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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

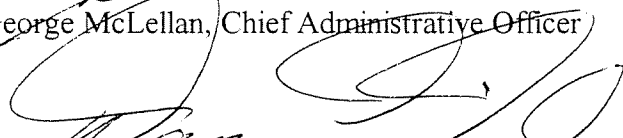
Halifax Regional Council
June 24, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



George McLellan, Chief Administrative Officer



Dan English, Deputy Chief Administrative Officer

DATE: June 9, 2003

SUBJECT: **Street Closure - Parcel BA-2 Undeveloped Portion of Basil Avenue, Dartmouth (located on the former Mary Lawson School Site)**

ORIGIN

Request from staff to close an undeveloped portion of Basil Avenue (redundant street right-of-way) located on the surplus Mary Lawson School property to facilitate the approved sale of the property. A proper street closure did not take place at the time the school was initially built.

Until Council proposed amendments to the MGA are approved by the Province, the requirement for Council's formal approval of the street closure, following a public hearing, is still required.

RECOMMENDATION

It is recommended that:

1. Halifax Regional Council authorize staff to set a date of July 15, 2003, for a public hearing for consideration of HRM Administrative Order SC-30 concerning the closure of an undeveloped portion of Basil Avenue Right-of-Way, known as Parcel BA-2, which currently forms part of the former Mary Lawson School Site, as shown on Attachment "A" based on the terms and conditions outlined in this report.

Please retain for Public Hearing

BACKGROUND/DISCUSSION

At its session dated April 8, 2003, Council approved the sale of a portion of the former Mary Lawson School site to Bridgeway Academy. An Agreement of Purchase and Sale has been executed and the property is scheduled to close July 30, 2003. It is the intent of Bridgeway to renovate the school building and open a private school in September 2003, for children with learning difficulties.

It was identified by staff that a portion of the site was to be retained for a future neighbourhood park and a portion retained for the future completion of Basil Avenue. During the survey and due diligence process, it was discovered that the site was made up of three parcels. One of these parcels is a street right-of-way which extends from the end of Basil Avenue at the rear of the school through to Valleyford Avenue. It would appear that the procedures to close this portion of Basil Avenue right-of-way and consolidate the lots was not completed prior to the development of the school on the property. The northeast wall of the school building sits directly on the edge of the street right-of-way and a portion of the parking facility for the school is within the street right-of-way.

This site has been reviewed by the Real Property Review Committee who identified portions of the site to be retained. This portion of the street right-of-way, Parcel BA-2, is not required and falls within the surplus portion of the site which is currently under Agreement of Purchase and Sale with Bridgeway Academy.

Staff recommend that the Right of Way Parcel BA-2 be closed in order to complete this pending Agreement of Purchase and Sale.

BUDGET IMPLICATIONS

The advertising cost for the public hearing and registration costs of the street closure notice and plan are to be funded from the proceeds of sale.

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 - the street closure is required in order to complete the sale of this property.


