



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

**Item No. 15.1.8**  
**Halifax Regional Council**  
**August 20, 2024**

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

**FROM:** Cathie O'Toole, Chief Administrative Officer

**DATE:** July 24, 2024

**SUBJECT:** **Parcel CI-B Surplus and Street Right-of-Way Closure**

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### **ORIGIN**

June 5, 2018, Regional Council motion (Item No. 17.1):

MOVED by Deputy Mayor Mason, seconded by Councillor Cleary

THAT Halifax Regional Council direct the Chief Administrative Officer (CAO) to complete negotiations with landowners for land associated with the proposed Granville Square, Valour Way roundabout, and the proposed park area adjacent the wastewater treatment facility.

MOTION PUT AND PASSED

### **EXECUTIVE SUMMARY**

To facilitate the creation of Granville Park, HRM entered into a Land Exchange Agreement for Crombie owned lands within Granville Park in exchange for Parcel CI-B. To finalize this land agreement, Council is recommended to:

- declare Parcel CI-B as surplus following Administrative Order 50; and
- set a public hearing to consider permanently closing the portion of right-of-way that contains Parcel CI-B currently; and
- following the public hearing, adopting Administrative Order SC-104 to permanently close the identified street right-of-way

There are no new financial implications with the recommendations of this report.

### **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Declare Parcel CI-B Cogswell District as shown on Attachment B of this report surplus to municipal requirements pursuant to Administrative Order 50 the *Disposal of Surplus Real Property Administrative Order* and categorize the Parcel as Extraordinary.
2. Direct the Chief Administrative Officer to set a date for a public hearing to consider permanently

closing Parcel CI-B, a portion of the right-of-way as outlined in Attachment A 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; and

3. Subject to the outcome of the public hearing, adopt Administrative Order SC-104 as set out in Attachment B of this report to permanently close Parcel CI-B (the portion of right-of-way), as a street, and authorize the Chief Administrative Officer to direct the Clerk to certify a copy of the Administrative Order passed by Council incorporating a survey or a metes and bounds description of Parcel CI-B , and to file the certified copy of the Administrative Order in the office of the Halifax County Registry of Deeds and with the Minister of Public Works.

## **BACKGROUND**

Negotiations with Crombie REIT for lands required to facilitate the development of Proctor Street, the Transit Hub and Granville Park have been ongoing as part of the Cogswell Redevelopment, following Council's direction to acquire land in 2018. The most complex component of these negotiations related to the lands required for Granville Park. A Land Exchange Agreement (Agreement) executed on January 28, 2021, confirmed HRM would receive lands identified as Parcel CI from Crombie REIT to facilitate the completion of Granville Park, in exchange for the lands termed Parcel CI-B, shown in Attachment A. A construction agreement has been in place since 2021 to facilitate the construction of Granville Park on these lands. As well, Parcel CI-B has been created through the construction process and is now ready to be closed as part of the street, declared surplus and conveyed to Crombie REIT pursuant to the Agreement.

## **DISCUSSION**

Parcel CI-B has been surveyed and a subdivision application submitted to formally create this lot for conveyance. The official surveyed plan is shown in Attachment A.

Parcel CI-B is a portion of the Cogswell Interchange, the entirety of which currently constitutes a single street parcel. Parcel CI-B needs to be officially closed as a street and declared surplus before it can be conveyed to Crombie REIT.

Parcel CI-B is the first in a series of street closures necessary to create the district and its related lots for disposal.

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

## **FINANCIAL IMPLICATIONS**

There are no new financial implications associated with the recommendation in this report. However, the closure is necessary to create the desired Parcel CI-B for future conveyance, a deliverable of the approved Cogswell Project.

## **RISK CONSIDERATION**

There are no risk considerations associated with the recommendation in this report. However, not moving forward with this recommendation creates risk for the current design and construction of Granville Park and a breach of contract suit by Crombie REIT.

## **COMMUNITY ENGAGEMENT**

As per the requirements of Administrative Order 50, the Local Councillor and Community Councillors through previous reports on the Cogswell Project, were advised of the recommendation to surplus the former Cogswell ROWs necessary to create the desired parcels for the project.

### **ENVIRONMENTAL IMPLICATIONS**

The transfer of ownership of Parcel CI-B between HRM and Crombie REIT supports the development of a new urban park, and future high-density development, supporting good urban design and sustainability principles.

### **ALTERNATIVES**

Regional Council could choose not to approve the recommendation. This is contrary to the signed Land Exchange Agreement with Crombie REIT. Further this would require a significant redesign and reconstruction of the ongoing Granville Park.

### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter*, subsections 61(3), 318(1)(2), 325(1)(3)(4)(5)(6), clause 61(5)(b), section 317, as follows:

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.

6 (5) The Municipality may

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

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.

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.

(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, the *Disposal of Surplus Real Property Administrative Order*

Administrative Order 2018-004-ADM, the *Real Property Transactions Policy*.

**ATTACHMENTS**

Attachment A – Plan of Survey, Parcel CI-B

Attachment B – Administrative Order SC-104

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Report Prepared by: Elora Wilkinson, Project Manager – Cogswell Redevelopment, [wilkine@halifax.ca](mailto:wilkine@halifax.ca)

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**HALIFAX REGIONAL MUNICIPALITY**  
**ADMINISTRATIVE ORDER NUMBER #SC-104**  
**RESPECTING CLOSURE OF PARCEL CI-B**  
**RIGHT OF WAY COGSWELL DISTRICT, 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* as follows:

1. A portion of the Street Right of Way, Cogswell District, Halifax, Nova Scotia more particularly shown as Parcel CI-B on Attachment A is hereby closed.

**I HEREBY CERTIFY THAT** the foregoing Administrative Order was duly adopted by Halifax Regional Council, the \_\_\_\_ day of \_\_\_\_\_, 202 .

\_\_\_\_\_  
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:

DATE

Approval:

DATE

