



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

**Item No. 12.1**  
**Halifax Regional Council**  
**August 22, 2023**  
**October 17, 2023**

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

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Cathie O'Toole, Chief Administrative Officer

**DATE:** July 24, 2023

**SUBJECT:** **Partial Street Right-of-Way Closure – Windmill Road, Dartmouth**

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**ORIGIN**

This report originates with a request from the abutting property owner to purchase a portion of surplus Windmill Road street right-of-way identified as Parcel B-2B (PID 40380313) Windmill Road for consolidation with their adjacent property.

**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;

Street closure

325 (1) The Council may, by policy, permanently close any street or part of a street and the Council shall hold a public hearing before passing the policy.

- (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.

**LEGISLATIVE AUTHORITY CONTINUED & 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 ADM 2018-004 Respecting Real Property Transactions.*

## **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Set a date for the public hearing to consider closing the portion of former Windmill Road street right-of-way shown in Attachment 'A' as 'Parcel B-2B', save and except a 0.2 meter portion for street purposes, with notice to be published in a newspaper at least 14 days prior to the public hearing for the street closure; and,
2. Subject to the outcome of the public hearing, approve Administrative Order SC-102, as set out in Attachment "B" of this report, to officially close a portion of the surplus Windmill Road Street right-of-way shown as Parcel B-2B.

## **BACKGROUND**

The section of the Windmill Road Street right-of-way shown as Parcel B-2B (PID 40380313) on Attachment "A" was declared surplus to municipal requirements pursuant to Administrative Order 50 (AO50). Traffic and Right of Way Services recommends retaining 0.2 meters of right of way behind the sidewalk for operational purposes.

The owner of the adjacent lands, being PID's 00090738, 00090746, 00090753 and 00090761 (Civic #'s 330-336) Windmill Road, has requested HRM sell Parcel B-2B for consolidation with their adjacent properties for development purposes. Attachment A-2 illustrates Parcel B-2B in relation to the adjacent privately-owned properties.

## **DISCUSSION**

Parcel B-2B Windmill Road shown on Attachment “B” of this report, is not currently improved or used as a street or travelled way. In order to enable the future sale of Parcel B-2B, Council must first approve, pursuant to Administrative Order SC-102, the closure of Parcel B-2B as a part of the official Windmill Road public street right of way.

The Halifax Regional Municipality Charter states that street closures with a value of more than fifty thousand dollars are subject to a public hearing. An appraisal confirms the value of Parcel B-2B (Attachment ‘B’) exceeds \$50,000.

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

The future sale of the Parcel B-2B will be the subject of a separate report, in accordance with the delegated authority pursuant to Administrative Order 2018-004 ADM 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. Any risks considered are low.

### **COMMUNITY ENGAGEMENT**

The property was declared surplus by Regional Council as per Administrative Order 50. In reference to the street right of way closure, a public hearing is required, as per Section 325 of the Halifax Regional Municipality Charter as the value is more than fifty thousand dollars.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications identified with this report.

### **ALTERNATIVES**

Halifax Regional Council could choose to *not* close this part of the Windmill Road public street right-of-way. This is not recommended as it is not currently required for street right-of-way purposes and has been previously approved by Regional Council as surplus to municipal needs.

