



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.5

Halifax Regional Council
June 17, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in cursive script, appearing to read "Wayne Anstey".

Wayne Anstey, Acting Chief Administrative Officer

DATE: June 4, 2008

SUBJECT: Street Closure - Kelly Street, Halifax (Parcels K1 & K2)

ORIGIN

A request from Killam Investments Inc. ("Developer") expressing an interest in acquiring at market value the remnant parcels of a cul de sac bulb more particularly described as **a portion of Parcel K1 & all of Parcel K2, Kelly Street, Halifax, NS.**

RECOMMENDATION

It is recommended that Regional Council close the portions of the Kelly Street right-of-way, as per HRM Administrative Order SC-52, as shown on Attachment "B".

BACKGROUND

Staff was contacted by the Developer when applying for subdivision approval of their development plans of the lands surrounding Kelly Street, Halifax.

The development plans show Kelly Street, currently a cul de sac, being extended through to Osbourne Street with residential development opportunities on the surrounding lands. The extension of Kelly Street, and elimination of the cul de sac bulb, will leave two surplus ROW properties, one on either side of the cul de sac and are described as Parcel K1 and Parcel K2 on Attachment "A".

The Developer has an interest in acquiring a triangular portion of Parcel K1 and all of Parcel K2, subject to Regional Council's approval of the street closure. The Developer's intention is to incorporate the lands into the abutting residential development plans of the surrounding area.

The majority of Parcel K1 will remain in HRM ownership as Parkland and abuts the Developer's land, described as P-1 on Attachment "A", which is to be conveyed to HRM as Parkland Dedication through the development process.

DISCUSSION

The Developer's 10.88 acre property is located in the Armdale area of Halifax and was purchased October 18, 2004.

In 1969, the surrounding area was developed creating two (2) separate Kelly Street right of ways. One from Stonehaven Road, ending in a cul de sac and the other from Osbourne Street. At the time the Kelly Street cul de sac was developed, there appears to have been an intention to see Kelly Street extended through to Osbourne Street with future development; however, the development to join the two Kelly Street right of ways did not take place and both Kelly Streets are currently under HRM ownership.

The closure will facilitate the market conveyance of a portion of Parcel K1 and all of Parcel K2 to Killam Investments Inc., which was subject to a previously approved Director's Approval Report.

In October 2004, the Municipality was successful in amending the Municipal Government Act in that a Public Hearing is not required where part 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.

It has been determined that this street closure meets all of the above noted criteria and; therefore, a public hearing is not required for the Street Closure of Parcel K1 and Parcel K2.

The Developer's proposed plan will eliminate a duplication of street names with the extension of Kelly Street through to Osbourne Street and provide revenue for future capital requirements.

Terms and Condition of Conveyances

| | | |
|--------------------------------|---|----------------------------------|
| <i>Property Address</i> | Portion of Parcels K1, Kelly Street, Halifax | Parcel K2, Kelly Street, Halifax |
| <i>Owner</i> | HRM | HRM |
| <i>Area</i> | 125.94 sq. ft. | 3,354 sq. ft. |
| <i>Zoning</i> | R-2 (Two Family Dwelling) Zone | R-2 (Two Family Dwelling) Zone |
| <i>Conditions</i> | <ul style="list-style-type: none">< At this time Council is being asked to formally close Parcel K1 and Parcel K2 of the Kelly Street Right of way as shown on Attachment "A".< The closure will facilitate the conveyance of a portion of Parcel K1 and all of Parcel K2 to Killam Investments Inc., which was subject to a previously approved report. | |

BUDGET IMPLICATIONS

The net proceeds from the sale shall be credited to the **Sale of Capital Asset Reserve Account Q101**. The budget implications of the sale of a portion of Parcel K1 and all of Parcel K2 have been addressed in a Director's Approval Report. The Director's Approval Report is subject to Council approval of the street closure. All costs associated with the street closure can be accommodated within the approved budget.

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

ATTACHMENTS

Attachment "A" - Partial Survey Plan

Attachment "B" - Administrative Order # SC-52.

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 Reviewed by:

Tom Crouse - Manager, Acquisition & Disposal 490-5931


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, P.Eng., Director TPW, 490-4855

Financial Review/Approval by:


Catherine Sanderson, Senior Manager, Financial Services 490-1562

Street Plan
Halifax

CLEVELAND COURT
PARCEL CC-1

PARCEL K2
311.3 Sq.m (Total)
244.0 Sq.m (28-A)
67.6 Sq.m (28-B)

HALIFAX REGIONAL
MUNICIPALITY
Bk.2625 Pg.708

29-B
29-A

ITEMENTS INC.
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BREWER COURT
PARCEL BC-1

