

Item No.

Halifax Regional Council
November 12, 2019
December 3, 2019

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: September 6, 2019

SUBJECT: Declaration of Surplus and Partial Street Closures: Majestic Avenue and
Monarch Drive, Beaver Bank

ORIGIN

This report originates with a request from the abutting property owner to acquire portions of HRM owned street right of way.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Chapter 39:

Section 61: "(5)(b): "The Municipality sell property at market value when the property is no longer required for the purposes of 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.

(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.

(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.

RECOMMENDATION ON PAGE 2

(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.

Administrative Order Number 50 Respecting the Disposal of Surplus Real Property.

The report complies with Administrative Order Number ADM-2018-004 Respecting Real Property Transactions, as approved by Regional Council on September 18, 2018.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Declare the portion of the Majestic Avenue and Monarch Drive street right of way shown as 'Parcel A' and 'Parcel B' in Attachment 'B', surplus to municipal requirements and be categorized as 'Extraordinary', as per Administrative Order 50;
2. Direct the CAO to set a date for the public hearing to consider closing those portions of Majestic Avenue and Monarch Drive street right of way shown in Attachment 'B' as 'Parcel A' and 'Parcel B' with notice to be published in a newspaper at least fourteen days prior to the Council meeting
3. Subject to the outcome of the public hearing, approve Administrative Orders SC-91 and SC-92 as set out in Attachment 'D' of this report to close those portions of Majestic Avenue and Monarch Drive, Beaver Bank.

BACKGROUND

The subject parcels are portions of PID 40907545 which is located in the community of Beaver Bank and is comprised of portions of Majestic Avenue and Monarch Drive, both public streets (Attachment 'A'). The parcels abut a vacant lot for which a development agreement was recently approved to allow residential development, serviced with central water and sewer services, on a new public street. The proponent would like the additional land in order to aid with intersection design for the proposed street, and for possible development as a residential lot. Consolidation of additional land in order to square off the property boundaries is required, and any future residential development of the two subject parcels would be subject to future Regional Council approval.

This portion of Majestic Avenue was constructed as a public street in the early 1970's. A portion was established as a road reserve intended to access future phase of the development but was never developed (Attachment 'B' denoted as Parcel B). With the location of the school property, subsequent installation of the water reservoir and the approved development agreement, there is no reasonable prospect for Majestic Avenue to be extended in the manner originally contemplated.

The Monarch Drive parcel (Attachment 'B' denoted as Parcel 'A') was also intended for future road access. Its location was most likely the result of a design requirement for a road reserve as it was installed when Majestic and Monarch Drive were constructed and provided no direct connection to Beaver Bank Road.

In 2018 HRM entered into a development agreement with the adjacent property owner which permitted the construction of a new public street, including central water, stormwater and sanitary sewer services. The

proposed development and resulting lot yield will be determined during the final subdivision application stage (See high level concept sketch Attachment 'C' – subject to change). The remaining portions are not required for street right of way purposes. The access to Halifax Water's water reservoir will be via driveway access with direct frontage on the proposed public street.

DISCUSSION

Parcel A is approximately 6,600 square feet in area, while Parcel B is approximately 2,000 square feet. Parcel B is intended to be consolidated with the adjacent lot as it is undersized in area.

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 A and Parcel B (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 Transportation and Infrastructure Renewal. Once approved by Regional Council the street closure is to be registered in the land registry and filed with the Minister of Transportation and Infrastructure Renewal.

The portions of PID 40907545 identified for designation as surplus are not required for any municipal purpose. The request was reviewed by both the Technical and Steering Committees, both of which have recommended surplus designation with the 'Extraordinary' categorization. The review included a statement from Transportation and Public Works that confirmed the surplus status and closure will not have a negative effect on operations or future transportation connections.

The parcels are comprised of level gravel surface as they were intended for future road access. Because the future street connections were not as originally anticipated, they are no longer required for municipal purposes.

The parcels were not included with the lands under the approved development agreement and are not required to meet the standards set out in that agreement.

Staff recommend formally closing Parcel A – Monarch Drive and Parcel B - Majestic Avenue street rights-of-way, subject to Regional Council's approval of the subject property's surplus status and categorization as Extraordinary.

The conveyance of Parcel A and Parcel B is to be authorized as per the delegated authority set out in Administrative Order 2018-004-ADM Respecting Real Property Transactions.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report at this time. The market value and recommended terms and conditions of the sale of the surplus parcel will be the subject of a separate approval report with the appropriate delegated authority. The net proceeds from the sale of the property will be placed in the Capital Reserve Fund 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 both properties with the Extraordinary categorization. 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

Implications not identified.

