



PO Box 1749
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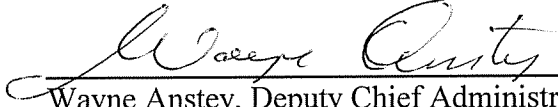
Halifax Regional Council
August 7, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: July 12, 2007

SUBJECT: **Street Closure - Cole Drive, Cole Harbour (Parcels DR and ER and
Parcels FR and GR)**

ORIGIN

A request from Cole Road Developments Limited ("Developer") expressing an interest in acquiring the remnant parcels of a cul de sac bulb more particularly described as **Parcels DR and ER and Parcels FR and GR, Cole Drive, Cole Harbour** in the Legal Description and partial Survey Plan attached hereto as Attachment "A".

RECOMMENDATION

It is recommended that Council close Parcels DR and ER and Parcels FR and GR of the Cole Drive right-of-way, as per Administrative Order # SC-46, as shown on Attachment "B", to facilitate the sale of same to Cole Road Developments Limited.

BACKGROUND

Staff was contacted by the Developer when completing their extension of Cole Drive to Tamara Drive. Cole Drive as a result is no longer a cul de sac leaving four (4) remnant parcels of the cul de sac surplus to the right-of-way. The Developer has interest in acquiring the remnant parcels from HRM and incorporating the lands into the residential development plans of the surrounding area.

DISCUSSION

The developer has provided to HRM a survey plan and legal description of the remnant parcels.

The parcel to the east of Cole Drive consists of 3,199.03 square feet and will be subdivided to form parcels DR & ER. These two parcels will be incorporated with the adjoining lands to form residential lots 60ER & 61DR.

The parcel to the west of Cole Drive consists of 3,238.87 square feet and will be subdivided to form parcels FR & GR. These two parcels will be incorporated with the adjoining lands to form residential lots 62GR & 63FR.

In October 2004, the Municipal Government Act was amended **whereby a Public Hearing is not required** where part or parcel of a street is being altered, improved or redesigned, if:

- (a) the part of the street that remains opens
 - (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 engineers to be surplus;
 - (ii) is worth less than fifty thousand dollars.

The remnant parcels of the cul de sac are non-contiguous (separated by Cole Drive) and therefore, will be conveyed to the purchaser utilizing two transactions. The recommended purchase price and terms for each transaction is outlined below.

Terms and Conditions - Parcels DR and ER

<i>Property Address</i>	Parcels DR & ER, Cole Drive, Cole Harbour
<i>Site Area</i>	3,199.03 sq. ft.
<i>Zoning</i>	R-1 (Single Unit Dwelling) Zone
<i>Vendor</i>	HRM
<i>Purchaser</i>	Cole Road Developments Limited
<i>Purchase Price</i>	Market Value
<i>Closing Date</i>	August 15, 2007
<i>Special Conditions</i>	<ul style="list-style-type: none">• Vendor, at it's expense, to provide Plan of Survey and Legal Description.• Vendor and HRM to pay their own legal fees.

Terms and Conditions - Parcels FR and GR

<i>Property Address</i>	Parcels FR & GR, Cole Drive, Cole Harbour
<i>Site Area</i>	3,238.87 sq. ft.
<i>Zoning</i>	R-1 (Single Unit Dwelling) Zone
<i>Vendor</i>	HRM
<i>Purchaser</i>	Cole Road Developments Limited
<i>Purchase Price</i>	Market Value
<i>Closing Date</i>	August 15, 2007
<i>Special Conditions</i>	<ul style="list-style-type: none">• Vendor, at it's expense, to provide Plan of Survey and Legal Description.• Vendor and HRM to pay their own legal fees.

BUDGET IMPLICATIONS

The net proceeds from the sale shall be credited to the **Sale of Capital Asset Reserve Account Q101**. Legal costs are not expected to exceed \$3,000 per transaction. No further budget implications are expected with this exchange.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

If approved this report will increase reserve contributions.

