

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

**SUBMITTED BY:** Original Signed  
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Cathie O'Toole, Chief Administrative Officer

**DATE:** April 28, 2023

**SUBJECT:** **Autoport Avenue, Eastern Passage - Declaration of Surplus Real Property - Administrative Order 50**

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## SUPPLEMENTARY REPORT

### ORIGIN

- August 8, 2022, staff report regarding August 23, 2022, Regional Council Item 15.1.8 (Administrative Order 50 – Declaration of Surplus Real Property – Package 08.21); and
- August 23, 2022, Regional Council motion (Item No. 15.1.8):

MOVED by Councillor Kent, seconded by Councillor Hendsbee:

THAT Autoport Avenue, Eastern Passage, listed in Attachment C of the staff report dated August 8, 2022, be referred to Administration for a supplementary report within the next six months.

MOTION TO AMEND PUT AND PASSED.

### LEGISLATIVE AUTHORITY

The Halifax Regional Municipality Charter, S.N.S. 2008, c.39:  
Powers of Municipality regarding property

- 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) The Municipality may:
- (b) sell property at market value when the property is no longer required for the purposes of the Municipality;

Streets vested in Municipality

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.

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.

(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 Number 50 Respecting the Disposal of Surplus Real Property.

Section 2 (2)

“The Municipality will dispose of real property Council determines is no longer required for the purposes of the Municipality. Staff will identify surplus properties by the following categories:

- (a) Economic Development...
- (b) Community Interest...
- (c) Ordinary Sale...
- (d) Remnant...
- (e) **Extraordinary**

**Properties having a legal distinction which include conditions or extraordinary process with respect to their preservation or disposal including but not limited to:**

- (i) the Halifax Commons;
- (ii) the Dartmouth Commons;
- (iii) streets;**
- (iv) any municipal properties, including parks, which are held in trust, or upon condition, or with reserving interests, or like constraints; (v) and parkland acquired through subdivision process. ... ,
- (f) Intergovernmental Transfer... .”

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Declare a portion of Autoport Avenue, Eastern Passage (PID #40950438), as identified in Attachment A of this report, as surplus to municipal requirements; and categorize as Extraordinary pursuant to Administrative Order Number 50 Respecting the Disposal of Surplus Real Property.

**BACKGROUND**

This supplementary report relates to Administrative Order 50, Declaration of Surplus Property – Package 08.21. The August 8, 2022, staff report,<sup>1</sup> previously considered by Regional Council, provides background and discussion on this item. On August 23, 2022, Regional Council considered declaring a portion of the subject property, Autoport Avenue, Eastern Passage (PID #40950438), as surplus to municipal requirements and categorizing it as ‘Extraordinary’, pursuant to Administrative Order Number 50.

Regional Council requested a supplementary report to respond to concerns related to the subject property. During Council’s discussion, the area Councillor raised questions regarding the status of Autoport Avenue. Citing increased truck traffic from Autoport Limited, the Councillor expressed concern for pedestrian and vehicular traffic and asked the following:

- Will selling the subject property (portion of Autoport Avenue) result in not being able to carry out future improvements or upgrades?
- Are there any planned upgrades and/or improvements for Autoport Avenue?
- Has there been a complete street review conducted for Autoport Avenue?

Regional Council referred the matter to staff for a supplementary report within the next six months.

**DISCUSSION**

This section outlines staff’s response to the questions posed by Regional Council regarding Autoport Avenue, Eastern Passage, and the declaration of surplus real property package (08.21), as presented to Regional Council on August 23, 2022. The following information was identified following consultation with HRM Transportation Infrastructure Management and HRM Right of Way Services.

**Impact of Sale on Future Street Improvements**

Selling the subject portion of Autoport Avenue will not prohibit future rehabilitation or capital improvements (e.g., multi-use paths, sidewalks, traffic calming measures, etc.). The avenue is classified as a Local Rural Road, with low traffic volumes, no transit service, and a few short side street connections. If Autoport Avenue is reclassified or upgraded in the future, such improvements can be accommodated within the reconfigured right-of-way,

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<sup>1</sup> August 8, 2022, [Staff Report: Administrative Order 50 – Declaration of Surplus Real Property – Package 08.21](#)

### **Planned Upgrades for Autoport Avenue**

There are no planned upgrades or projects for Autoport Avenue. Autoport Avenue rates as average/slightly below average for sidewalk prioritization. It is unlikely that the avenue will receive sidewalks in the near future. At present, the focus of active transportation (AT) corridors is for sidewalks on 'High' and 'Above Average' rated segments, with an emphasis on arterial and collector roads with transit. Connections to Main Road (located south and parallel to Autoport Avenue) via Howard Avenue and Hines Road are being reviewed for upgrades.