ALTERNATIVES

Halifax Regional Council could choose to not declare the subject parcels as surplus under Administrative Order Number 50 and retain ownership. This is not recommended as it is not required for street right-of-way purposes.

ATTACHMENTS

Attachment 'A' – Location Sketch
Attachment 'B' – Street Closure Survey
Attachment 'C' – Proponent's Concept Sketch – Adjacent Lands
Attachment 'D' – Administrative Order SC-91 and SC-92

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: Mike Cowper, Senior Real Estate Officer, Finance, Asset Management & ICT
902.490.5332

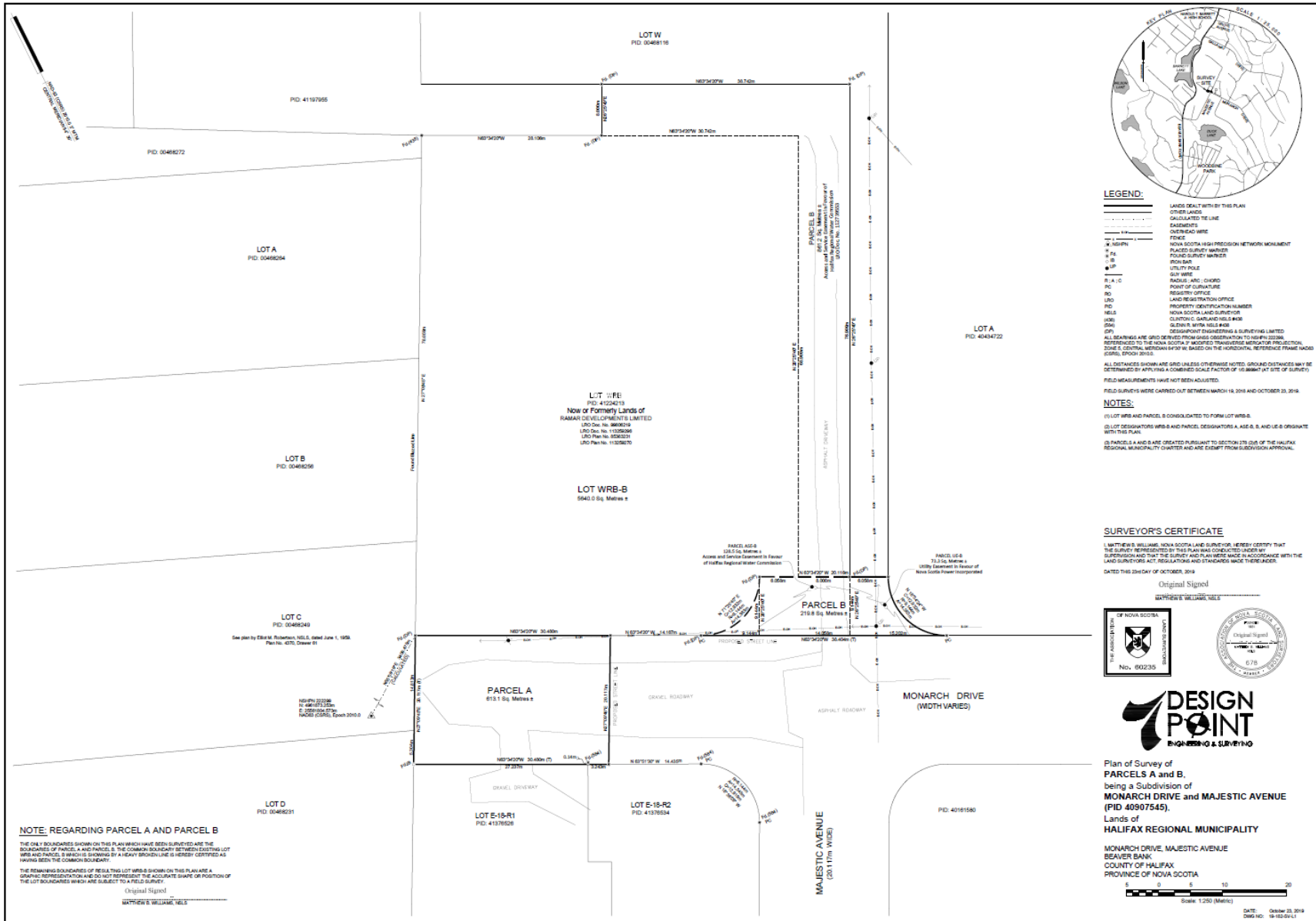
HALIFAX

ATTACHMENT 'A' LOCATION SKETCH