### **ATTACHMENTS**

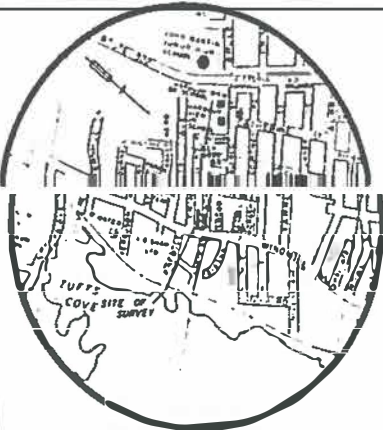
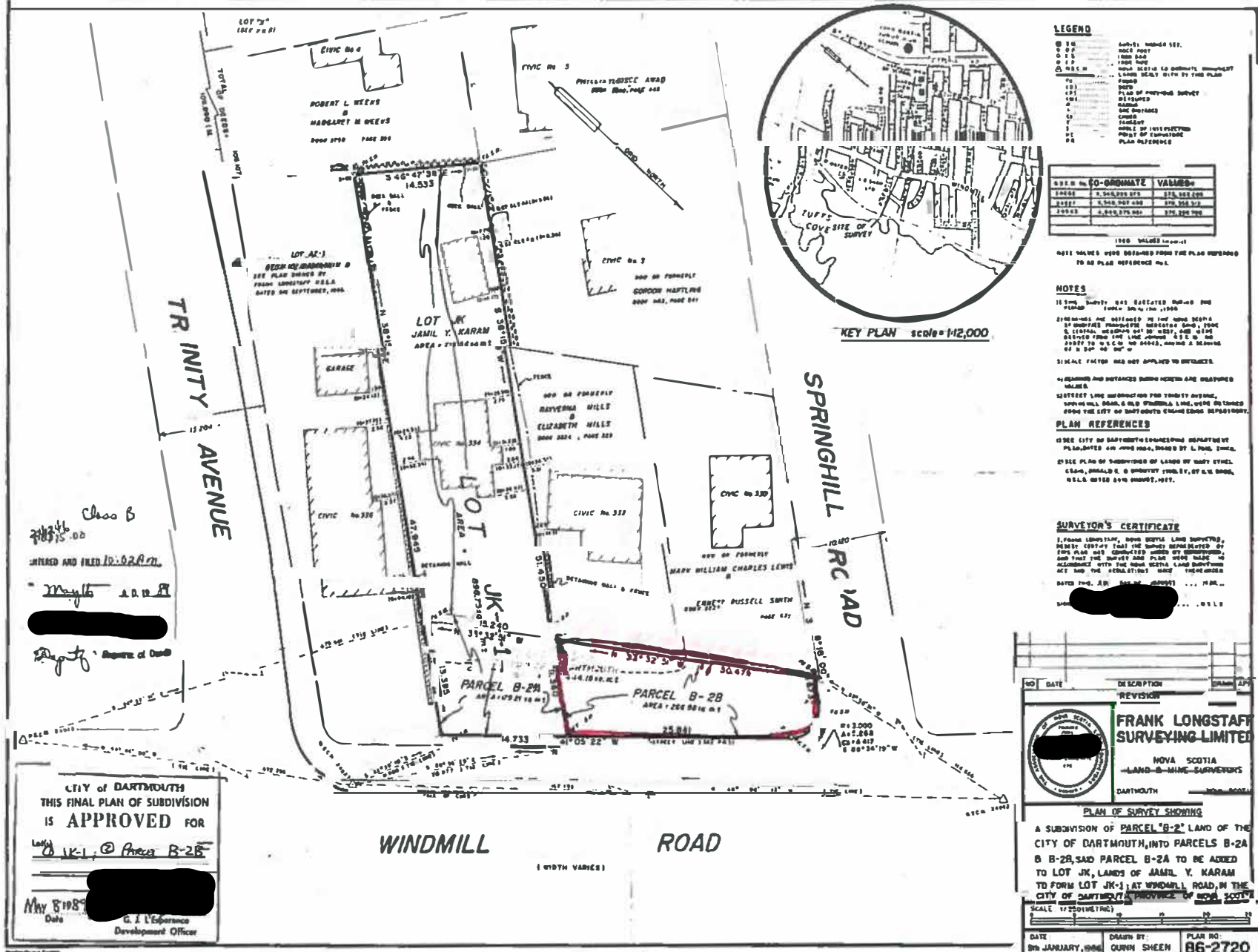
Attachment “A” – Plan of Survey  
Attachment “A-2” – Site Plan  
Attachment “B” – Administrative Order SC-102

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If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: John Dalton, Senior Real Estate Officer, Corporate Real Estate,  
Property, Fleet & Environment 902.497.5700

