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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

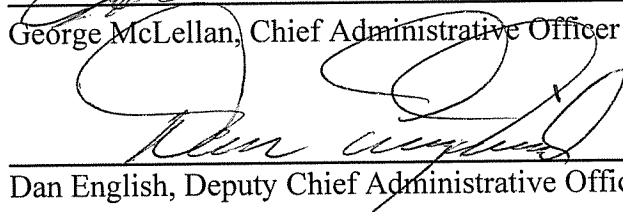
**Public Hearing
Halifax Regional Council
September 28, 2004**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



George McLellan, Chief Administrative Officer



Dan English, Deputy Chief Administrative Officer

DATE: August 12, 2004

SUBJECT: Sale and Street Closure - Portion of Avenue du Portage, Dartmouth

SUPPLEMENTARY REPORT

ORIGIN

At its meeting of August 31, 2004, Halifax Regional Council authorized staff to set a date for a public hearing for the consideration of Administrative Order SC-35 concerning the closure of a portion of Avenue du Portage, Dartmouth, as shown on Attachment "A". Council subsequently approved the sale of a portion of Avenue du Portage, Dartmouth, to Kimberly-Lloyd Developments Limited subject to approval of the street closure which contains approximately 18,357 square feet (subject to survey), based on the key terms and conditions in the staff report.

RECOMMENDATION

It is recommended that Halifax Regional Council close a portion of Avenue du Portage, Dartmouth, as shown on Attachment "A".

BACKGROUND

Real Estate received a request from Kimberly-Lloyd Developments Limited to purchase the subject land. Kimberly-Lloyd intends to consolidate the subject with their current holdings, identified as Lot C-17 (Attachment "A") and then subdivide two (2) lots for residential development.

Pursuant to the Municipal Government Act, Regional Council must hold a public hearing before approving the closing of a street or part of a street.

DISCUSSION

The subject land is a remnant portion of Avenue du Portage near Caledonia Road in Dartmouth (see Attachment "A") comprising of approximately 300 feet of frontage with an area of approximately 18,357 square feet (subject to survey). The subject is identified as Parcel A.

Avenue du Portage was deeded to the former City of Dartmouth in 1994 pursuant to the approval of the Montebello West Subdivision (later named Beechwood Estates). The subdivision plan showed a future realignment of Avenue du Portage near Caledonia Road over an abutting owners land, which they were not willing to convey at that time. The abutter deeded this land to HRM two (2) years ago in conjunction with their subdivision approval, and the Municipality realigned Avenue du Portage, as shown on *Attachment "A"*.

Staff have reviewed closing this portion of Avenue du Portage and consider it surplus to the requirements of the Municipality. Easements will be required for existing municipal water and sanitary sewerage lines traversing the property. The site is also encumbered by a NSPI easement.

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

KEY BUSINESS TERMS AND CONDITIONS OF TRANSACTION	
Property Address	Portion of Avenue du Portage, Dartmouth
Site Area	18,357 square feet (<i>subject to survey</i>)
Zoning	H (Holding) Zone
Vendor	HRM
Purchaser	Kimberly-Lloyd Developments Limited
Purchase Price	Market Value

Special Conditions	<ol style="list-style-type: none">1. Sale is subject to closing of the subject portion of Avenue du Portage by Council; and2. Purchaser will pay advertising costs, survey costs, legal and closing costs and applicable taxes.3. Easements will be required for existing municipal water and sanitary sewerage lines traversing the property.
Closing Date	ASAP after street closure is approved.

BUDGET IMPLICATIONS

The net proceeds from the sale shall be credited to the Sale of Land Reserve Account Q101. Applicable deductions to the Purchase Price include, but are not limited to, appraisal, survey, environmental and deficiencies, legal, marketing and administrative costs.

Environmental and or deficiency allowances resulting from the purchaser's due diligence inspection, if required, shall be to a maximum of 15 percent of the purchase price.

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.

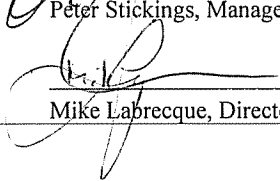
ATTACHMENTS

- Attachment "A" - Site Plan
- Attachment "B" - Administrative Order SC-#35
- Attachment "C" - 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: Stephen Smith, Real Estate Officer, Real Property & Asset Mgmt. 490-5477

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



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Attachment "B"

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER SC-35
RESPECTING CLOSURE OF A PORTION OF
AVENUE DU PORTAGE

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. A portion of Avenue du Portage, Parcel A, Dartmouth, 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 _____, 2004.

