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Halifax, Nova Scotia
B3J 3A5 Canada


Halifax Regional Council
May 9, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer

DATE: May 1, 2006

SUBJECT: Pathway Closure at Irvin Cross - SC- 43

ORIGIN

Halifax Regional Council received a petition from the residents of Irvin Cross Drive in Dartmouth requesting the closure of the pathway connecting their cul-de-sac and Prince Andrew High School.

RECOMMENDATION

It is recommended that Halifax Regional Council;

- Move First Reading to close the HRM pathway at Irvin Cross.
- Set the date of May 30th 2006 for public hearing on the matter.

BACKGROUND

The walkway was created in 1970 when the street of Irvin Cross was developed. Irvin Cross is a cul-de-sac with sixteen houses. There has been some confusion in the record of ownership of the pathway as it does not appear on Provincial or Municipal property mapping. However a title search has confirmed that HRM does own the property.

The pathway connects the cul-de-sac to the Prince Andrew High School property and is primarily a convenience for the residents of the small street. The primary complaint from residents on the street is that students are congregating at the end of the path to smoke a variety of substances and generally conduct activities which are not appropriate for the area prior, during and after school. These include fighting, profanity, vandalism, dealing in drugs and lewd behaviour. As smoking is not permitted on school property, students generally move to areas just off school board property to smoke. The Halifax Regional School Board is no longer responsible for the high school students once they leave school grounds. There is a "good neighbour" program at the school whereby high school staff advise students to be respectful of the community around Prince Andrew.

HRM Legal Services felt that, although the path is not part of a street right of way, the closure of the path did have impact upon the right of public thoroughfare. Therefore, following a street closure process with a public hearing and a decision by council, to close or not to close, was prudent.

DISCUSSION

The closure of a walkway or public pathway connecting neighbourhoods or public parks and institutions is not taken lightly by staff or the community. These pathways are especially required in the communities with cul-de-sacs as they are part of the pedestrian network. They ensure convenient pedestrian connectivity along winding street systems, reduce pedestrian travel times and reliance upon cars for short trips. The pathways also provide routes of escape for residents should cul-de-sacs be blocked during an emergency. However, in the case of IrvinCross the pathway is simply a convenience for the streets residents to access the school grounds. There exists more than adequate means to access Prince Andrew High School via Woodlawn Avenue, John Cross Drive and the adjacent community college campus. The path is used by very few people for its intended purpose. In terms of emergency exit for residents on foot, the openness of the neighbourhood through private property offers many escape routes to other streets in the event of an emergency meaning that residents nor students will be left trapped.

Staff and Council must always be concerned that this is the thin edge of the wedge. This action may lead to other pathways being closed in the future, disrupting the connectivity of

neighbourhood to neighbourhood and the wider community. These concerns are legitimate and staff and council must take care that this is not the case.

The area councillor met with residents of Irvin Cross and felt that there was justification for closure. Halifax Regional Police have conducted special patrols and investigation of activity in the area and feel that closure would disrupt the pattern of undesirable activities in the area.

Staff did visit the pathway during school hours to observe the activity on three separate occasions. Staff also have four hours of footage of the activities on the street that clearly demonstrate high level of drug use, selling of drugs, and congregation of between a dozen and thirty students in the cul-de-sac at various times of the day. While all public pathways and sidewalks are subject to some type of undesirable activities such as loud voices, late night use, boisterous activity, the video clearly demonstrates a combination of activity and frequency which is intolerable. The activities occur five days a week for several hours of the day. Very few persons were observed using the pathway as a primary access to and from school.

Efforts to disrupt the activity by Halifax Regional Police (HRP) and school officials have not had the desired results. A full CPTED audit was done on the area and police have set up daily patrols. These have the effect of reducing the activity for a period however the activity soon resumes to its normal levels when patrols are required elsewhere. Both HRP and the school administration strongly agree with closure of this pathway as a means to disrupt the activity and move it to another area where it will be easier to monitor.

At this point, if the pathway is closed by Council, HRM will retain ownership of the property while the closure is monitored for effectiveness. If the closure is effective and HRM no longer requires the property there are several options. The path property may be declared surplus and offered for sale to either neighbour on either side perhaps with a buy back clause, or HRM may look at working with Aliant, who owns the property to the west, to develop a residential lot as a means to permanently buffer the street from the high school. The path property would not generate a large sum of money as it can only be used to add to another lot.

BUDGET IMPLICATIONS

The cost of closure has been absorbed by regular operations budget W180-Playgrounds East. The cost of closing the pathway is estimated at \$3000.00.

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

Council could choose not to close the IrvinCross pathway.