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- LEGEND**
- ① 1/4" = 100' (1:12,000)
  - ② 1/8" = 100' (1:24,000)
  - ③ 1/16" = 100' (1:48,000)
  - ④ 1/32" = 100' (1:96,000)
  - ⑤ 1/64" = 100' (1:192,000)
  - ⑥ 1/128" = 100' (1:384,000)
  - ⑦ 1/256" = 100' (1:768,000)
  - ⑧ 1/512" = 100' (1:1,536,000)
  - ⑨ 1/1024" = 100' (1:3,072,000)
  - ⑩ 1/2048" = 100' (1:6,144,000)
  - ⑪ 1/4096" = 100' (1:12,288,000)
  - ⑫ 1/8192" = 100' (1:24,576,000)
  - ⑬ 1/16384" = 100' (1:49,152,000)
  - ⑭ 1/32768" = 100' (1:98,304,000)
  - ⑮ 1/65536" = 100' (1:196,608,000)
  - ⑯ 1/131072" = 100' (1:393,216,000)
  - ⑰ 1/262144" = 100' (1:786,432,000)
  - ⑱ 1/524288" = 100' (1:1,572,864,000)
  - ⑲ 1/1048576" = 100' (1:3,145,728,000)
  - ⑳ 1/2097152" = 100' (1:6,291,456,000)
  - ㉑ 1/4194304" = 100' (1:12,582,912,000)
  - ㉒ 1/8388608" = 100' (1:25,165,824,000)
  - ㉓ 1/16777216" = 100' (1:50,331,648,000)
  - ㉔ 1/33554432" = 100' (1:100,663,296,000)
  - ㉕ 1/67108864" = 100' (1:201,326,592,000)
  - ㉖ 1/134217728" = 100' (1:402,653,184,000)
  - ㉗ 1/268435456" = 100' (1:805,306,368,000)
  - ㉘ 1/536870912" = 100' (1:1,610,612,736,000)
  - ㉙ 1/1073741824" = 100' (1:3,221,225,472,000)
  - ㉚ 1/2147483648" = 100' (1:6,442,450,944,000)
  - ㉛ 1/4294967296" = 100' (1:12,884,901,888,000)
  - ㉜ 1/8589934592" = 100' (1:25,769,803,776,000)
  - ㉝ 1/17179869184" = 100' (1:51,539,607,552,000)
  - ㉞ 1/34359738368" = 100' (1:103,079,215,104,000)
  - ㉟ 1/68719476736" = 100' (1:206,158,430,208,000)
  - ㊱ 1/137438953472" = 100' (1:412,316,860,416,000)
  - ㊲ 1/274877906944" = 100' (1:824,633,720,832,000)
  - ㊳ 1/549755813888" = 100' (1:1,649,267,441,664,000)
  - ㊴ 1/1099511627776" = 100' (1:3,298,534,883,328,000)
  - ㊵ 1/2199023255552" = 100' (1:6,597,069,766,656,000)
  - ㊶ 1/4398046511104" = 100' (1:13,194,139,533,312,000)
  - ㊷ 1/8796093022208" = 100' (1:26,388,279,066,624,000)
  - ㊸ 1/17592186444416" = 100' (1:52,776,558,133,248,000)
  - ㊹ 1/35184372888832" = 100' (1:105,553,116,266,496,000)
  - ㊺ 1/70368745777664" = 100' (1:211,106,232,532,992,000)
  - ㊻ 1/140737491555328" = 100' (1:422,212,465,065,984,000)
  - ㊼ 1/281474983110656" = 100' (1:844,424,930,131,968,000)
  - ㊽ 1/562949966221312" = 100' (1:1,688,849,860,263,936,000)
  - ㊾ 1/1125899932442624" = 100' (1:3,377,699,720,527,872,000)
  - ㊿ 1/2251799864885248" = 100' (1:6,755,399,441,055,744,000)

