



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 12.1
Halifax Regional Council
November 28, 2023
January 9, 2024

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: October 6, 2023

SUBJECT: **Street Right-of-Way Closure – Almon Lane, Halifax**

ORIGIN

August 23, 2022, Regional Council motion (15.1.8)

MOVED by Councillor Mason, seconded by Deputy Mayor Lovelace

THAT Halifax Regional Council:

1. Declare the properties, listed in Attachments B, C (as amended), and D (as amended) of the staff report dated August 8, 2022, as surplus to municipal requirements;
2. Categorize the properties as specified in Attachments B, C (as amended), and D (as amended) of the staff report dated August 8, 2022, pursuant to Administrative Order 50, Respecting the Disposal of Surplus Real Property;
3. Recategorize the three properties in Attachment E of the staff report dated August 8, 2022, previously declared surplus by Regional Council as “Ordinary” to “Affordable Housing”; and
4. Revoke the surplus approval of the property in Attachment F of the staff report dated August 8, 2022.

MOTION AS AMENDED PUT AND PASSED UNANIMOUSLY.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Chapter 39,

LEGISLATIVE AUTHORITY CONTINUED & RECOMMENDATION ON PAGES 2 & 3

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 317

In this Part, "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith, but does not include bridges vested in the Halifax-Dartmouth Bridge Commission and streets vested in Her Majesty in right of the Province.

Section 318

(1) All streets in the Municipality are vested absolutely in the Municipality.

(2) In so far as is consistent with their use by the public, the Council has full control over the streets in the Municipality.

Section 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.

(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 Public Works 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 Public Works.

(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 ON PAGE 3

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Direct the Chief Administrative Officer to set a date for a public hearing to consider permanently closing Almon Lane (which is marked “Alley” and outlined in red in Attachment 1) as a street, with notice to be published in a newspaper at least fourteen days prior to the Council meeting and with notice to be sent to the Minister of Public Works before the hearing;
2. Subject to the outcome of the public hearing, approve Administrative Order SC-103 as set out in Attachment 3 of this report to permanently close Almon Lane, Halifax, as a street, and authorize the Chief Administrative Officer to direct the Clerk to certify a copy of the policy passed by Council incorporating a survey or a metes and bounds description of Almon Lane, and to file the certified copy of the policy in the office of the Halifax County Registry of Deeds and with the Minister of Public Works.

BACKGROUND

Almon Lane is a 6-metre-wide lane which runs north-south, parallel to and behind 2742-2774 Robie Street in Halifax. Staff received a request from Richmond Yards Incorporated (“**Richmond Yards**”), the developer of the neighboring properties, to acquire Almon Lane for consolidation with their adjoining holdings. A circa 1900 plan of survey showing Almon Lane outlined in red is included as Attachment 1. The road identified as Kempt Road on the plan of survey is present day Robie Street.

Almon Lane was declared surplus to municipal requirements and categorized as “Extraordinary” by Regional Council as part of Administrative Order 50 Package 08.21 on August 23, 2022.

DISCUSSION

Richmond Yards seeks to acquire Almon Lane for inclusion in their neighboring redevelopment. Almon Lane is not a street-to-street connection as it terminates before St. Albans Street at its southern limit. A site plan showing Almon Lane within the context of the surrounding area is included as Attachment 2.

Richmond Yards requires the former Almon Lane to extend the underground parking of a proposed abutting development. Should Council approve of the closure of Almon Lane, the Municipality will retain a ± 18 sq. m. portion abutting Almon Street, for the purposes of the bike lane slated for construction along Almon Street, together with a public access easement over Almon Lane which will preserve public access over Almon Lane in perpetuity. In addition, Richmond Yards will grant the Municipality an easement over a portion of its PID 41503343 to create an uninterrupted north south public connection from Almon Street to St. Albans Street as shown on Attachment 2.

The *Halifax Regional Municipality Charter* requires that a public hearing be held prior to Regional Council considering the recommended street closure as the value of Almon Lane exceeds \$50,000.

Subject to the outcome of the public hearing, the disposal of and retention of easement over Almon Lane will be the subject of a separate report in accordance with the delegated authority pursuant to the *Real Property Transaction Policy*.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendation in this report. If the recommendation is approved, the financial implications of the proposed conveyances will be more fully

described in a separate Private and Confidential report as outlined above.

RISK CONSIDERATION

There is a risk that three of the landowners whose properties front on Robie Street and use Almon Lane right of ways to access the rear of their lots might object to the closure of Almon Lane. This risk will be mitigated by the proposed easement for public use over Almon Lane subsequent to the proposed sale of Almon Lane to Richmond Yards.