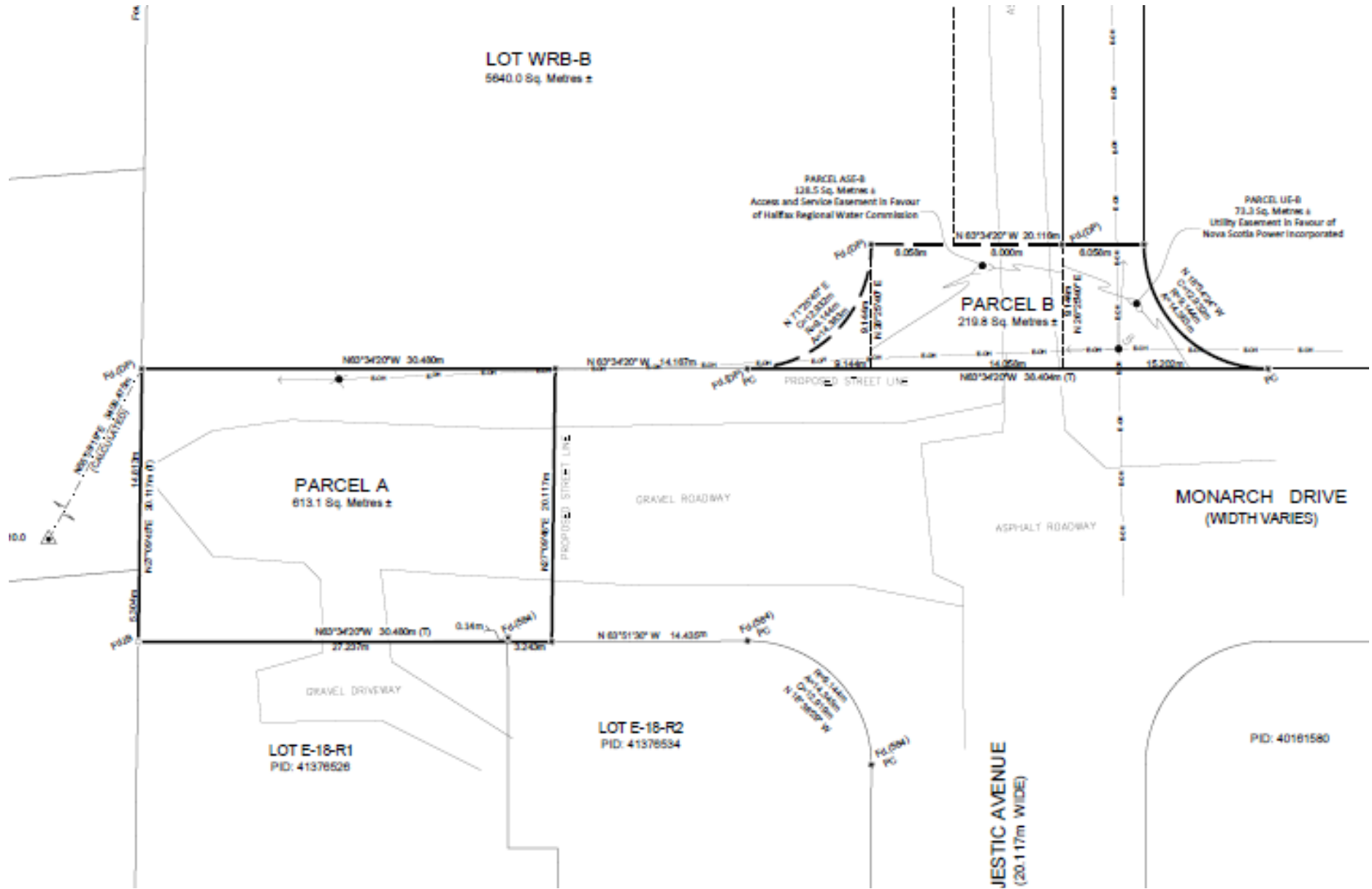
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ATTACHMENT 'B' - STREET CLOSURE SURVEY



HALIFAX

ATTACHMENT 'B' - STREET CLOSURE SURVEY (Excerpt)



HALIFAX

ATTACHMENT 'C' CONCEPT SKETCH – ADJACENT LANDS (SUBJECT TO CHANGE)



ATTACHMENT D

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER #SC-91

RESPECTING CLOSURE OF A PORTION OF MAJESTIC AVENUE, BEAVER BANK

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. That portion of Majestic Avenue, Beaver Bank, Nova Scotia more particularly shown as Parcel B on the Attachment is hereby closed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council the ___ day of _____ 2019.