**COORDINATE VALUES**

POINT NO.	EASTING	NORTHING
1	7,500,000.00	575,122.000
2	7,500,000.00	575,122.000
3	7,500,000.00	575,122.000
4	7,500,000.00	575,122.000

**NOTES**

1. THIS SURVEY WAS EXECUTED PURSUANT TO THE ACTS OF PARLIAMENT IN THAT RESPECT.
2. THE BOUNDARIES ARE DEFINED BY THE TRUE BEARING AND DISTANCE MEASUREMENTS AND BY THE BEARING AND DISTANCE MEASUREMENTS FROM THE LINE JUNCTION OF THE LINES TO THE CORNER POINTS, AND BY THE BEARING AND DISTANCE MEASUREMENTS FROM THE LINE JUNCTION OF THE LINES TO THE CORNER POINTS.
3. THE SCALE FACTOR WAS NOT APPLIED TO THIS SURVEY.
4. THE DISTANCES AND BEARINGS GIVEN HEREIN ARE UNCORRECTED VALUES.
5. THE STREET LINE INDICATED FOR TRINITY AVENUE, WINDMILL ROAD, & SPRINGHILL ROAD, WITH THE EXCEPTED CORNER POSITIONS, CORRESPOND TO THE CORNER POSITIONS OF THE LINES OF THE LOTS OF THE SURVEY.

**PLAN REFERENCES**

1. THE CITY OF DARTMOUTH'S LANDS DEPARTMENT PLAN, DATED 20th JUNE 1986, DRAWN BY L. PAUL, CIVIL ENGINEER.
2. THE PLAN OF SUBDIVISION OF LANDS OF MARY WILLIAM CHARLES LEWIS, CIVIL ENGINEER, DARTMOUTH, N.S., DATED 20th JUNE 1986, N.S.L.S. 1986-200-00007-1087.

**SURVEYOR'S CERTIFICATE**

I, FRANK LONGSTAFF, being a duly Licensed Surveyor, hereby certify that the above described Plan was prepared and executed in accordance with the said Act and the Regulations thereunder and that the execution of the same was in accordance with the said Act and the Regulations thereunder.

DATED THIS 20th DAY OF JANUARY 1986.

FRANK LONGSTAFF

Class B  
 2/24/86  
 2/25/86  
 ENTERED AND FILED 10:02 AM  
 May 1986 A.D. 1986  
 [Redacted]  
 Deputy Registrar of Deeds

CITY OF DARTMOUTH  
 THIS FINAL PLAN OF SUBDIVISION  
 IS APPROVED FOR  
 Lot JK-1 @ Parcel B-2B  
 May 8 1986  
 Date  
 G. J. LeFevre  
 Development Officer

NO.	DATE	DESCRIPTION	BY
1		REVISION	
<b>FRANK LONGSTAFF SURVEYING-LIMITED</b> NOVA SCOTIA LAND & MINE SURVEYORS DARTMOUTH, NOVA SCOTIA			
PLAN OF SURVEY SHOWING A SUBDIVISION OF PARCEL "B-2" LAND OF THE CITY OF DARTMOUTH, INTO PARCELS B-2A & B-2B, SAID PARCEL B-2A TO BE ADDED TO LOT JK-1, LANDS OF JAMIL Y. KARAM TO FORM LOT JK-1; AT WINDMILL ROAD, IN THE CITY OF DARTMOUTH, PROVINCE OF NOVA SCOTIA			
SCALE 1" = 200 METRES			
DATE	20th JANUARY, 1986	DRAWN BY:	QUINN SHEEN
PLAN NO.	86-2720		







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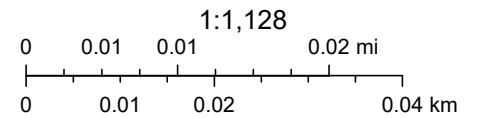
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# ATTACHMENT A-2 - Site Plan



2023-06-07, 3:15:22 p.m.

