

HALIFAX

P.O. Box 1749
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Item No. 9.1

Halifax Regional Council

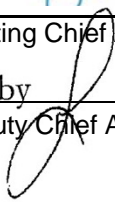
February 23, 2016

March 22, 2016

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: January 26, 2016

SUBJECT: Declaration of Surplus Right-of-Way and Street Closure Parcel R1 Robie Street, Halifax

ORIGIN

This report originates with a request from the owner of PID 00160598, located at 2859 Robie Street, Halifax, to move the official street line in front of their property to its original location.

LEGISLATIVE AUTHORITY

Administrative Order Number 50 Respecting the Disposal of Surplus Real Property

Halifax Regional Municipality Charter, Chapter 39, Section 325(2); Street Closure

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Declare the portion of the Robie Street right-of-way in front of 2859 Robie Street, Halifax Street, shown as Parcel R1 in Attachment "A", surplus to municipal requirements, and categorize Parcel R1, as 'Extraordinary', as per Administrative Order 50; and
2. Approve Administrative Order SC-80 to close a portion of Robie Street that is in front of 2859 Robie Street, as shown as Parcel R-1, in Attachment "A" of this report.

BACKGROUND

In July 1956 the City of Halifax Council adopted an official street line along Robie Street that moved the street line east from the original street line. The subject property, frontage on Robie Street, is between Bilby Street and Macara Street. In 1956 the adopted street line was set back approximately six (6) feet from the former street line at the Bilby Street end of the property, and two and a half (2.5) feet from the Macara Street end of the property. (See Attachment A) The subject portion of the Robie Street right-of-way in front of 2859 Robie Street, is identified as Parcel R1 on Attachment A, and it is 1060 square feet in area

The 1956 official street line was established under Section 544(1) of a part of the 1931 Charter entitled "Official Plan", which stated the following;

"The Council shall cause to be prepared, under the supervision of the engineer, an official Plan of the City, upon which shall be shewn:

- (a) The lines of every existing street which has at any time heretofore been dedicated or conveyed to the City and accepted by resolution of the Council, or laid out under the authority of any enactment;
- (b) The lines of every other street which has been opened and used by the public but has not been accepted by the City; and
- (c) The lines of any projected extension or alteration of any such street, or of any projected new street, approved by the engineer."

The Charter also specified that there would be a public notice about the plan and advertising, as well as a council meeting and the plan will be filed with the Registry of deeds and other steps taken.

Furthermore, under Section 551(1);

"When the plan has been so confirmed by the Council, the same shall be binding and conclusive upon the City and the owner of any property affected, and upon every other person whomsoever, as to the location, dimensions and lines of any existing street shewn thereon, and also that such street at the time of confirming the plan belonged to the City."

Further, at Section 553(1), it stated;

"After the confirming of any such plan, no person shall place upon any land shewn by such plan to be required for any new street, or any alteration or extension of an existing street, any building, or any addition or improvement to any building, other than necessary repairs."

It is the opinion of HRM Legal Services, that the above noted provisions provide the authority for the City to take lands within the street lines to be used for street purposes. Title to the property currently rests with HRM.

DISCUSSION

A request has been made by the owner of 2859 Robie Street to extinguish the 1956 official street line, and go back to the former street line. The owner of 2859 Robie Street plans to redevelop their property, a former gas station site, into a mixed commercial, office, residential development, and is looking to include the additional 1060 square feet in area to their site. The Developer, Banc Investments Ltd., has gone through the pre-development application process with staff and has received initial comments back. Following more detailed survey work the existence of Parcel R1 was discovered and put forward a request to purchase.

The request to declare the small area of right-of-way surplus was submitted for review by the Real

Property Technical Review Committee. Staff considered the existing HRM infrastructure (i.e., sidewalk, curbing, road surface) within the existing right-of-way, and determined that it was all within the area of the current functional street line, and there is no infrastructure requirement for the additional right-of-way area of 1060 square feet.

Staff recommend declaring Parcel R1 surplus to municipal requirements, and formally closing this portion of Robie Street right-of-way.

The purpose of this report is to declare the subject parcel surplus, categorize it as 'Extraordinary' under Administrative Order 50, and close the portion of street right-of-way under Administrative Order SC-80, prior to its market disposal.

FINANCIAL IMPLICATIONS

The recommended street closure is requires administrative work which can be accommodated within current operating budgets and has no impact to street maintenance budgets. The market value and recommended terms and conditions of sale of the subject properties will be the subject of a separate approval report at the time of sale.

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, as the closure meets Section 325(2) of the Halifax Regional Municipality Charter.

ENVIRONMENTAL IMPLICATIONS

This section of right-of-way adjacent to 2859 Robie Street has levels of contamination above Tier I guidelines, but within Tier II for gasoline. The parcel was included in a 2012 Environmental Assessment of the 2859 Robie street property. If the parcel is to be redeveloped, the proponent will have to take into consideration the contamination and deal with it according to regulations.