ATTACHMENTS

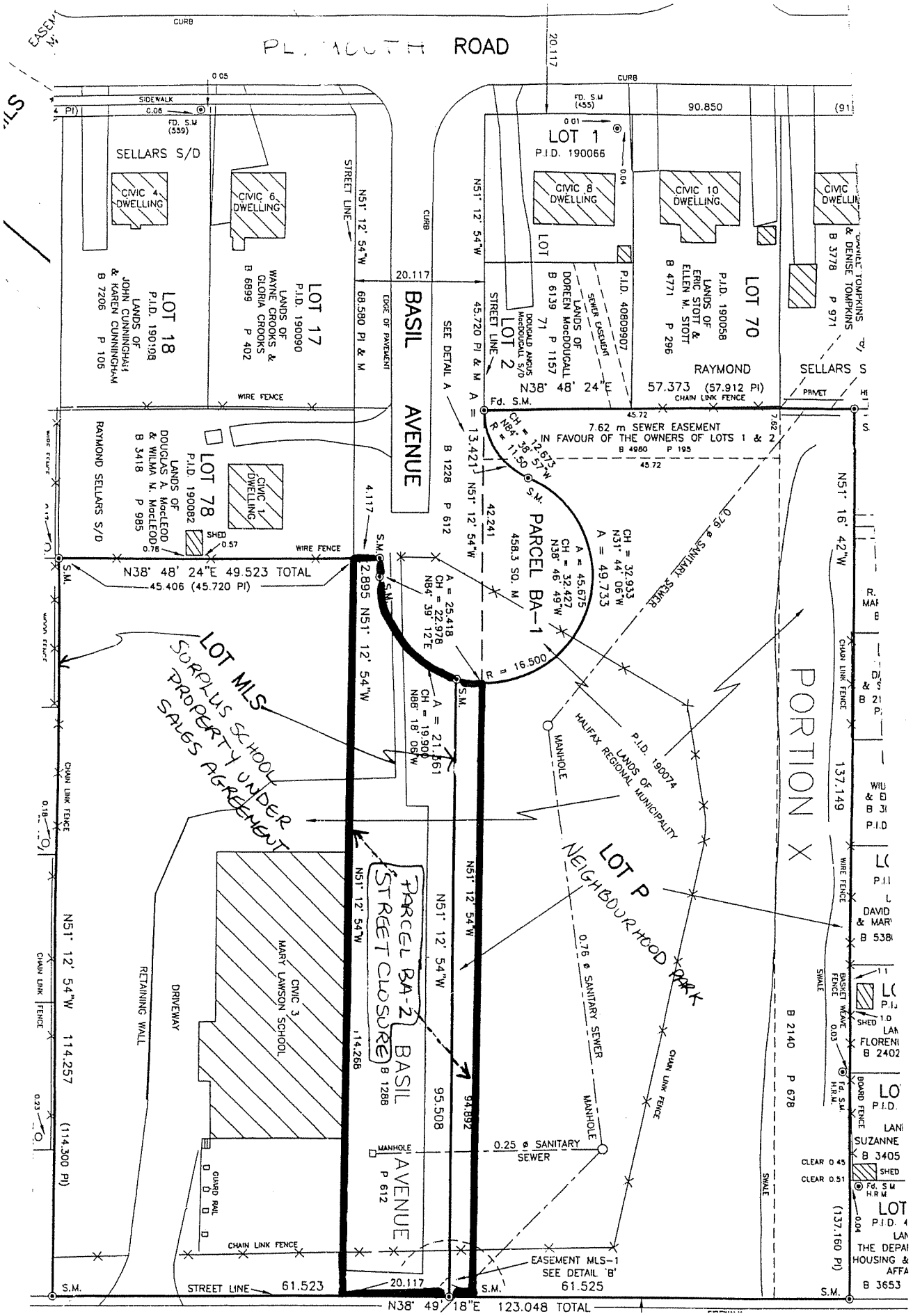
- Attachment "A" - Site Plan
- Attachment "B" - Administrative Order SC-30
- Attachment "C" - Site Photography

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: Brenda MacPherson, Real Property & Asset Mgmt. 490-5935

Report Reviewed/Approved by:  Peter Stickings, Manager, Real Estate, Real Property & Asset Mgmt. 490-7129

Report Approved by:  Mike Labrecque, Director, Real Property & Asset Mgmt. 490-4851



VALLEYFORD AVENUE



PO Box 1749
Halifax, Nova Scotia
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ATTACHMENT "B"

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER SC-30
RESPECTING CLOSURE OF A PORTION OF

Basil Avenue

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of Council of the Halifax Regional Municipality pursuant to Section 147 of the Halifax Regional Municipality Act as follows:

1. A portion of Basil Avenue, Parcel BA-2, Dartmouth, Nova Scotia 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 _____, 2003.

Mayor

Municipal Clerk

I, Vi Carmichael, 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 _____, 2003.

