

10.1.5



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Halifax Regional Council  
January 31, 2006  
*February 7, 2006*

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:** *Wayne Anstey*  
Wayne Anstey, Acting Chief Administrative Officer

**DATE:** January 13, 2006

**SUBJECT:** Surplus Right of Way - Rocky Hill Road, Halifax

**ORIGIN**

This report originates from HRM's capital works program involving a recent upgrade to Rocky Hill Road, Halifax and an approved Agreement of Purchase and Sale for the conveyance of surplus right of way land to the property owners at Civic 4 Rocky Hill Road.

**RECOMMENDATION**

It is recommended that Council:

1. close the surplus portion of Rocky Hill Road Right of Way, Halifax, pursuant to HRM Administrative Order SC-42 and as shown on Attachment "A" to conclude the sale of the subject lands.

## **BACKGROUND**

The Municipality's Transportation and Public Works (TPW) upgraded Rocky Hill Road and Wren Street during the months of July and August, 2005. During the design stage, TPW identified a need for additional frontage lands from five (5) property owners on Rocky Hill Road and a small portion at the corner of Forest Hill Drive and Wren Street (34 Forest Hill Drive).

The streetline adjustment at 4 Rocky Hill Road resulted in two parcels of land, identified as Parcel A1 (64.5 sq. ft.) and Parcel A2 (351 sq. ft.) on Attachment A, as surplus. These lands total 415.5 sq. ft.

## **DISCUSSION**

In order to finalize conveyance of Parcels A1 and A2 to 4 Rocky Hill Road, it is recommended that Council approve closure of the subject Right of Way lands, pursuant to Part 12 of the Municipal Government Act. Section 315 (1A) of the Act informs Council's decision with respect to this matter and does not require Council to hold a public hearing:

- 315 (1A) Notwithstanding subsection (1), where a street or part of a street is being altered, improved or redesigned, part of that street may be closed without holding a public hearing under subsection (1) 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 engineer to be surplus, and
    - (ii) is worth less than fifty thousand dollars.

The surplus street right of way closure is as follows.

<b>CLOSURE SUMMARY</b>	
<b>Property Location</b>	Portion of Rocky Hill Road Right-of-Way at 4 Rocky Hill Road (PID# 40807836) & (PID#40920332)
<b>Property Identifier</b>	Parcel A1 (64.5 sq. ft.)      Parcel A2 (351 sq. ft.)
<b>Owner</b>	HRM
<b>Purchaser</b>	Jason Spillner & Sonia Popat (4 Rocky Hill Road)
<b>Total ROW Area Closed</b>	415.5 sq. ft. (38.57 sq. metres)
<b>Land Use</b>	Consolidation with current Holdings - Residential Use

**BUDGET IMPLICATIONS**

There are no budget implications with this report.

**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 recommended.

**ATTACHMENTS**

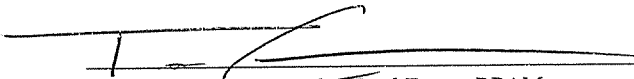
- Attachment "A"- Site Plan
- Attachment "B"- Administrative Order

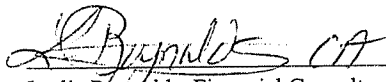
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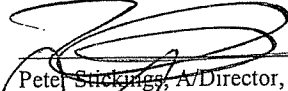
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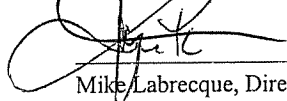
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Stephen Smith, Real Estate Officer, Real Property & Asset Mgmt. 490-5477

Report Reviewed by:   
Tom Crouse, Team Leader, Real Estate, RPAM 490-5931

Financial Review by:   
Leslie Reynolds, Financial Consultant, Financial Services 490-6902

Report Approved by:   
Peter Stuckings, A/Director, Real Property & Asset Mgmt. 490-7129

Report Approved by:   
Mike Labrecque, Director, Transportation & Public Works 490-4851

EDGE OF TRAVELLED WAY

Attachment A

PARCEL H  
1067.6m<sup>2</sup>

SEE DETAIL "A"

S 64°41'06" E 38.862 (TOTAL)

22.861

16.001

NOW OR FORMERLY LANDS OF  
**HALIFAX REGIONAL MUNICIPALITY B1**

BOOK 2133 PAGE 887  
(REMAINDER)

PID # 40920332

PARCEL B  
AREA = 176.3m<sup>2</sup>

ROD PLAN NO.  
34248 DR. 376

S 62°38'26" E  
(CALC. TIE L)

FOREST

PARCEL C1  
R=112.028  
A = 14.681  
AREA = 22.14 m<sup>2</sup>  
S 47°02'31" E 14.734

A=26.015 (TOTAL)

PARCEL A  
A1  
A2  
A3  
A4  
E 31.205 (TOTAL)  
(SEE NOTE 5) / 16.47  
PID 40807836

PARCEL C  
AREA = 35.76 m<sup>2</sup>

VACANT  
LOT 1A  
NOW OR FORMERLY  
LANDS OF  
**JASON K.H. SPILLNER  
AND SONIA S. POPAT**

BOOK 6673 PAGE 990  
PID 291393  
ROD PLAN NO. 34248 DR. 376

NO. 4  
T 2  
FORMERLY  
S OF  
J. SPILLNER  
S. POPAT  
PAGE 990  
60  
532

N 48°00'54" E R=112.028  
N 53°48'42" E R=112.028  
N 67°21'15" E 54.634 (TOTAL)  
N 106°40'23"E 3.975  
1.02x Fd  
1.185  
5.276  
14.592  
SIGN

35.043



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**HALIFAX REGIONAL MUNICIPALITY**  
**ADMINISTRATIVE ORDER NUMBER SC-42**  
**RESPECTING CLOSURE OF A PORTION OF**  
**ROCKY HILL ROAD, HALIFAX**

Whereas Rocky Hill Road, a public street in Halifax Regional Municipality is being altered, improved and redesigned, and as a result thereof part of that street right of way more particularly described in Attachment "A" is proposed to be closed;

And Whereas Rocky Hill Road will remain open to vehicular and pedestrian traffic and will meet all the municipal standards.

And Whereas the Engineer of Halifax Regional Municipality has determined that the portions of the street more particularly described in Attachment "A" are surplus to the needs of Halifax Regional Municipality'

And Whereas the portions of the street more particularly described in Attachment "A" is worth \$1, being less than fifty thousand dollars.

And Whereas pursuant to Section 315 (1A) of the *Municipal Government Act* the portions of Rocky Hill Road more particularly described in Attachment "A" may be closed without holding a public hearing

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of Council of the Halifax Regional Municipality pursuant to Section 315 (1) of the Municipal Government Act as follows:

1. A portion of Rocky Hill Road, Parcel A1 and Parcel A2, Halifax, Nova Scotia more particularly described in Attachment "A" is hereby closed.

**I HEREBY CERTIFY THAT** the foregoing Administrative Order was duly approved by the Halifax Regional Council, pursuant to the resolution above, the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Mayor Peter Kelly

\_\_\_\_\_  
Municipal Clerk

I, Jan Gibson, Municipal Clerk of Halifax Regional Municipality, hereby certify this Administrative Order was approved on \_\_\_\_\_, 2006.

\_\_\_\_\_  
Jan Gibson, Municipal Clerk