Traffic data was collected for Autoport Avenue. It was determined the street will receive traffic calming measures which will improve pedestrian safety. In the future, if Autoport Avenue rates higher for sidewalk prioritization, installation of AT infrastructure may be feasible. However, this work may include ditch filling, curb and gutter installation, new stormwater infrastructure and associated permitting, which is costly.

### **Complete Street Review of Autoport Avenue**

A complete street review of Autoport Avenue has not been completed. A complete street review will be completed when the roadway is eligible for pavement rehabilitation or capital improvements. This will be done to integrate the work, thus limiting service disruptions for residents, and for cost saving purposes. Further, it is anticipated that selling the subject portion of Autoport Avenue right-of-way will not prohibit a complete streets application, if deemed suitable in the future.

### **Conclusion**

Staff have reviewed and provided response to the questions raised by Regional Council and recommend that Council: 1) declare the subject property, listed in Attachment A of this report, as surplus to municipal requirements, and 2) categorize the subject property as 'Extraordinary', pursuant to Administrative Order Number 50 Respecting the Disposal of Surplus Real Property.

### **FINANCIAL IMPLICATIONS**

The operating costs of the subject property are either reported within the property profile (Attachment A) or are nominal and irregular so as to be deemed immaterial. Surplus properties will be maintained by identified business units or third parties, until properties are disposed.

Upon sale of surplus properties, net proceeds will be directed to the Capital Fund Reserve, Q526, in accordance with the Halifax Regional Municipality Charter Section 120(3)(a).

### **RISK CONSIDERATION**

No significant risks were identified. Prospective purchasers are urged to conduct their own due diligence.

### **COMMUNITY ENGAGEMENT**

Regional Council's August 23, 2022, agenda included Item 15.1.8: Administrative Order 50 Declaration of Surplus Real Property – Package 08.21, in which this property was included.

During the Administrative Order 50 process, Councillors are provided with a document package that includes the subject property, to provide feedback, discussion, and an opportunity to consult with the public, at their discretion.

No additional consultation was required beyond what is identified in the discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

The Property is located near a bulk storage facility and CN rail track, both potential sources of environmental risk.

### **SOCIAL VALUE**

No social value was identified.

### **ALTERNATIVES**

1. Council may elect to not declare a portion of Autoport Avenue, Eastern Passage (PID #40950438), surplus to municipal requirements.
2. Council may recommend changes to the categorization of Autoport Avenue, Eastern Passage (PID #40950438).

### **ATTACHMENTS**

Attachment A – Extraordinary Property, Autoport Avenue, Eastern Passage, PID 40950438 (portion of)

### **Reports Available Upon Request**

[Regional Council – Administrative Order 50 – Declaration of Surplus Real Property – Package 08.21 – August 8, 2022](#)

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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

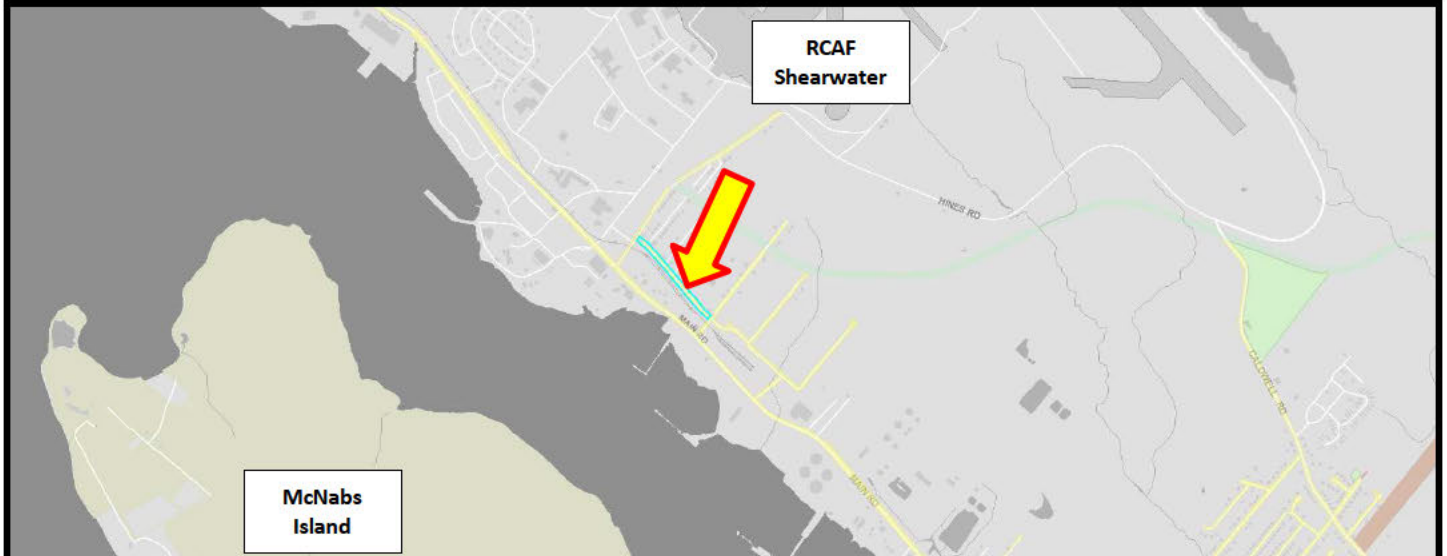
Report Prepared by: Tyson Simms, Senior Real Estate Officer, Corporate Real Estate, Property, Fleet & Environment, 902.223.3751