- |   |   |
|---|---|
|  Community Boundaries | <b>HRM Owned Land by Classification</b>   |
|  Override 1           |  Open Space Land   |
|  Parcel               |  Right-of-Way Land |
|   |  Other             |



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PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**ATTACHMENT 'B'**

**ADMINISTRATIVE ORDER NO. SC-102**

**HALIFAX REGIONAL MUNICIPALITY**

**ADMINISTRATIVE ORDER NUMBER Admin Order #SC-102**

**RESPECTING CLOSURE OF A PORTION OF**

**WINDMILL 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 Windmill Road, Dartmouth, Nova Scotia more particularly shown as Parcel B-2B on the Attachment is hereby closed.

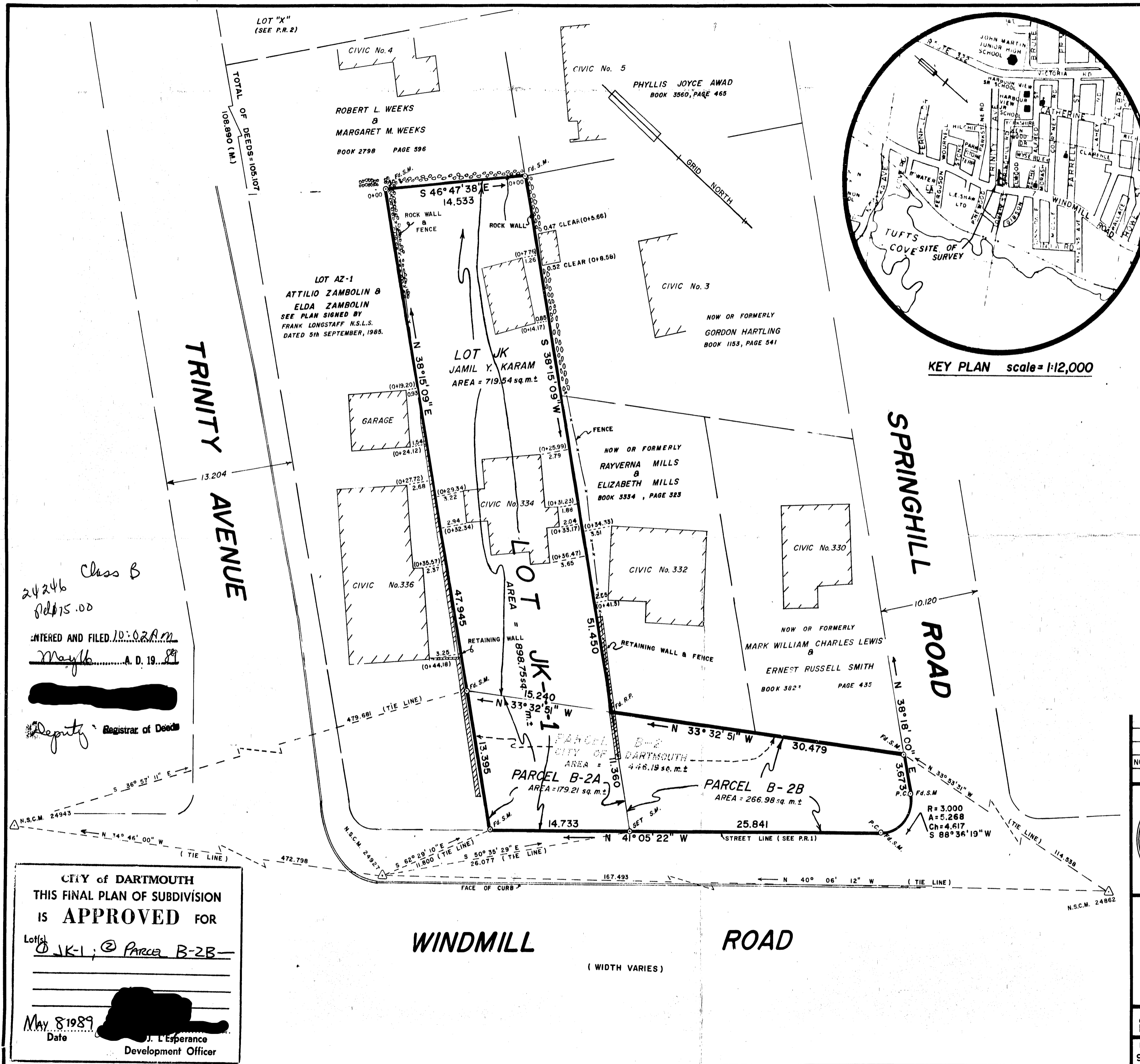
**I HEREBY CERTIFY THAT** the foregoing Administrative Order was duly adopted by Halifax Regional Council, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
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