ALTERNATIVES

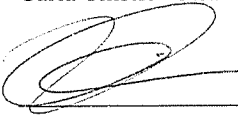
None

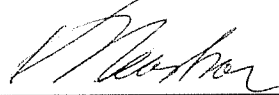
ATTACHMENTS

Attachment "A" - Legal Description and partial Survey Plan
Attachment "B" - Administrative Order # SC-46.


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: Carla Thistle - Real Estate Officer, TPW 490-5477

Report Approved by: 
Peter Stickings, Manager, Real Property, TPW 490-7129

Report Approved by: 
Ken Reashor, Manager, Traffic & Right of Way, TPW 490-6637

Report Approved by: 
Mike Labrecque, Director TPW, 490-4855

Financial Review/Approval by: 
Catherine Sanderson, Senior Manager, Financial Services 490-1562

Schedule "A"

Parcels DR, ER, FR, & GR

Cole Harbour Estates

Cole Harbour Halifax County Nova Scotia

ALL those certain parcels of land on the eastern and western sides of Cole Drive shown as Parcels "DR" & "ER" on the eastern side of Cole Drive and Parcels "FR" & "GR" on the western side of Cole Drive as shown on a plan (John C. MacInnis Plan No. 06-73-L3) entitled "Plan of survey of Lots 11 to 19 Incl., Lots 51 to 59 Incl., Lots 60ER, 61DR, 62GR & 63FR & Lots 64R to 69R Incl. & Parcels CD-6R, T2 & RS1, (1) A subdivision of a portion of Parcel MH-1, Lands conveyed to Cole Road Developments Ltd., (2) A subdivision of a portion of CD-5 (Cole Drive), lands conveyed to Halifax Regional Municipality, Cole Harbour Estates, Cole Drive & Tamara Dive, Cole Harbour, Halifax County, Nova Scotia.", dated April 18, 2007, certified by John C. MacInnis, N.S.L.S. and described as follows:

Parcels DR & ER

BEGINNING on the curved northwestern boundary of Cole Drive at the northwestern corner of Lot "211";

THENCE North 70 degrees 41 minutes 20" West, 2.591 metres along the northern boundary of Cole Drive to an angle therein;

THENCE North 19 degrees 18 minutes 20 seconds west, 35.738 metres along the eastern boundary of Cole Drive to a nontangential point of curvature;

THENCE southeasterly, southerly and southwesterly following the arc of a curve to the right of radius 19.506 metres, 38.895 metres to a point of reverse curvature;

THENCE southwesterly following the arc of a curve to the left of radius 8.534 metres, 4.181 metres to the place of beginning.

CONTAINING 297.2 square metres.

PARCELS FR & GR

BEGINNING on the curved southwestern boundary of Cole Drive at the northeastern corner of Lot "210";

THENCE northwesterly following the arc of a curve to the right of radius 8.534 metres, 5.424 metres to a point of reverse a curvature;

THENCE northwesterly, northerly and northeasterly following the arc of a curve to the right of radius 19.056 metres, 38.890 metres to the western boundary of Cole Drive;

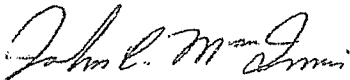
THENCE South 19 degrees 18 minutes 40 seconds east, 37.000 metres along the western boundary of Cole Drive to an angle therein;

THENCE South 70 degrees 41 minutes 20 seconds West, 2.249 metres along the northern boundary of Cole Drive to the place of beginning.

CONTAINING 300.9 square metres.