Mayor Mike Savage

Kevin Arjoon, Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was passed at a meeting of Halifax Regional Council held on November 19, 2019.

Kevin Arjoon, Municipal Clerk

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER #SC-92

RESPECTING CLOSURE OF A PORTION OF MONARCH DRIVE, BEAVER BANK

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. That portion of Monarch Drive, Beaver Bank, Nova Scotia more particularly shown as Parcel A on the Attachment is hereby closed.

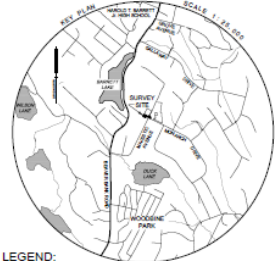
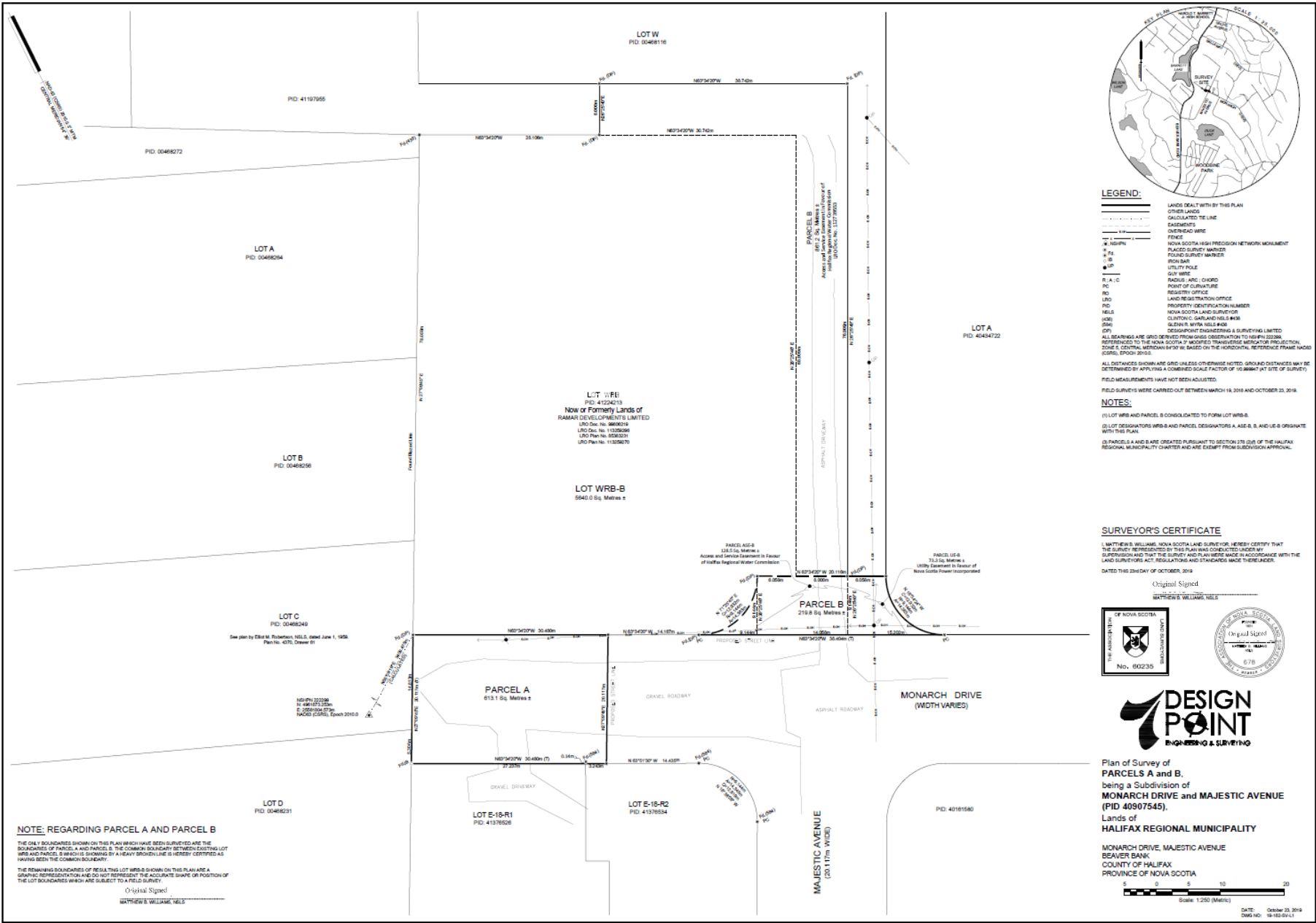
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Mayor Mike Savage

Kevin Arjoon, Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was passed at a meeting of Halifax Regional Council held on November 19, 2019.