**LEGEND**

- ⊙ S.M. SURVEY MARKER SET.
- ⊙ R.P. ROCK POST.
- ⊙ I.B. IRON BAR.
- ⊙ I.P. IRON PIPE.
- ⊙ N.S.C.M. NOVA SCOTIA CO-ORDINATE MONUMENT.
- △ LANDS DEALT WITH BY THIS PLAN.
- Fd. FOUND.
- (D) DEED.
- (P) PLAN OF PREVIOUS SURVEY.
- (M) MEASURED.
- R. RADIUS.
- A. ARC DISTANCE.
- Ch. CHORD.
- T. TANGENT.
- I. ANGLE OF INTERSECTION.
- P.C. POINT OF CURVATURE.
- P.R. PLAN REFERENCE.

**CO-ORDINATE VALUES**

N.S.C.M. No.	NORTHING	EASTING
24882	4,948,859.373	378,688.208
24927	4,948,987.488	378,558.312
24943	4,949,375.881	378,288.708

1988 VALUES (metric)

NOTE: VALUES WERE OBTAINED FROM THE PLAN REFERRED TO AS PLAN REFERENCE No. 1.

- NOTES**
- THIS SURVEY WAS EXECUTED DURING THE PERIOD DECEMBER 5th TO 13th, 1988.
  - BEARINGS ARE REFERRED TO THE NOVA SCOTIA 3<sup>rd</sup> MODIFIED TRANSVERSE MERCATOR GRID, ZONE 5, CENTRAL MERIDIAN 64° 30' WEST, AND WERE DERIVED FROM THE LINE JOINING N.S.C.M. NO. 24927 TO N.S.C.M. NO. 24943, HAVING A BEARING OF N 34° 46' 00" W.
  - SCALE FACTOR WAS NOT APPLIED TO DISTANCES.
  - BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED VALUES.
  - STREET LINE INFORMATION FOR TRINITY AVENUE, SPRINGHILL ROAD, & OLD WINDMILL LINE, WERE OBTAINED FROM THE CITY OF DARTMOUTH ENGINEERING DEPARTMENT.

- PLAN REFERENCES**
- SEE CITY OF DARTMOUTH ENGINEERING DEPARTMENT PLAN, DATED 4th JUNE 1984, SIGNED BY L. PAUL ZINCK.
  - SEE PLAN OF SUBDIVISION OF LANDS OF MARY ETHEL CRAIG, DONALD E. & DOROTHY TINSLEY, BY K.W. ROBB, N.S.L.S. DATED 24th AUGUST, 1977.

**SURVEYOR'S CERTIFICATE**

I, FRANK LONGSTAFF, 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... DAY OF... JANUARY... 1988...