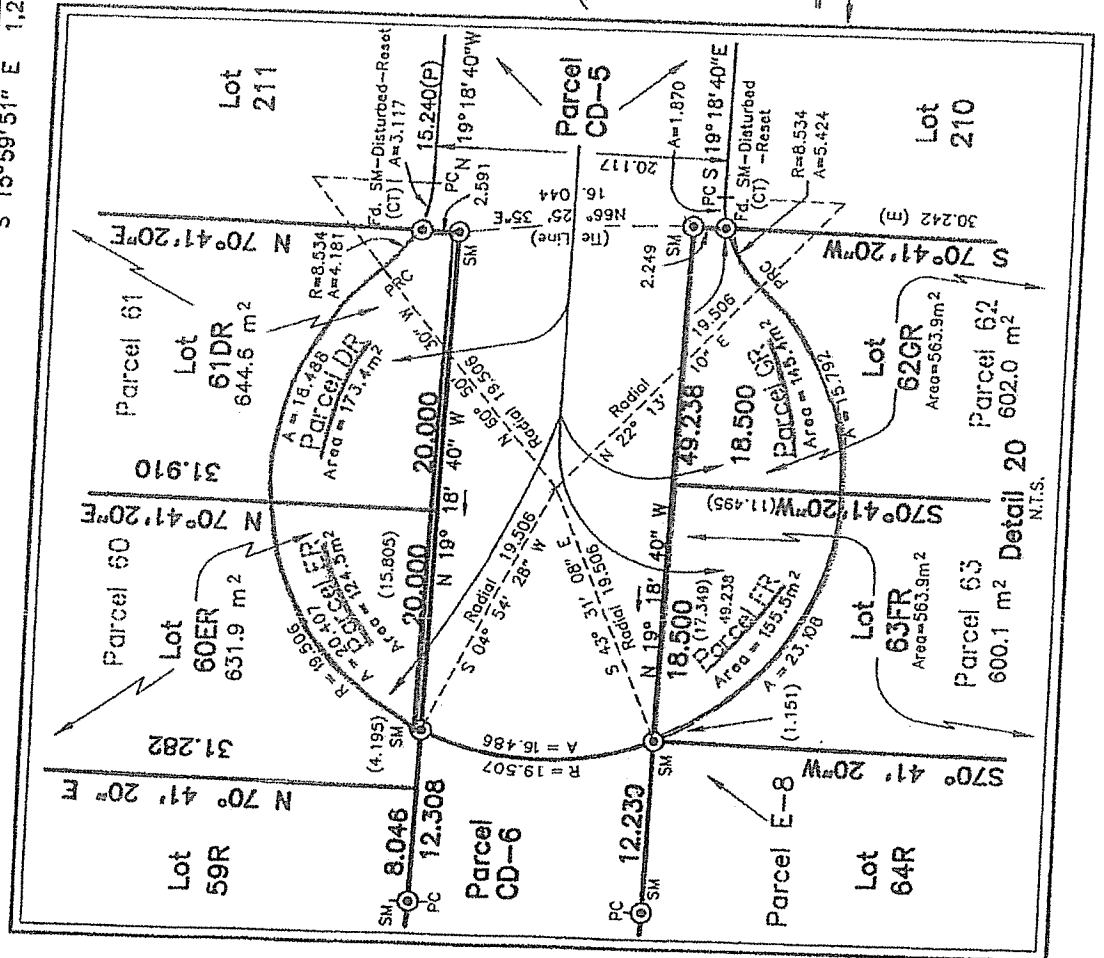
ALL bearings are referenced to the 3 degree Transverse Mercator Projection, Central Meridian 64 degrees 30 minutes West Longitude.

THE above described Parcels "DR", "ER", "FR" & "GR" being portions of Parcel "CD-5" (Cole Drive) as conveyed to Halifax Regional Municipality and recorded in Book 5998, Page 463 at the Registry of Deeds, Halifax.



John C. MacInnis, N.S.L.S.
April 26, 2007

DocId: 34200





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

Attachment "B"

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER SC - 46

RESPECTING CLOSURE OF A PORTION OF

Cole Drive

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:

- (i) A portion of Cole Drive, Parcels DR & ER and Parcels FR & GR, Cole Harbour, 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 _____, 2007.

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 _____, 2007.

Jan Gibson, Municipal Clerk