

Halifax Regional Council
June 10, 2008
June 17, 2008

TO: Mayor Kelly and Members of Halifax Regional Council



SUBMITTED BY:

Dan English, Chief Administrative Officer



Geri Kaiser, Deputy Chief Administrative Officer - Corporate Services and Strategy

DATE: June 3, 2008

SUBJECT: Street Closure - Portion of Shore Road, Dartmouth

ORIGIN

This item is a follow up to an approved settlement of a legal matter.

RECOMMENDATION

It is recommended that Council approve and pass Administrative Order Number SC-53 regarding the closure of a portion of Shore Road, Dartmouth identified as Parcels H1 and H2 on a plan entitled "Plan of Survey of Lots WR-1A, WR-1B, WR-1C & WR-1D being a Subdivision of Lot WR-1, Lot WR-1C & Lot WR-1D being a consolidation of Lot H1 and H2 Lands Conveyed to Halifax Regional Municipality, Lot WR-1 Lands conveyed to Brian McA'Nulty & Mary Adams" prepared by Civtech Engineering & Surveying Limited dated March 5, 2008.

BACKGROUND

Council resolved on October 2, 2007 that a portion of the right of way immediately fronting 88 Shore Road, Dartmouth would be closed and conveyed to the owners in the event the owners were able to secure a variance allowing subdivision of 88 Shore Road into four lots.

HRM will retain an easement over the entire property for both a right-of-way and service easement, also as part of the settlement.

DISCUSSION

The owners of 88 Shore Road were successful in obtaining approval of the variance of side yard and lot coverage requirements on appeal to Harbour East Community Council on May 1, 2008. The Development Officer had refused the variance, not in relation to lot coverage, but with respect to a side yard set back discrepancy involving an earlier set back variance approval.

This condition of the settlement has now been met and it is therefore in order for Council to approve Administrative Order Number SC-53, which will close the portion of the right of way as indicated on the attachment. This step was discussed in an in camera report presented October 2, 2007. However, the approval of the Administrative Order was not requested at that time due to the contingency of the variance.

In October 2004, the Municipality was successful in amending the *Municipal Government Act* (s. 315(1A)) so 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 open
 - (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.

BUDGET IMPLICATIONS

It was agreed as part of the settlement approved by Council on October 2, 2007 that payment of the market value of the right-of-way (estimated at between \$4,230.00 and \$6,345.00) would be waived.

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

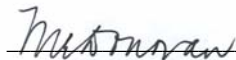
ATTACHMENTS

Administration Order Number SC-53

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Kirby Eileen Grant, Senior Solicitor, Legal Services, 490-4831

Report Approved by:



M.E. Donovan, Director, Legal Services & Risk Management, 490-4219

Financial Approval by:



Catherine Sanderson, Senior Manager, Financial Services, 490-1562



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HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER SC-53
RESPECTING CLOSURE OF A PORTION OF
SHORE ROAD

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:

3. A portion of Shore Road, Parcels H1 and H2, Dartmouth, Nova Scotia more particularly described in Schedule "A" is hereby closed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council, the ____ day of _____, 2008.

Mayor

Acting 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

SCHEDULE "A"

ALL that certain lot, piece or parcel of land situate, lying and being at Shore Road, Dartmouth, Halifax County, Province of Nova Scotia, shown as **Lot H1** on a plan entitled "Plan Of Survey of Lots WR-1A, WR-1B, WR-1C & WR-1D Being a Subdivision of Lot WR-1, Lot WR-1C & Lot WR-1D Being a Consolidation of Lot H1 and H2 Lands Conveyed to Halifax Regional Municipality, Lot WR-1 Lands Conveyed to Brian Mca'Nulty & Mary Adams" Prepared by Civtech Engineering & Surveying Limited Dated March 5, 2008., Said parcel being more particularly described as follows:

BEGINNING at a point being the intersection of the northern boundary of Shore Road and the eastern boundary of Lot WR-1B, as shown on said plan;

THENCE North 83 Degrees 14 Minutes 32 Seconds East, 17.43 feet, to a point on the western boundary of Lot WR-1DH, as shown on said plan;

THENCE South 29 Degrees 37 Minutes 06 Seconds West, 21.66 feet, along the western boundary of Lot H2 to a point on the northern boundary of Shore Road, as shown on said plan;

THENCE South 89 Degrees 00 Minutes 42 Seconds West, 18.00 feet, along a portion of the northern boundary of Shore Road, as shown on said plan;

THENCE North 33 Degrees 40 Minutes 47 Seconds East, 20.54 feet, along a portion of the Southeastern boundary of Shore Road to the point of beginning as shown on said plan;

CONTAINING an area of 304sq.ft.

ALL bearings are based on the 3 degree M.T.M. ATS 77, Grid North, Central Meridian 64.5 degrees West Longitude

The above Lot H1 is a portion of Shore Road, Dartmouth, Lands of Halifax Regional Municipality.

SCHEDULE "A"

ALL that certain lot, piece or parcel of land situate, lying and being at Shore Road, Dartmouth, Halifax County, Province of Nova Scotia, shown as **Lot H2** on a plan entitled "Plan Of Survey of Lots WR-1A, WR-1B, WR-1C & WR-1D Being a Subdivision of Lot WR-1, Lot WR-1C & Lot WR-1D Being a Consolidation of Lot H1 and H2 Lands Conveyed to Halifax Regional Municipality, Lot WR-1 Lands Conveyed to Brian Mca'Nulty & Mary Adams" Prepared by Civtech Engineering & Surveying Limited Dated March 5, 2008., Said parcel being more particularly described as follows:

BEGINNING at a point being the intersection of the northern boundary of Shore Road and the southeastern corner of Lot H1, as shown on said plan;

THENCE North 29 Degrees 37 Minutes 06 Seconds East, 21.66 feet, along the Southeastern boundary of Lot H1 to an angle therein, as shown on said plan;

THENCE North 83 Degrees 14 Minutes 32 Seconds East, 20.73 feet, to a point on the western boundary of Lot B Lands of Gretchen Pohlkamp, as shown on said plan;

THENCE South 01 Degrees 02 Minutes 45 Seconds West, 20.74 feet, along a portion of the the western boundary of Shore Road to a point on the northern boundary of Shore Road, as shown on said plan;

THENCE South 89 Degrees 00 Minutes 42 Seconds West, 30.91 feet, along a portion of the northern boundary of Shore Road, to the point of beginning, as shown on said plan;

CONTAINING an area of 501sq.ft.

ALL bearings are based on the 3 degree M.T.M. ATS 77, Grid North, Central Meridian 64.5 degrees West Longitude

The above Lot H2 is a portion of Shore Road, Dartmouth, Lands of Halifax Regional Municipality.

SHORE ROAD
(WIDTH VARIES)