COMMUNITY ENGAGEMENT

As per the requirements of Administrative Order 50, the area Councillor was advised of the recommendation to surplus Almon Lane with the Extraordinary categorization. A public hearing is required as part of the street closure process.

ENVIRONMENTAL IMPLICATIONS

Environmental site assessments identified contamination within Almon Lane which Richmond Yards will remediate as part of its redevelopment of the neighboring properties.

ALTERNATIVES

Regional Council could choose not to approve the recommendation.

ATTACHMENTS

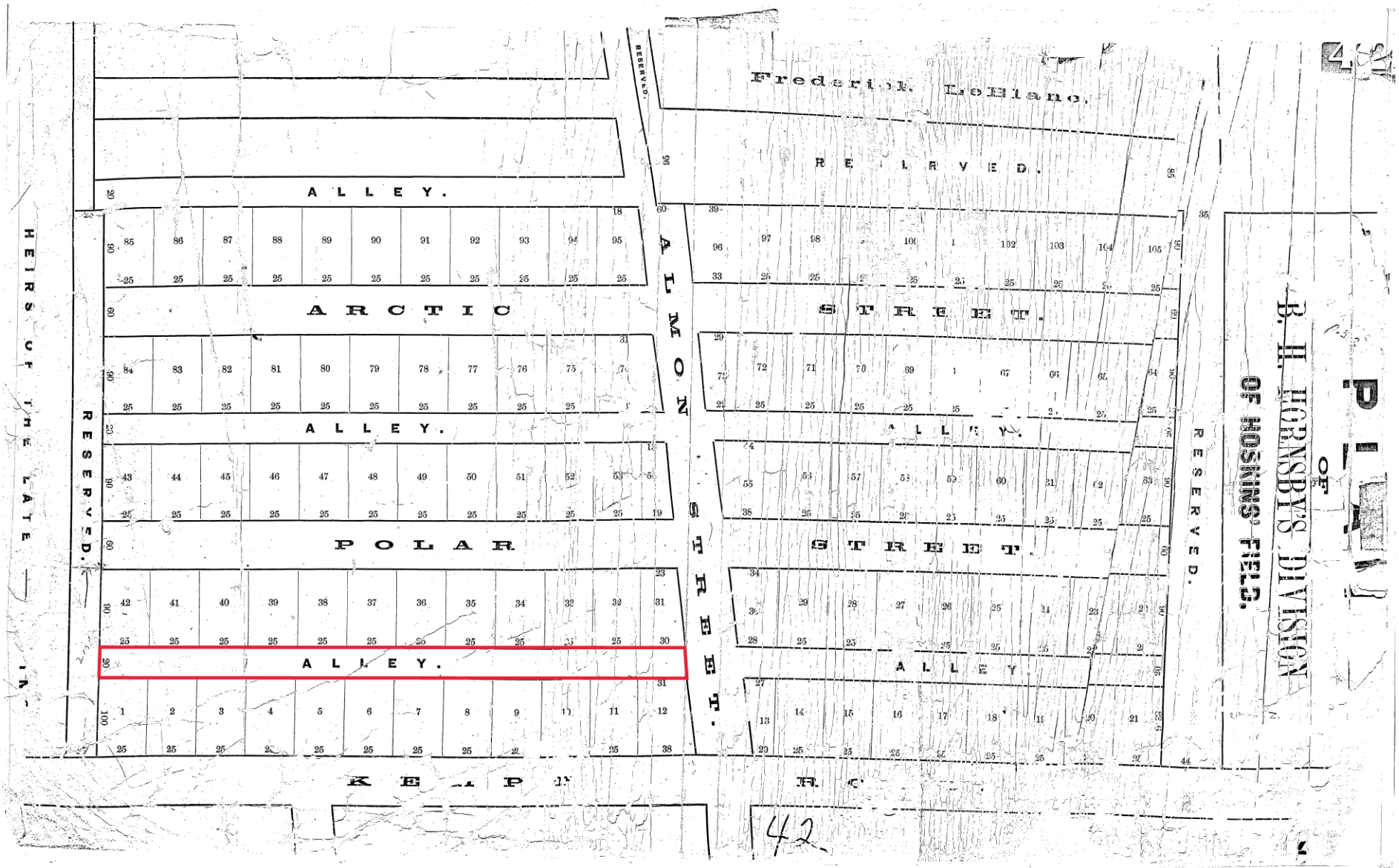
Attachment 1 – Plan of Survey
Attachment 2 – Site Plan
Attachment 3 – Administrative Order SC-103

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.

