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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
October 11, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Dan English", written over a horizontal line.

Dan English, Acting Chief Administrative Officer

A handwritten signature in black ink, appearing to read "Wayne Anstey", written over a horizontal line.

Wayne Anstey, Acting Deputy Chief Administrative Officer

DATE: October 3, 2005

SUBJECT: Pathway Closure at Berkshire Close

ORIGIN

At Halifax Regional Council, September 27, 2005 Councillor Wile gave notice to close the walkway at Berkshire Close.

RECOMMENDATION

It is recommended that;

Halifax Regional Council close the HRM pathway at Berkshire Close with the condition that the closure be reviewed by staff, as improvements are made to the adjoining site, to determine if the conditions exist for re-opening.

BACKGROUND

The subject walkway came to HRM through a development agreement for Clayton Park West in 1997. Walkways on Woodsmere, Kingsley, Berkshire and Lanshaw were part of this particular phase of development. In the case of Berkshire and Lanshaw, the walkways lead into municipal parkland and are part of the parkland dedication. Walkways on Woodsmere and Kingsley were originally to lead to other cul de sacs but with the purchase of lands by Scotia Learning for the building of Clayton Park West School the pathways lead through a narrow municipal park buffer to the school property. In 1999/2000, at the request of the area councillor and the Clayton Park West School Steering Team (SST), staff began planning for all the park pathways through the HRM parklands to connect with the new school. The residents of Berkshire Close expressed concern that the Berkshire path, if continued through the parkland, would cause problems for their cul-de-sac. The concerns centred around vandalism and possible traffic issues if parents driving children to the new school dropped their children off on Berkshire to use the pathway to access the school. The main entrance to the school is on Langbrae Drive which, at the time, had not been completed and was a congested dead end when school was taking in or letting out. The timing for completion of Langbrae was unknown as it was subject to completion of another subdivision which was not in the control of Clayton Developments.

Staff met with some residents of Berkshire and the SST and, through discussion, it was decided that a compromise would be reached that would enable public access through the Berkshire walkway to the school but that the path would only be cleared enough to allow an informal "goat path" to discourage widespread use.

In 2004 the nearest resident to the path brought concerns of vandalism to the attention of staff. This resident and other residents had experienced similar vandalism periodically; however, the incidents had increased in severity to a point where families nearest the pathway expressed concerns for their personal safety as well as protection of their property.

Meetings were held with police, area councillors, RPAM staff, and local residents in November of 2004. A Special Check of the area was put in place by police. At the time a request was received to close the pathway. In an effort to keep the path open it was agreed to formalize the pathway and look at putting lighting in place. Some tree thinning was carried out in December with the bulk of the pathway installation scheduled for early that spring. Before that effort could be carried out, the neighbourhood was vandalized again and staff determined that the situation was becoming untenable for the residents and a direct solution was required to more immediately truncate the incidents. Halifax Regional Police carried out monitoring of the area and a series of Safety Audits involving the community. The Community Response Team audited the area applying Crime Prevention through Environmental Design (CPTED) principles and looked at alternative routes to the school. The work confirmed that the area was difficult to police owing to

the lack of street frontage, configuration of parkland, wooded areas, placement of the school and multiple walkways leading into the areas without much street and visual access. This was especially true in the area behind the school and along the southwest side of the HRM property. The school has experienced more vandalism than any other school known to police. It is felt that until measures are taken including changes to site layout, tree removal, fencing, closed circuit TV, lighting, the path should be closed in an attempt to prevent additional incidents upon the residents.

A joint decision was made that the pathway should be closed. There are other pathways which lead to the school and can be used by regular users of the Berkshire path. A community watch meeting was organized by police at which time the decision was to be discussed with residents and feedback received. Unfortunately, only one resident attended. A request to consider selling the pathway lands to the adjacent neighbour was denied as staff felt that the option of re-opening the path sometime in the future should be preserved. The path was fenced off during the summer of 2005 and the two abutting residents have agreed to fence their own yards to create a more effective barrier.

HRM Legal Services felt that, although the path is parkland and 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, to close or not to close, by council was prudent. At this point the path remains closed in recognition that the risk of property damage and personal injury still exists. The pathway would either remain closed or be re-opened pending the decision of Council.

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 similar to Clayton Park West. 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 Berkshire Close, the closure of the pathway and the anticipated impact upon vandalism is considered a higher priority over connectivity at this point. Immediately adjacent streets of Kingsley and Windamere offer access to the parkland and the school. For pedestrians outside of Berkshire Close this means an additional distance to travel to access the school of 38 meters to the school door. For the residents at the far end of Berkshire, which is the worst case scenario, the closure means an additional 308 m. 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 will not be left trapped.

The majority of the residents on Berkshire are requesting the closure of the pathway. There are concerns from two residents that closure of the pathway will not permit easy access to the school and parkland behind Berkshire. Staff has received correspondence from other citizens concerned about the closure of the Berkshire pathway. Many of those persons are concerned that this may be 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.

Fully developing the path as a proper pathway is a legitimate alternative to closure of the pathway and was the original intention in November 2004. Closure of the path is seen as having an immediate effect on a difficult situation. The intention is to disrupt the opportunity for vandalism. Staff is not aware of any calls for service nor any complaints of vandalism from Berkshire since the pathway was closed in July of 2005.

In hindsight, the 1999 compromise of leaving the path undeveloped to discourage use by non-residents was not appropriate. There is no real way to determine if having a properly developed path would have prevented the incidents which have led to the recommendation to close. However, a fully developed pathway would have eliminated the speculation and made this decision clearer for Council.

A proper pathway with good sight lines is the longer term goal for the site. Additional tree work will be carried out and other measures to open the site while retaining the buffers will be examined. However, there will have to be an amount of work and time required to achieve this. When the situation improves the pathway should be considered for full development and re-opening.

BUDGET IMPLICATIONS

The cost of closure has been absorbed by regular operations budgets. The cost of a fully developed path and future improvements to the site is valued at approximately \$70,000. At this time these are not identified in 2005/06 budgets or the three year capital budget plan.

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 to not to close the Berkshire pathway and order the path to be formalized immediately.

ATTACHMENTS

Attachment A aerial photo of area

Attachment B detail aerial photo of Berkshire neighbourhood

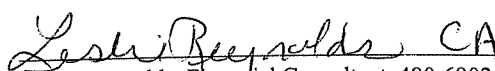
Attachment C Letters of concern for and against the closure

Additional copies of this report, and information on its status, can be obtained by contacting the Procurement Office at 490-6497 or Fax 490-6425

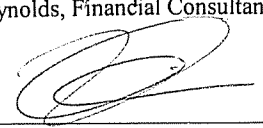
Report Prepared by:

Peter Bigelow, Manager Real Property Planning 490-6047
Greg Mosher, Staff Sargent, Halifax Regional Police - 490-
Gary Martin, Manager, Community Response Team 490-4070

Financial Review by:


Leslie Reynolds, Financial Consultant, 490-6902

Business Unit Review/Approved:


Peter Stickings, Acting Director, Real Property and Asset Management 490-4933

Approved by:



Frank Beazley, Chief, Halifax Regional Police 490-6500



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HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER SC-40
RESPECTING CLOSURE OF
BERKSHIRE CLOSE

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. The public walkway at the end of Berkshire Close, 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 October, 2005.

MAYOR

MUNICIPAL CLERK

I, Jan Gibson, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was passed at a meeting of Halifax Regional Council held on , 2005.

Jan Gibson, Municipal Clerk