Kevin Arjoon, Municipal Clerk



- LEGEND:**
- LANDS DEALT WITH BY THIS PLAN
 - OTHER LANDS
 - CALCULATED TO THE LINE
 - OVERHEAD WIRE
 - EASEMENTS
 - FENCES
 - NOVA SCOTIA HIGH PRECISION NETWORK MONUMENT
 - PLACED SURVEY MARKER
 - FIELD SURVEY MARKER
 - IRON BAR
 - UTILITY POLE
 - SOIL WIRE
 - R.A.C. CHORD
 - POINT OF CURVATURE
 - PC
 - LAND REGISTRATION OFFICE
 - REGISTRY OFFICE
 - LRD
 - PROPERTY IDENTIFICATION NUMBER
 - NOVA SCOTIA LAND SURVEYOR
 - WILLS
 - (WB)
 - CLINTON G. SARLAND WILLS #108
 - WILLS WITH WILLS #108
 - (JP)
 - DESIGNPOINT ENGINEERING & SURVEYING LIMITED
- ALL DISTANCES ARE GRID UNLESS OTHERWISE NOTED. GROUND DISTANCES MAY BE DETERMINED BY APPLYING A CORRECTED SCALE FACTOR OF 0.999997 AT DATE OF SURVEY.
- FIELD MEASUREMENTS HAVE NOT BEEN ADJUSTED.
- FIELD SURVEYS WERE CARRIED OUT BETWEEN MARCH 18, 2019 AND OCTOBER 23, 2019.

- NOTES:**
- (1) LOT WRB AND PARCEL B CONSOLIDATED TO FORM LOT WRB-A.
 - (2) LOT DESIGNATORS WRB-A AND PARCEL DESIGNATORS A, A-E, B, S, AND U-E, B ORIGINATE WITH THIS PLAN.
 - (3) PARCELS A AND B ARE CREATED PURSUANT TO SECTION 175 (2) OF THE HALIFAX REGIONAL MUNICIPALITY CHARTER AND ARE EXEMPT FROM SUBDIVISION APPROVAL.

SURVEYOR'S CERTIFICATE

I, MATTHEW B. WILLIAMS, 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 SURVEYORS ACT, REGULATIONS AND STANDARDS MADE THEREUNDER.

DATED THIS 25th DAY OF OCTOBER, 2019

Original Signed
 MATTHEW B. WILLIAMS WILLS
 No. 60235



Plan of Survey of
PARCELS A and B,
 being a Subdivision of
MONARCH DRIVE and MAJESTIC AVENUE
 (PID 40907545),
 Lands of
HALIFAX REGIONAL MUNICIPALITY
 MONARCH DRIVE, MAJESTIC AVENUE
 BEAVER BANK
 COUNTY OF HALIFAX
 PROVINCE OF NOVA SCOTIA

Scale: 1:250 (Metric)

DAT: October 23, 2019
 DMS NO: 19-0024-11

ATTACHMENT

NOTE: REGARDING PARCEL A AND PARCEL B

THE ONLY BOUNDARIES SHOWN ON THIS PLAN WHICH HAVE BEEN SURVEYED ARE THE BOUNDARIES OF PARCELS A AND PARCEL B. THE COMMON BOUNDARY BETWEEN EXISTING LOT WRB AND PARCELS B WHICH IS SHOWN BY A HEAVY BROWN LINE IS HEREBY CERTIFIED AS HAVING BEEN THE COMMON BOUNDARY.

THE REMAINING BOUNDARIES OF RESULTING LOT WRB-A SHOWN ON THIS PLAN ARE A GRAPHIC REPRESENTATION AND DO NOT REPRESENT THE ACCURATE SHAPE OR POSITION OF THE LOT BOUNDARIES WHICH ARE SUBJECT TO A FIELD SURVEY.

Original Signed
 MATTHEW B. WILLIAMS WILLS