Michael Wile, Manager, Acquisitions, Disposals and Industrial Lands, Corporate Real Estate, Property, Fleet & Environment, 902.476.9162

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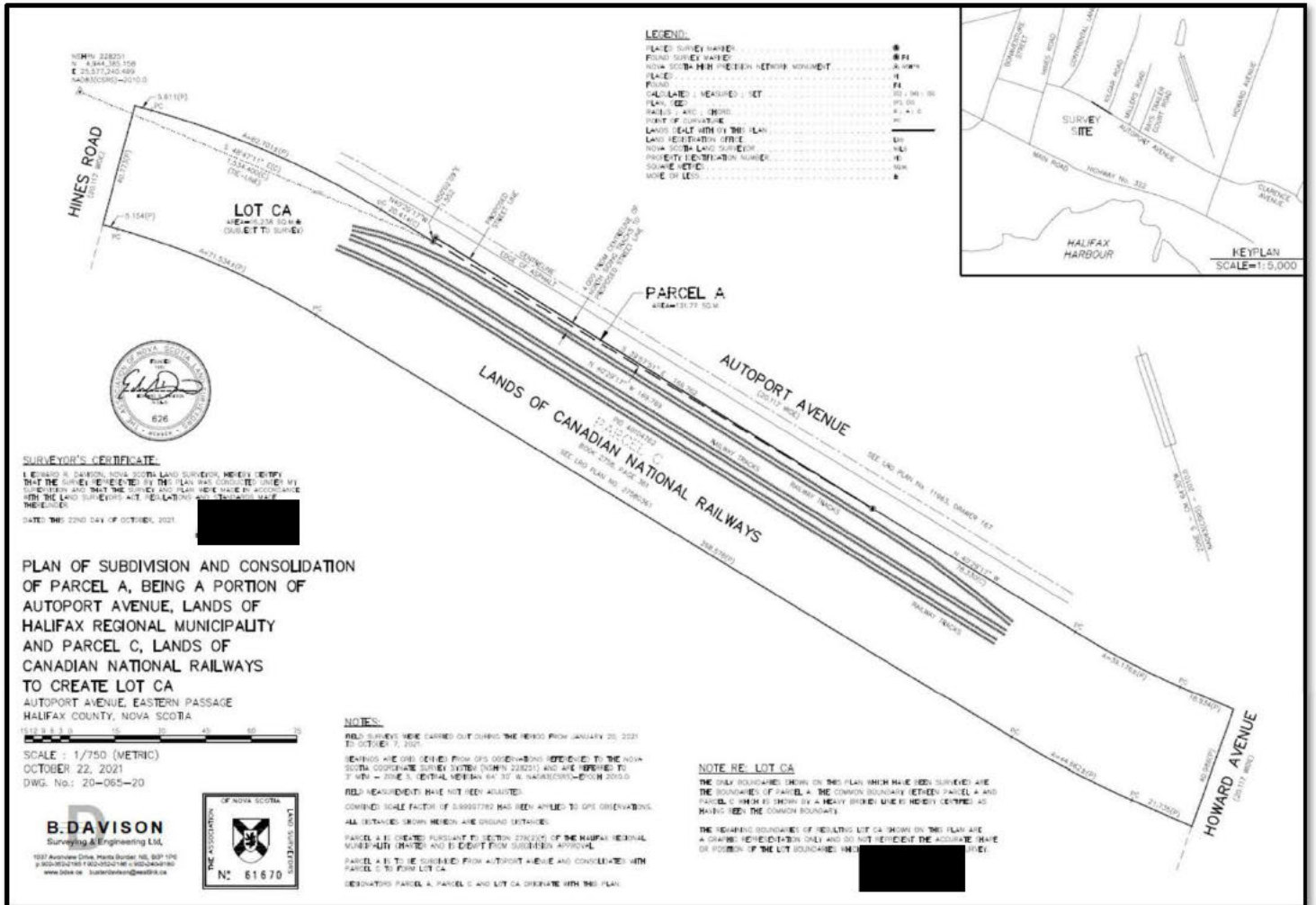
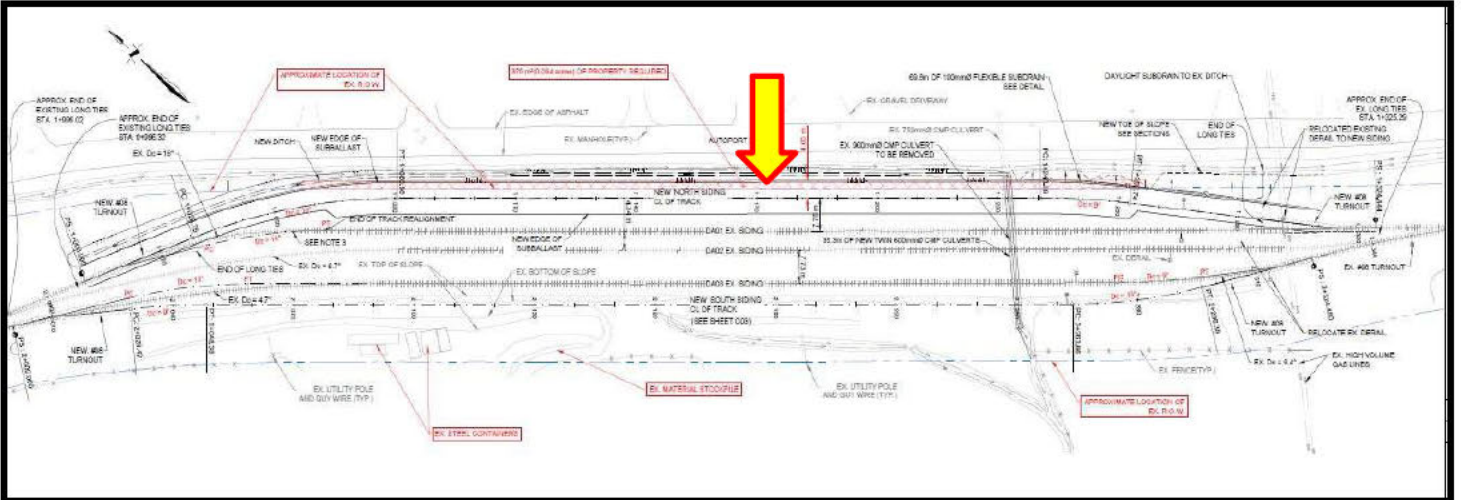
## Attachment A – Extraordinary Property