ALTERNATIVES

Halifax Regional Council could instruct staff to *not* declare the subject parcel as surplus under Administrative Order Number 50, and to retain ownership for street right-of-way. This is not recommended.

ATTACHMENTS

Attachment "A" - Site Plan

Attachment "B" – Administrative Order SC-80

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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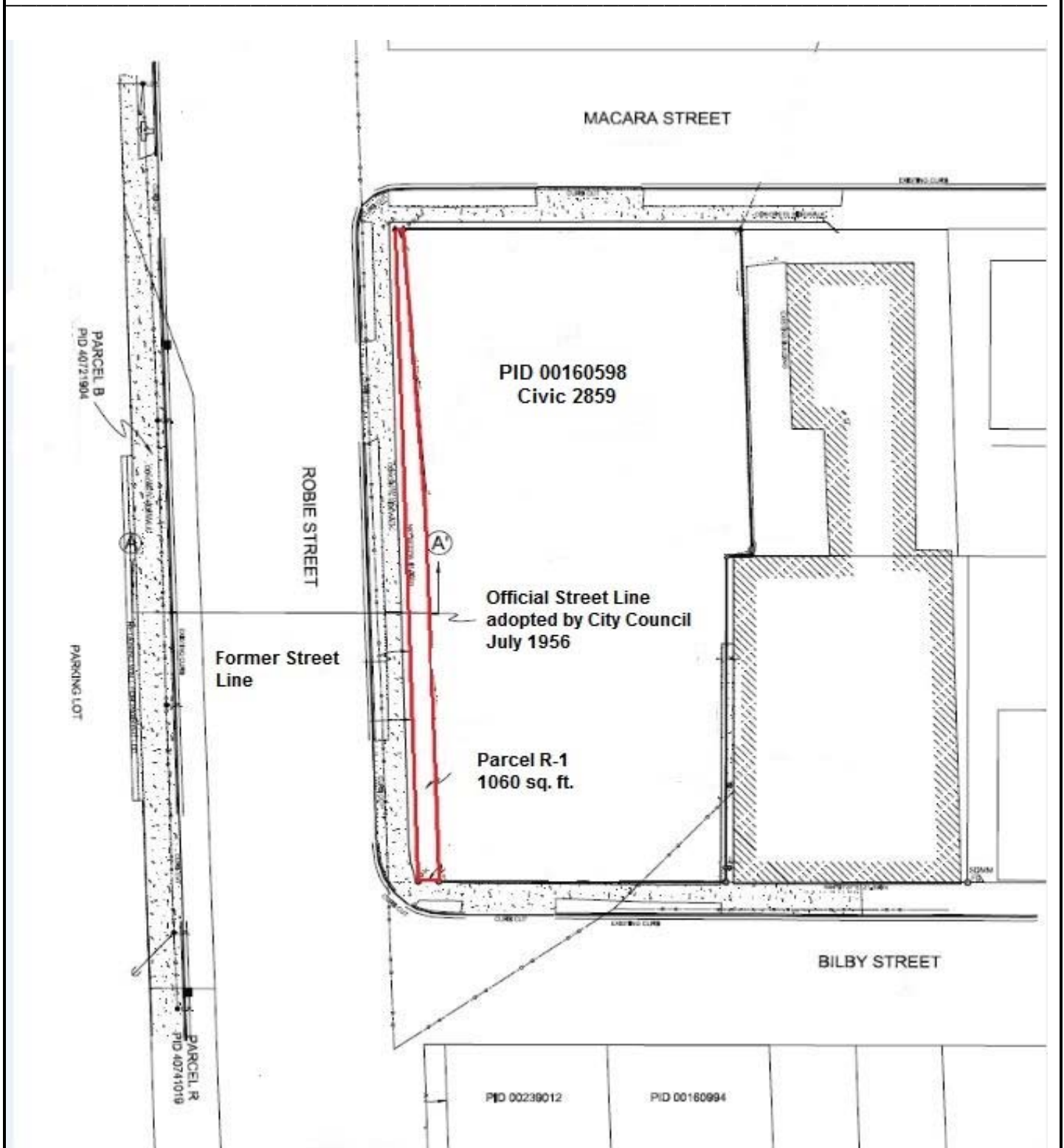
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ATTACHMENT "A"

Declaration of Surplus Property and Street Closure – Robie Street Site Plan





PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Attachment “B”

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER Admin Order #SC-80

RESPECTING CLOSURE OF A PORTION OF

Robie Street

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 Robie Street, Parcel R1, Halifax, Nova Scotia more particularly described in Attachment “A” is hereby closed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council, the ____ day of _____, 2016.

Mayor

Municipal Clerk

I, Kevin Arjoon, 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 _____, 2016.

Kevin Arjoon, Municipal Clerk