NUMBER Admin Order #SC-101

#### RESPECTING CLOSURE OF A PORTION OF

#### PARKSTONE ROAD, DARTMOUTH

**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 Parkstone Road, Dartmouth, Nova Scotia more particularly shown as Parcel XA on the Attachment is hereby closed.

**I HEREBY CERTIFY THAT** the foregoing Administrative Order was duly adopted by Halifax Regional Council, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

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

I, Iain MacLean, 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 \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Iain MacLean, Municipal Clerk



# HALIFAX

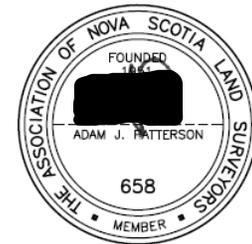
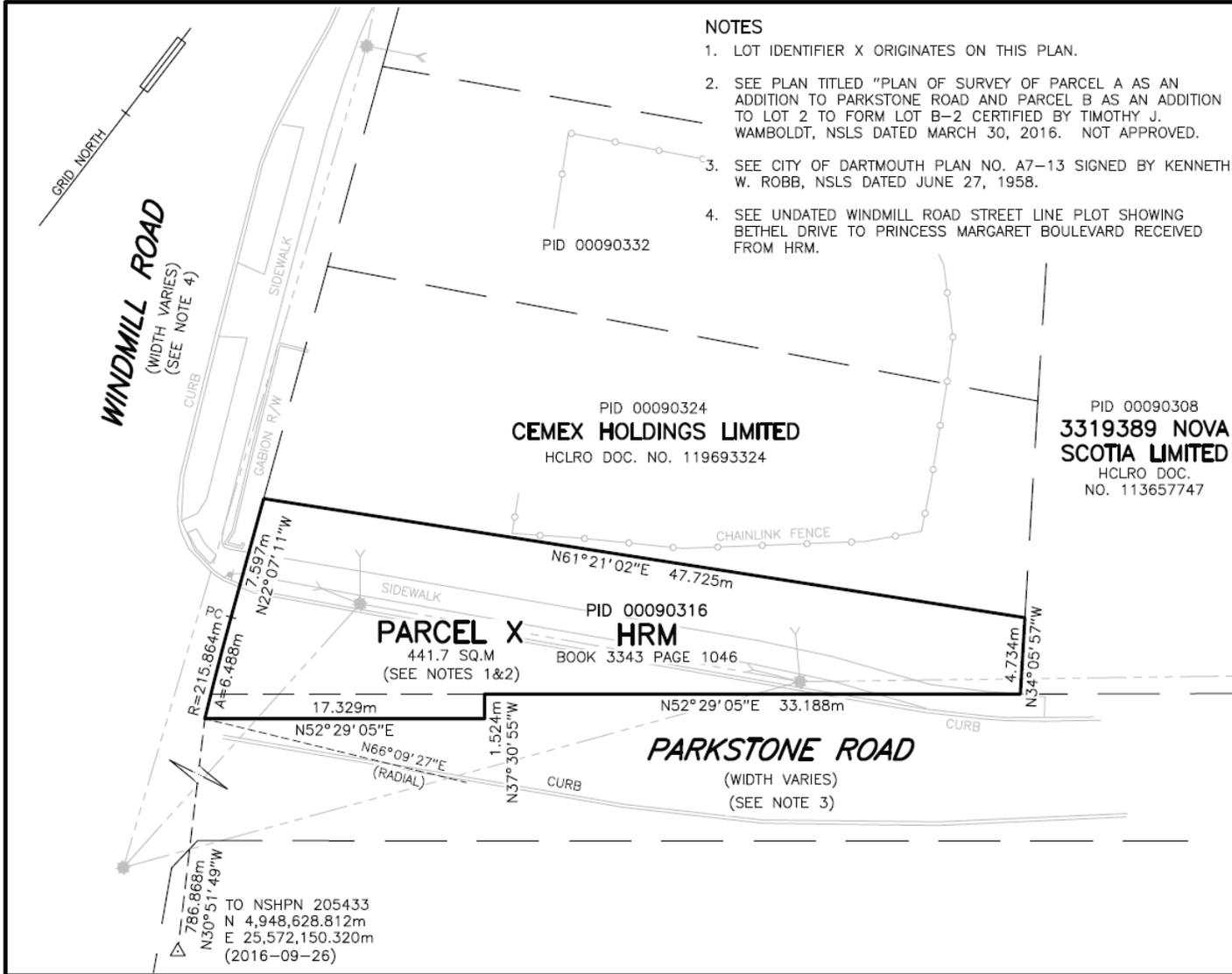
## ATTACHMENT 'C' PLAN OF SURVEY OF PARCEL X

### NOTES

1. LOT IDENTIFIER X ORIGINATES ON THIS PLAN.
2. SEE PLAN TITLED "PLAN OF SURVEY OF PARCEL A AS AN ADDITION TO PARKSTONE ROAD AND PARCEL B AS AN ADDITION TO LOT 2 TO FORM LOT B-2 CERTIFIED BY TIMOTHY J. WAMBOLDT, NSLS DATED MARCH 30, 2016. NOT APPROVED.
3. SEE CITY OF DARTMOUTH PLAN NO. A7-13 SIGNED BY KENNETH W. ROBB, NSLS DATED JUNE 27, 1958.
4. SEE UNDATED WINDMILL ROAD STREET LINE PLOT SHOWING BETHEL DRIVE TO PRINCESS MARGARET BOULEVARD RECEIVED FROM HRM.

### LEGEND

- . UTILITY POLE & ANCHOR
- A, R . . ARC LENGTH, RADIUS
- PC . . POINT OF CURVATURE
- HRM . . HALIFAX REGIONAL MUNICIPALITY
- PID . . PARCEL IDENTIFICATION NUMBER
- HCLRO . HALIFAX COUNTY LAND REGISTRATION OFFICE
- . NOVA SCOTIA HIGH PRECISION NETWORK MONUMENT



PLAN SHOWING  
**PARCEL X**  
LANDS ACQUIRED BY  
**HALIFAX REGIONAL MUNICIPALITY**  
PARKSTONE ROAD & WINDMILL ROAD  
DARTMOUTH, HALIFAX COUNTY, NOVA SCOTIA



*Servant, Dunbrack, McKenzie & MacDonald Ltd.*  
NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS  
36 OLAND CRESCENT  
BAYERS LAKE BUSINESS PARK  
HALIFAX, NS B3S 1C6  
PHONE: (902)455-1537  
FAX: (902)455-8479  
WEB: www.sdmm.ca

SEPTEMBER 1, 2022  
SCALE 1 : 300 (METRIC)  
FILE NO. 1-6-112 (36974)  
PLAN NO. 7-2574-0

TO NSHPN 205433  
N 4,948,628.812m  
E 25,572,150.320m  
(2016-09-26)