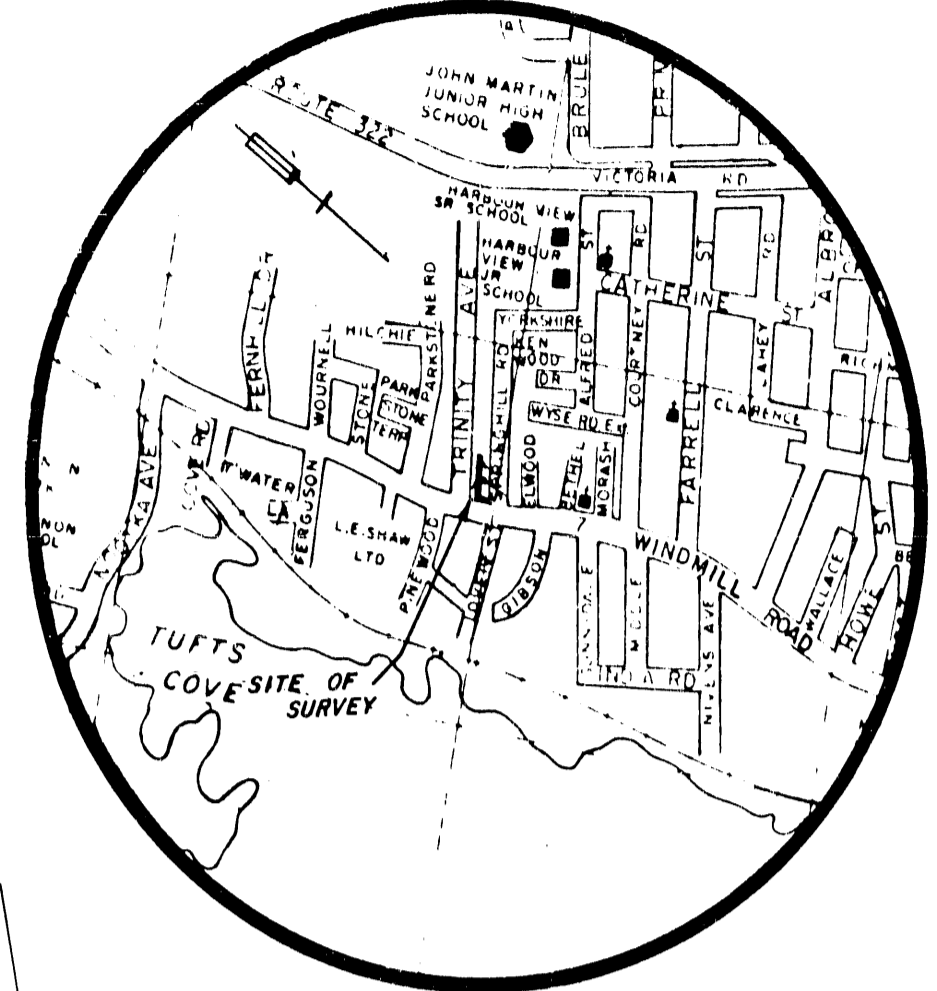
SIGNED: [Signature] N.S.L.S.

Class B  
24246  
Filed 15.00  
ENTERED AND FILED 10:02 A.M.  
May 16 A.D. 1989  
Deputy Registrar of Deeds

**CITY OF DARTMOUTH**  
THIS FINAL PLAN OF SUBDIVISION IS APPROVED FOR

Lot(s) JK-1; @ Parcel B-2B

May 8 1989  
Date  
J. L'Esperance  
Development Officer



26272

X91

NO.	DATE	DESCRIPTION	DRAWN	APP.
REVISION				
<b>FRANK LONGSTAFF SURVEYING LIMITED</b> NOVA SCOTIA LAND & MINE SURVEYORS DARTMOUTH NOVA SCOTIA				
<b>PLAN OF SURVEY SHOWING</b> A SUBDIVISION OF PARCEL "B-2" LAND OF THE CITY OF DARTMOUTH, INTO PARCELS B-2A & B-2B, SAID PARCEL B-2A TO BE ADDED TO LOT JK, LANDS OF JAMIL Y. KARAM TO FORM LOT JK-1; AT WINDMILL ROAD, IN THE CITY OF DARTMOUTH, PROVINCE OF NOVA SCOTIA.				
SCALE: 1/250 (METRIC)				
DATE: 9th JANUARY, 1986		DRAWN BY: QUINN SHEEN		PLAN NO: 86-2720