ATTACHMENTS

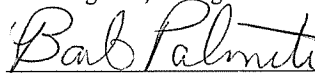
Attachment A aerial photo of area

Attachment B Petition for closure of Irvin Cross Pathway

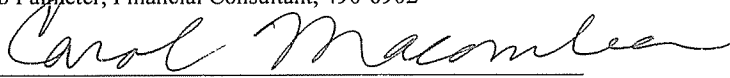
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Peter Bigelow, Manager Real Property Planning, CCED 490-6047

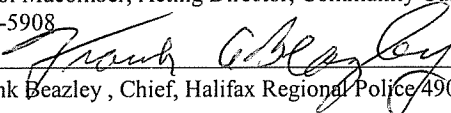
Financial Review by:


Barb Palmeto, Financial Consultant, 490-6902

Business Unit Review/Approved:


Carol Macomber, Acting Director, Community Culture and Economic Development
490-5908

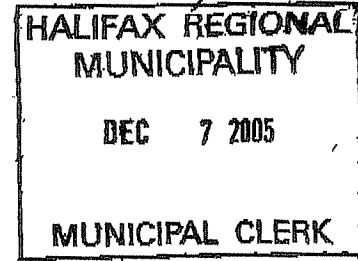
Approved by:


Frank Beazley, Chief, Halifax Regional Police 490-6500



Attachment A Map of IrvinCross

Office of the Municipal Clerk
City Hall
1841 Argyle Street,
Halifax N.S.
B3J-3A5



December 7, 2005

Subject: Petition filed this date, with the Office of the Municipal Clerk, requesting closure of the pathway between Prince Andrew High School and Irvin Cross Place, Dartmouth.

Dear Sirs;

Attached find a brief containing supporting information from the residents of Irvin Cross Place, Dartmouth, in relation to a Petition filed this date with your office in connection with the above captioned matter.

We are requesting consideration of all items contained in the attached brief, by the staff of the Municipality, that will be tasked to review the request as stated in our petition.

We, the residents of Irvin Cross Place, Dartmouth fully support, the C.P.T.E.D. report prepared November 30, 2005 by Constable Steve Langille of the Halifax Regional Police and in particular, the "recommendations" contained on the last 2 pages of that report.

It is our collective view that this path be fenced to a height of 8 feet, along the complete length of the boundary between Prince Andrew High School and the Aliant building, and the path de-constructed and removed as stated in the C.P.T.E.D. report.

We do regret, that this has become necessary, as most Prince Andrew High School students, conduct themselves appropriately with the exception of the few that have created this very dangerous situation for the residents of this street.

We ask that the Municipality, proceed as expeditiously as possible with a view to closing this pathway at the earliest opportunity.

Please feel free to contact the undersigned for any additional information, and we ask that we be kept informed of the progress of our request until concluded.

Yours truly, and on behalf of the residents of Irvin Cross Place;

Mrs. Betty White

Mrs. Betty White
22 Irvin Cross Place
Dartmouth N.S.
B2W-3Z1

434-8736 (H)

w.white@ns.sympatico.ca

Approved by Signature

Deanne Kewton
December 13/08

Petition

8-2-2.

We, the undersigned residents of Irvin Cross Place, Dartmouth, Halifax Regional Municipality, Province of Nova Scotia, request that the Halifax Regional Municipality close, by way of fencing, the pathway from Prince Andrew High School on Woodlawn Road to Irvin Cross Place, and otherwise terminate public access to said pathway.

Signature	Name	Address	Date
<i>[Signature]</i>	DAVID WATSH	11 Irvin Cross Place, Dartmouth	November 30/2005
<i>[Signature]</i>	PAT WATSH	11 Irvin Cross Place, Dartmouth	November 30/2005
<i>[Signature]</i>	LARRY ROBINSON	7 Irvin " " "	" "
<i>[Signature]</i>	WANDA ROBINSON	7 Irvin " " "	" "
<i>[Signature]</i>	BARRY DICKINSON	10 IRVIN CROSS PL. DART	NOV 30/05
<i>[Signature]</i>	Doreen Dickson	10 IRVIN CROSS PL. DART	NOV 30/05
<i>[Signature]</i>	Sharon Greenough	14 Irvin Cross Pl. Dart.	Nov. 30/05
<i>[Signature]</i>	Gary Greenough	14 Irvin Cross Pl. Dart.	Nov. 30/05
<i>[Signature]</i>	JEAN SMITH	16 IRVIN CROSS PL. DART.	Nov 30/05
<i>[Signature]</i>	Bill White	22 Irvin Cross Pl. Dart	Nov 30/05
<i>[Signature]</i>	BETTY WHITE	22 Irvin Cross Pl. Dart	Nov 30/05
<i>[Signature]</i>	DAN + JEAN WHITE	5 IRVIN CROSS PL. DART.	Nov-30/05
<i>[Signature]</i>	CALVIN MYRA	6 IRVIN CROSS PL. DART	Nov 30/05
<i>[Signature]</i>	JEAN MYRA	6 IRVIN CROSS PL. DART	Nov 30/05

contact person: Betty White

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