Mayor

Municipal Clerk

I, Jan Gibson, 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 _____, 2004.

Jan Gibson, Municipal Clerk

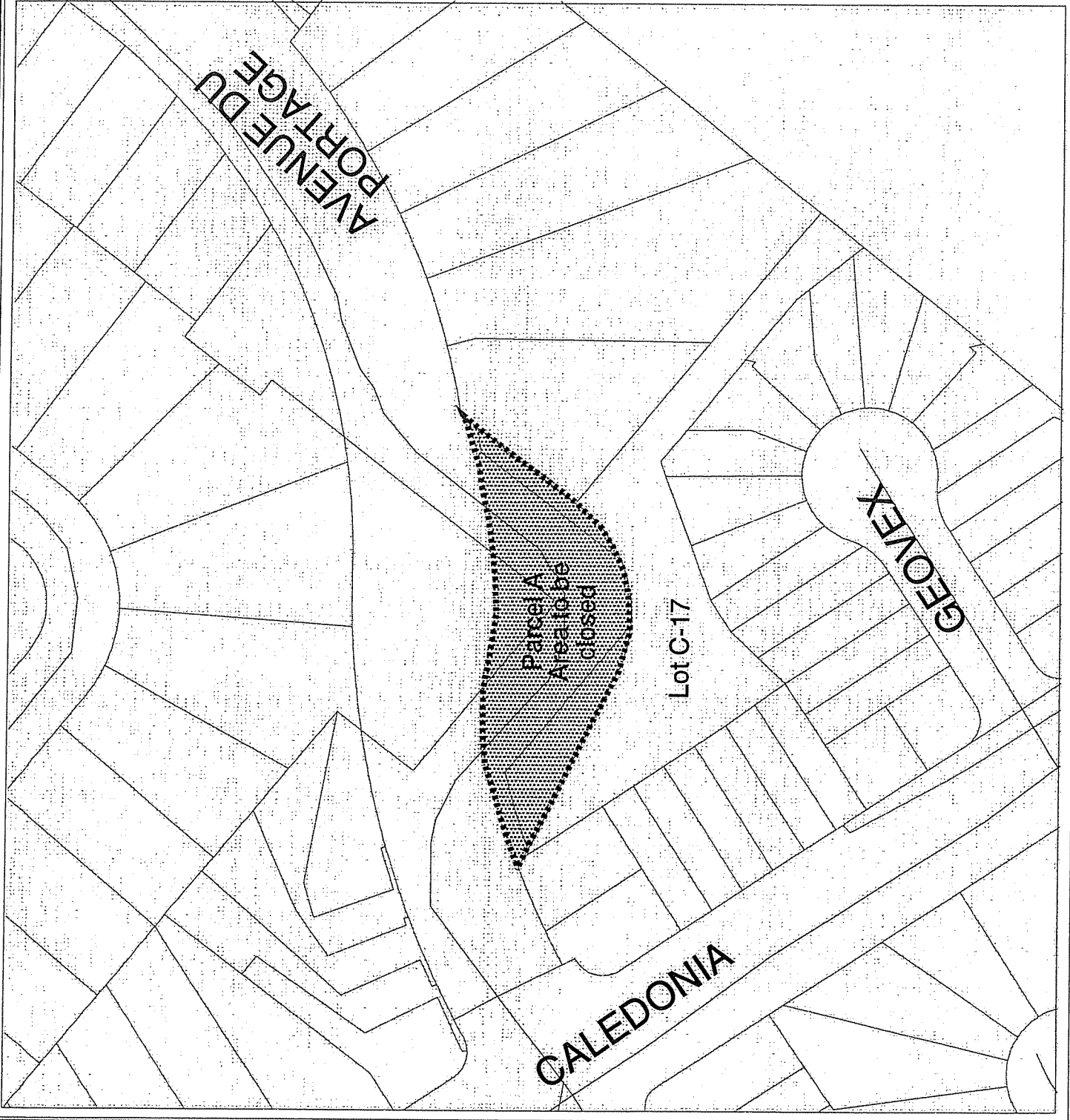
ATTACHMENT A
Avenue Du Portage
Street Closure
Site Map

Scale 1:1171



This map was produced for the internal use of
Halifax Regional Municipality (HRM).
HRM takes no responsibility for errors or omissions.
Date of map is not indicative of the date of data creation.

Projection: Modified Transverse Mercator Zone 5
Prepared by: E. Wall



ATTACHMENT "C"
Street Closure - Portion of Avenue Du Portage
SITE PHOTOGRAPHY



Subject Property looking across Avenue Du Portage

