

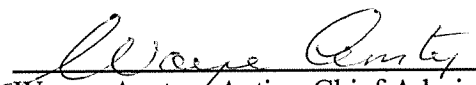
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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
January 31, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
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.

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

ATTACHMENTS

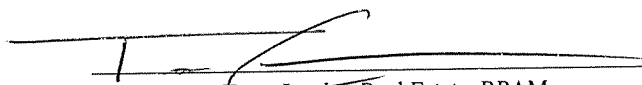
Attachment "A"- Site Plan

Attachment "B"- Administrative Order

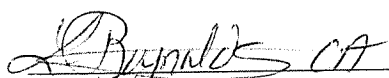
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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

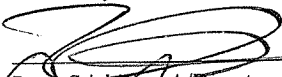
Report Reviewed by:


Tom Crouse, Team Leader, Real Estate, RPAM 490-5931

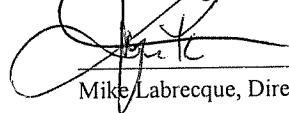
Financial Review by:


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

SEE DETAIL "A"

PARCEL H

1067.6m²

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 = 176.3m²

ROD PLAN NO. 34248 DR. 376

FOREST

S 62°38'26" E (CALC. TIE L)

PARCEL C1
R=112.028
A = 14.681
AREA = 22.14 m²
S 47°02'31"

A1
A=26.015 (TOTAL)

PARCEL A
A2
E 31.205 (TOTAL)
(SEE NOTE 5) 16.471
PID 40807836

A3
106°40'29"E
3.975

N 53°48'42" E
R=112.028

PARCEL C
AREA = 35.76 m²

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

A4
N 67°21'15" E 54.634 (TOTAL)

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

35.043



PO Box 1749
Halifax, Nova Scotia
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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