Vi Carmichael, Municipal Clerk

Legal Description of Lot BA-2,
A Portion of Basil Avenue, Raymond Sellars Subdivision,
Lands Of Halifax Regional Municipality
Dartmouth, Halifax County, Nova Scotia

ALL and singular that certain lot, piece, parcel or tract of land situate, lying and being at Dartmouth, Halifax County, Nova Scotia and being shown as Lot BA-2 on Plan Of Survey Of Lot MLS, Lot P, Parcel BA-1, Parcel BA-2 And Easement MLS-1, Raymond Sellars Subdivision, Being A Subdivision Of A Portion Of Basil Avenue, Lots 72 To 77 Incl. And Lots 79 To 83 Incl., Raymond Sellars Subdivision And Portion X, M & S Construction Limited Subdivision, Lands Of Halifax Regional Municipality, dated June 2, 2003, and certified by Allen M. Hunter N.S.L.S., said Lot BA-2 being more particularly described as follows:

BEGINNING at a point on the northwest boundary of Lot MLS, Raymond Sellars Subdivision at the most eastern corner of Lot 78, Raymond Sellars Subdivision, said point also being the most western corner of the lot under description;

THENCE crossing Lot MLS on a bearing of south fifty-one degrees, twelve minutes, fifty-four seconds east ($S51^{\circ}12'54''E$) for a distance of one hundred and fourteen decimal two six eight metres (114.268 m) to the northwest street line of Valleyford Avenue;

THENCE to follow the northwest street line of Valleyford Avenue on a bearing of north thirty-eight degrees, forty-nine minutes, eighteen seconds east ($N38^{\circ}49'18''E$) for a distance of twenty decimal one one seven metres (20.117 m) to the most easterly corner of the lot under description, said point also being on the southeastern boundary of Lot P, Raymond Sellars Subdivision;

THENCE crossing Lot P on a bearing of north fifty-one degrees, twelve minutes, fifty-four seconds west ($N51^{\circ}12'54''W$) for a distance of ninety-four decimal eight nine two metres (94.892 m) the curved southeast street line of said Basil Avenue said curve to have a radius of sixteen decimal five zero zero metres (16.500 m);

THENCE to follow the arc of the said curve, to the right, in a northwesterly direction for a distance of twenty-five decimal four one eight metres (25.418 m) to the end of the said curve;

THENCE to follow a southwest boundary of said Basil Avenue on a bearing of north fifty-one degrees, twelve minutes, fifty-four seconds west ($N51^{\circ}12'54''W$) for a distance of two decimal eight nine five metres (2.895 m) to a southeast boundary of said Basil Avenue;

THENCE to follow the southeast boundary of Basil Avenue on a bearing of south thirty-eight degrees, forty-eight minutes, twenty-four seconds west ($S38^{\circ}48'24''W$) for a distance of four decimal one one seven metres (4.117 m) to the place of beginning.

LOT BA-2 to contain an area of two thousand and forty-six decimal nine square metres (2046.9 sq. m).

ALL BEARINGS are referenced to the Nova Scotia modified transverse mercator grid, central meridian $64^{\circ}30'$ west longitude.

ATTACHMENT "C"

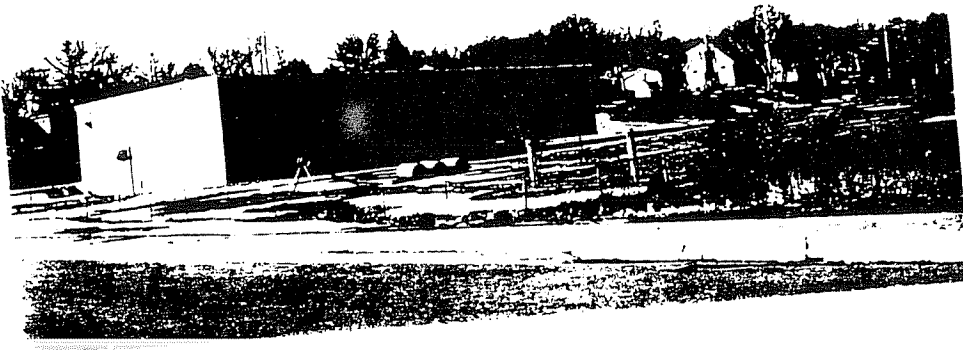
Street Closure - SC-00

Redundant portion of Basil Avenue - former Mary Lawson School

SITE PHOTOGRAPHY



South view from Basil Avenue



North West view from Valleyford