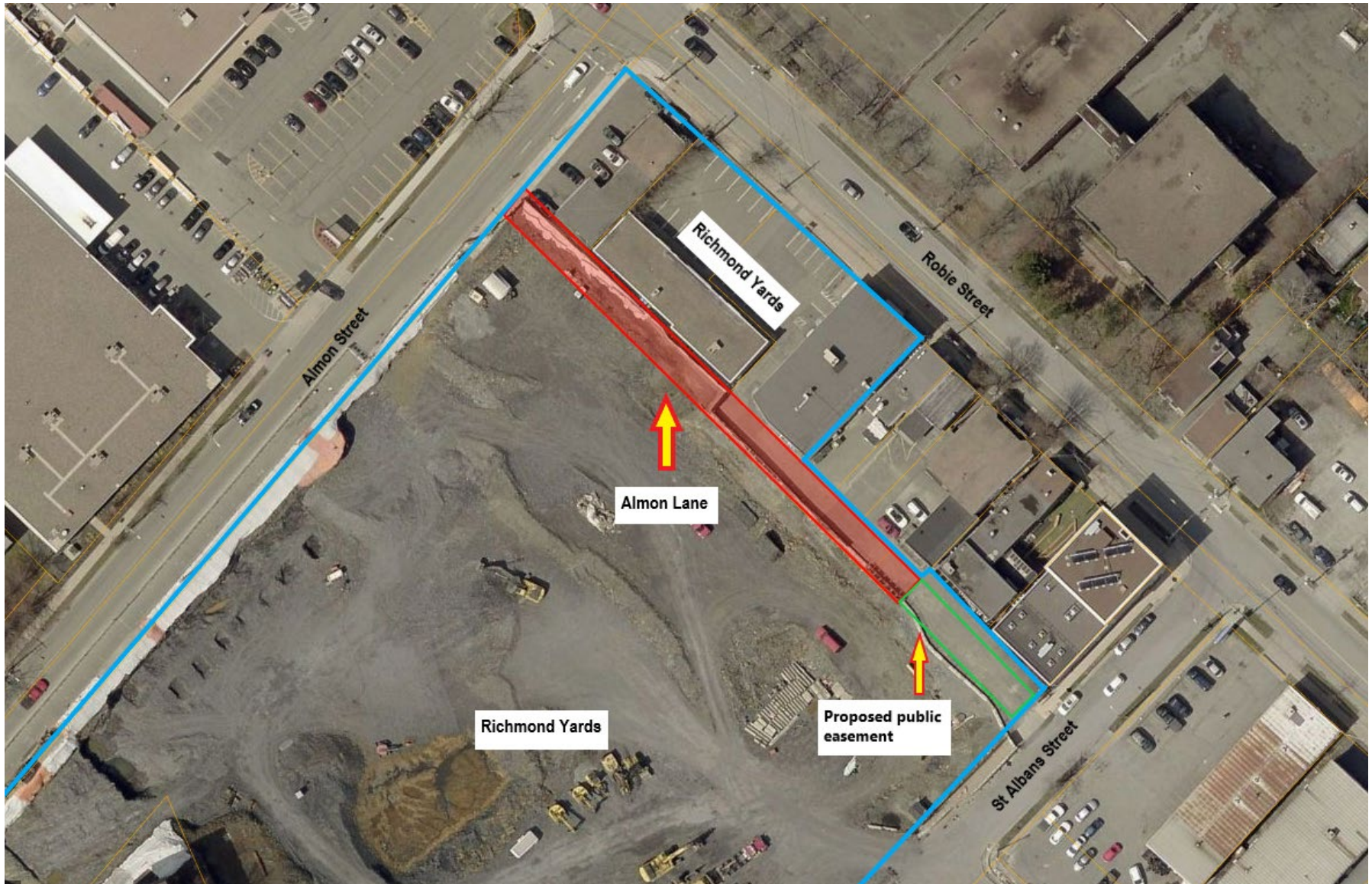
Report Prepared by: Colin Walsh, Project Manager, Corporate Real Estate,
Property, Fleet & Environment 902.579.2824

HALIFAX

ATTACHMENT 1 PLAN OF SURVEY



ATTACHMENT 2 SITE PLAN





ADMINISTRATIVE ORDER NO. SC-103

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER #SC-103

RESPECTING CLOSURE OF ALMON LANE, 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. Almon Lane, Halifax, Nova Scotia more particularly shown as “Alley” behind Lots 1-12 on the Attachment is hereby closed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council, the ____ day of _____, 2023.

Mayor Mike Savage

Iain MacLean, 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 _____.

Iain MacLean, Municipal Clerk

Notice of Motion:
Approval:

DATE
DATE

