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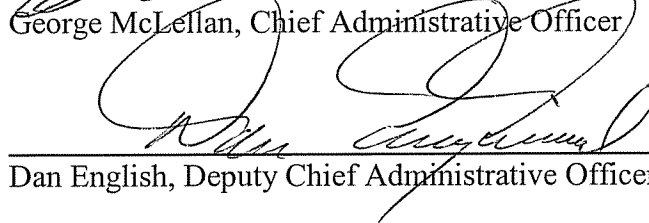
**Public Hearing
Halifax Regional Council
June 15, 2004**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



George McLellan, Chief Administrative Officer



Dan English, Deputy Chief Administrative Officer

DATE: June 7, 2004

SUBJECT: Street Closure - Portion of Kidston Lake Park Right of Way, Halifax

SUPPLEMENTARY REPORT

ORIGIN

At its meeting of May 25, 2004, Halifax Regional Council authorized staff to set a date for a public hearing for consideration of HRM Administrative Order SC-32 concerning the closure of a portion of the Kidston Lake Park right of way, Halifax, as shown on Attachment "A", and approved the sale of the portion, subject to approval of the street closure, to Mr. Stanley Havill, containing approximately 2,400 square feet (exact area to be determined by survey), based on the key terms and conditions contained in the staff report

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. close the portion of the Kidston Lake right of way, Halifax, as shown on Attachment "A";
2. subject to the street closure, access to Kidston Lake Park will be via the new access point at the end of the cul-de-sac on Fieldstone Street, as per the terms and conditions of this report

BACKGROUND

The Kidston Lake Park Right of Way, originally part of the extended Rockingstone Road, is a 20 foot wide access road that runs from Feldspar Crescent to Kidston Lake Park, and is used to access the Kidston Lake Park. In 1986, a section of the right of way from Rockingstone Road to the end of Feldspar Crescent, known as Parcel RR-1, was conveyed to the Minister of Housing for the Province of Nova Scotia after it went through a formal street closure.

The Municipality has been approached by Mr. Stan Havill with a request to close and purchase a 5,090 square foot portion of the Kidston Lake Park Right of Way. Mr. Havill owns approximately 865 acres of the surrounding lands. He is presently developing a 32 lot subdivision, and has completed the construction of Fieldstone Street. It is his intention to acquire a portion of the right of way, as it forms part of proposed Lot 68 and Lot 69 Fieldstone Street, as can be seen in Attachment "A". As mentioned above, precedent has been set to go through the formal street closure procedure to convey any section of this right of way.

DISCUSSION

Staff have reviewed the request to close this section of right of way, and consider it surplus to the requirements of the Municipality, on condition that Mr. Havill provide new access to Kidston Lake Park, as he has proposed, to replace the closed section. Mr. Havill has created Parcel AE-1, as seen on Attachment "A", as the new access point located on the temporary turning circle at the end of Fieldstone Street.

Originally staff considered closing the section of right of way from Feldspar Crescent to the new access Parcel AE-1. However, at a public information meeting held on April 1, 2004, as part of the re-zoning process, the area residents requested that only the area of right of way being used by the proposed new lots 68 and 69 be closed, that being approximately 2,400 sq. ft..

Proposed lots 68 and 69 are split zoned, a portion being zoned R-1, Single Family Dwelling Zone, and a portion being zoned H, Holding Zone. The purchaser is going through the re-zoning process to have both lots zoned R-1. The street closure will be subject to the successful re-zoning of the proposed lots.

The area of the new access point to Kidston Lake Park, Parcel AE-1 at 2,138 sq. ft., will be credited, in favour of the purchaser, against the area of the existing right of way to be closed and conveyed.

The key terms and conditions of the street closure and conveyance are as follows:

KEY BUSINESS TERMS AND CONDITIONS OF TRANSACTION	
Property Address	A portion of Kidston Lake Park Right of Way
Area of ROW to be closed	2,400 sq. ft. +/-
Purchaser	Mr. Stanley Havill
Purchase Price	Market Value
Special Conditions	<ul style="list-style-type: none">• Street Closure is subject to the approval of the re-zoning by Community Council;• Sale is subject to closing portion of the right of way by Council;• New access point to Kidston Lake Park at the end of the cul-de-sac on Fieldstone Street to be conveyed to HRM;• Purchaser will pay advertising cost, survey costs and HRM's legal costs and applicable taxes.
Closing Date	ASAP after street closure is approved.

BUDGET IMPLICATIONS

There are no costs to HRM in regards to this street closure. Net proceeds would be deposited to the Sale of Land Account. There will also be property tax revenue from the creation of the two new lots as a result of the street closure of the right of way.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

None recommended.