Autoport Avenue, Eastern Passage, PID 40950438 (portion of)



## Attachment A – Extraordinary Property COUNCIL REPORT – Administrative Order 50 – Package 08.21

### Autoport Avenue, Eastern Passage, PID 40950438 (portion of)



**Attachment A – Extraordinary Property**  
**COUNCIL REPORT – Administrative Order 50 – Package 08.21**

Autoport Avenue, Eastern Passage, PID 40950438 (portion of)			
<b>Surplus Category</b> <small>(proposed)</small>	Extraordinary	<b>Councillor / District</b>	Becky Kent / District 3
<b>Current Asset Use</b>	Right-of-Way	<b>Current Land Area</b> <small>(Parent)</small>	± 1,418.36 sq.ft.
<b>Building Area</b>	N/A	<b>Land Area for Disposal</b> <small>(proposed)</small>	± 1,418.36 sq.ft.
<b>Building Condition</b>	N/A		
<b>Interim Management</b>	Public Works	<b>Operating Costs</b>	No material cost
<b>Land Use Bylaw</b>	Eastern Passage/Cow Bay	<b>PVSC Assessment</b>	N/A
<b>Zone</b> <small>(hyperlink)</small>	Unzoned	<b>Deed on File</b>	TBD
<b>Environmental Risk</b>	Property is located near a bulk storage facility and CN rail track, both potential sources of environmental risk.		
<b>Background</b>	<p>To accommodate a track expansion between Hines Road and Howard Avenue, CN is requesting that HRM declare a portion of the Autoport Avenue right-of-way adjacent to their railway right-of-way as surplus to municipal requirements. Due to design constraints, CN was unable to keep the entire expansion within their right-of-way. In 2018, CN was issued a temporary streets and services permit to do the construction within the municipal right-of-way. Construction of the track expansion has been completed.</p> <p>The area which CN is requesting be declared surplus is located along the western boundary of the Autoport Avenue right-of-way and measures approximately 1.5 metres wide by 170 metres long. The area is shown crosshatched red on the attached CN engineering plan and outlined in red on the aerial image. This portion of the right-of-way is located behind the ditch and is not needed for street purposes.</p> <p>A public hearing will be required to close this portion of right-of-way, if its value is more than \$50,000.</p>		