KELLY STREET

PID 40931610
HALIFAX REGIONAL MUNICIPALITY
Bk.2625 Pg.708

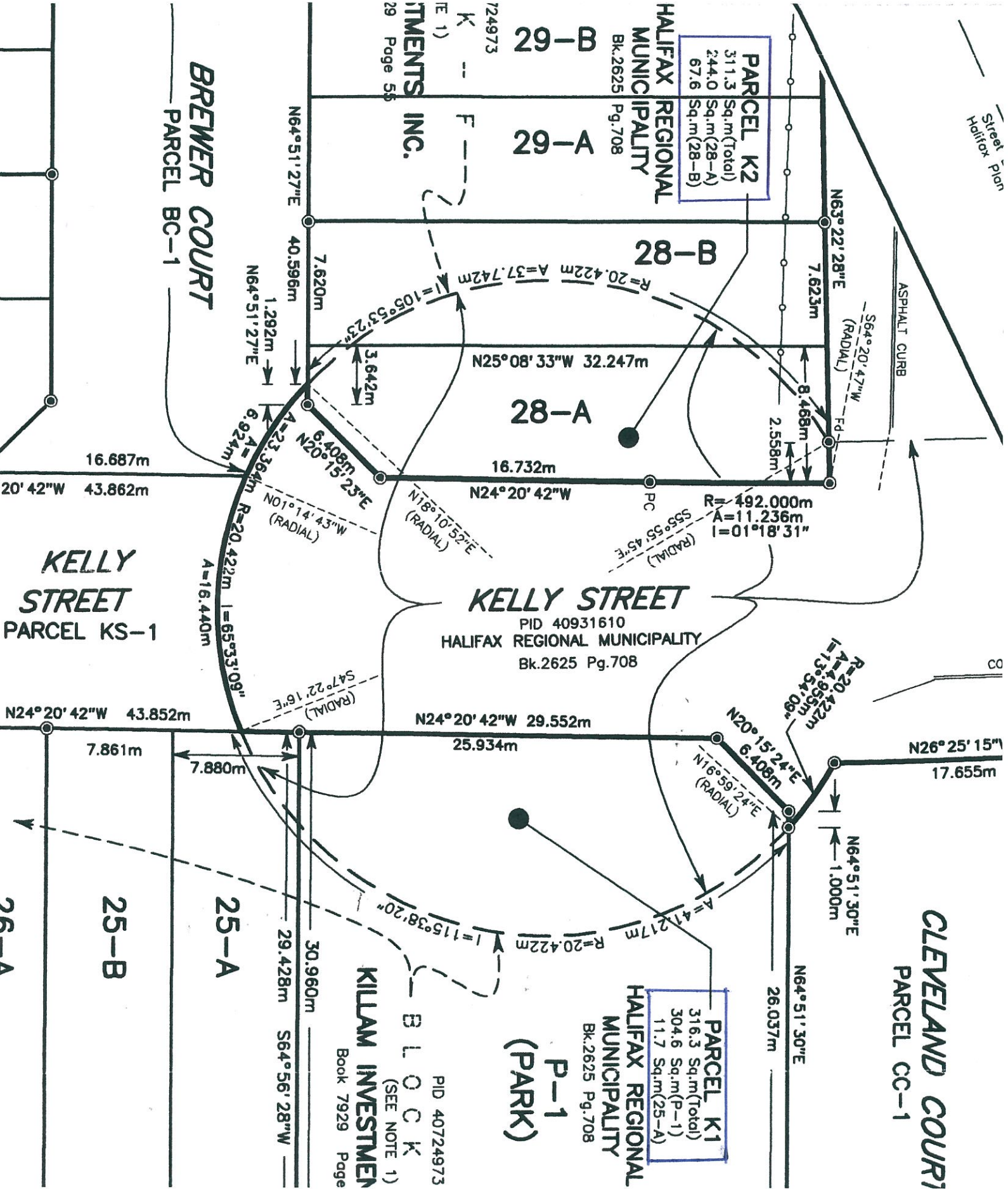
KELLY STREET
PARCEL KS-1

PARCEL K1
316.3 Sq.m (Total)
304.6 Sq.m (P-1)
11.7 Sq.m (25-A)

HALIFAX REGIONAL
MUNICIPALITY
Bk.2625 Pg.708

P-1
(PARK)

KILLAM INVESTMENT
BLOCK
(SEE NOTE 1)
Book 7929 Page





Halifax, Nova Scotia
B3J 3A5 Canada

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER SC - 52
RESPECTING CLOSURE OF PORTIONS OF
KELLY STREET

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 Kelly Street, Parcels K1 & K2, Halifax, 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 _____, 2008.

Mayor

Municipal Clerk

I, Julia Horncastle, Acting 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 _____, 2008.

Julia Horncastle, Acting Municipal Clerk