ATTACHMENTS

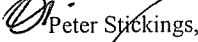
Attachment "A"- Site Plan

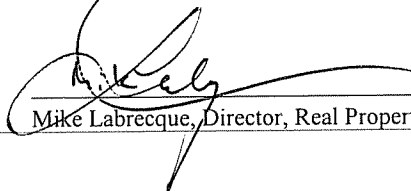
Attachment "B"- Administrative Order SC-32

Attachment "C"- Site Photography

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

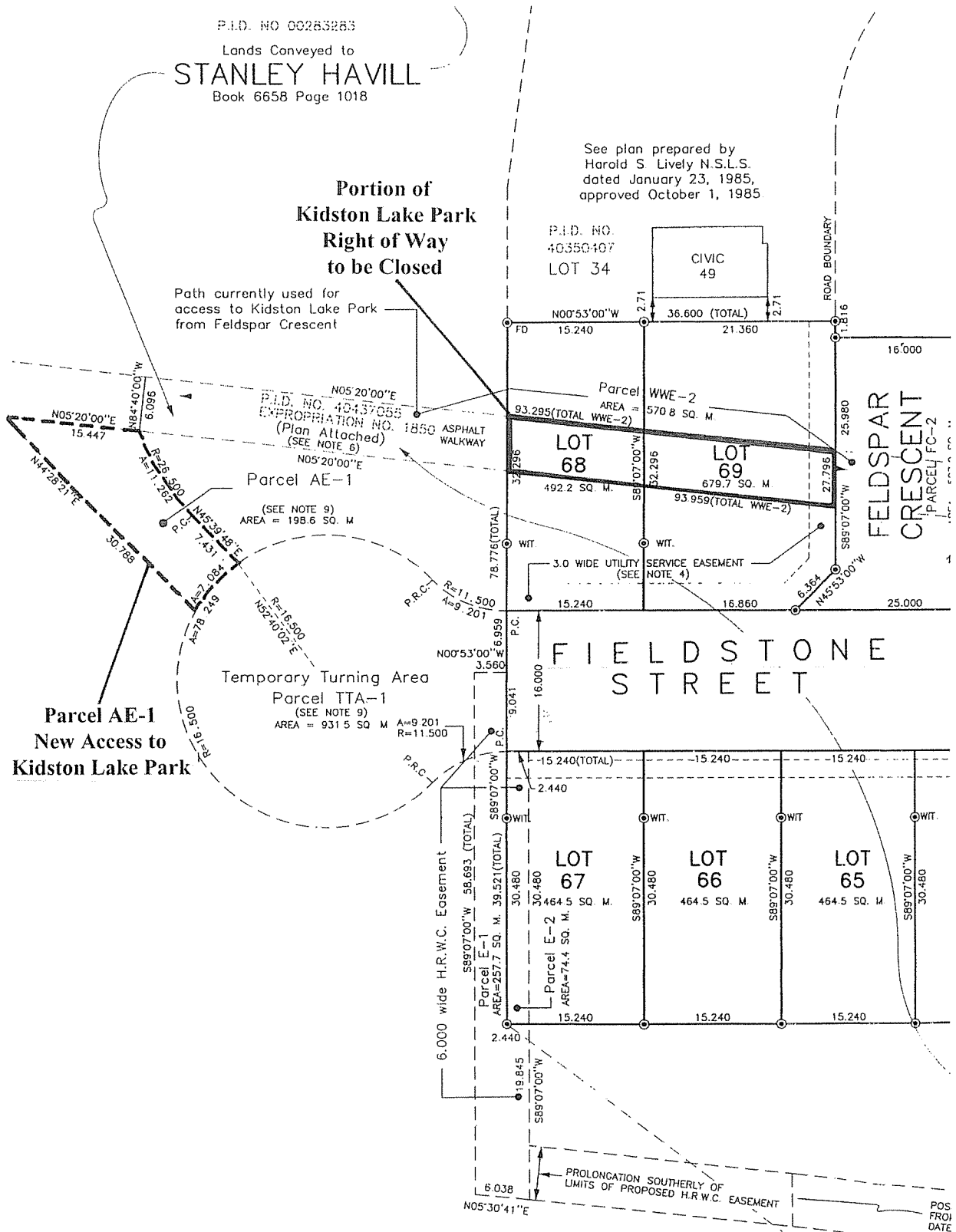
Report Prepared by: Tom Crouse, Team Leader, Real Property & Asset Mgmt. 490-5931

Report Reviewed/Approved by:  Peter Stickings, Manager, Real Estate, Real Property & Asset Mgmt. 490-7129

Report Approved by: 
Mike Labrecque, Director, Real Property & Asset Mgmt. 490-4851

ATTACHMENT "A"

Street Closure - Portion of Kidston Lake Park Right of Way, Hfx. SITE PLAN



Attachment "B"

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER SC-32

**RESPECTING CLOSURE OF
A PORTION OF THE KIDSTON LAKE PARK RIGHT OF WAY**

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of Council of the Halifax Regional Municipality pursuant to Section 315 of the Municipal Government Act as follows:

1. The "subject lands", a portion of the Kidston Lake Park Right of Way, more particularly described in Attachment "A" hereby enclosed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council the day of , 2004.

MAYOR

MUNICIPAL CLERK

I, Jan Gibson, Acting 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 17th day of February, 2004.

Jan Gibson, Acting Municipal Clerk

ATTACHMENT "C"

Street Closure - Portion of Kidson Lake Park Right of Way, Hfx. SITE PHOTOGRAPHY



View of Lots 68 & 69 from Fieldstone Street



View of Right of Way over Lots 68 & 69