

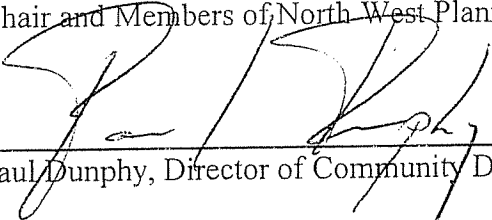


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

North West Planning Advisory Committee  
January 6, 2010

**TO:** Chair and Members of North West Planning Advisory Committee

**SUBMITTED BY:**

  
Paul Dunphy, Director of Community Development

**DATE:** December 7, 2009

**SUBJECT:** Case 01154: Walkway from Centre Street to Union Street, Bedford

#### ORIGIN

Case 00894, opened April 10, 2006:

This case investigated removal of the walkway between Centre and Union Streets in response to abutting property owner's concerns about the safety of and nuisance generated by the walkway. It was determined that it was not possible to remove the walkway through a simple development agreement amendment and that further investigation was warranted.

Case 01154, opened May 1, 2008:

This case was opened in response to the November 20, 2007 Regional Council motion by Councillor Walker, seconded by Councillor McClusky "That Regional Council request a staff report regarding the possibility of discharging the existing walkway easement between 26 Centre Street and 24 and 26 Union Street in Bedford" (Item 13.2).

#### RECOMMENDATION

It is recommended that North West Planning Advisory Committee recommend that North West Community Council instruct staff to defer any action on the existing walkway easement between 26 Centre Street and 24 & 26 Union Street until future sewer upgrades and/or presentation of an opportunity for land acquisition in the area.

## BACKGROUND

### **Location**

The walkway is a naturalized gravel path travelling from the end of Centre Street, through a wooded area and down a private driveway to Union Street (Map 1). The walkway is part of a series of paths and roads linking “old” Bedford to the Bedford Place Mall and Sackville River trails.

### **History**

The walkway was recognized as part of the Nottingham Subdivision, approved in 1995 by development agreement between the former Town of Bedford and the Redden Brothers (Map 2). The Agreement references the walkway connecting Centre and Union Street under the Recreational Land section. The Agreement states that the walkway shall be constructed by the Developer to a standard to be determined by Town staff and future property owner of lot #122 (32 Centre Street). At a minimum, the Developer had to ensure that the walkway was cleared as a natural path. Currently, the walkway is not maintained or serviced by HRM.

Despite referencing “construction” of the walkway in the 1995 Agreement, public feedback indicated that the walkway predated the Agreement. The history and use of the walkway will be discussed in the following section, as established at the public workshop.

### **Partial Easements**

The status of the walkway is further complicated by incomplete municipal easements (Map 3). The HRM walkway easements travel over a portion of the driveway of the home at 32 Centre Street, through the woods and end at the driveway of the commercial property at 22 Union Street. The walkway easements do not continue and walkway users must travel over the private driveway to reach Union Street.

The Agreement recognized the intent to have a complete walkway between Centre Street and Union Street. However, this could not be achieved as the Developer did not own the Union Street lands needed to complete the connection and extend the easements.

## DISCUSSION

### **Further Investigation**

Staff felt that further investigation was necessary. The original case proposed amending the Agreement to remove the walkway reference. As the walkway was investigated, it became apparent that it was more than just a paper entity and was a valued community asset.

Staff scheduled a public workshop to determine the status of the walkway. Notification of the workshop was sent to residents on adjacent streets (Map 1). Notification, word of mouth and signage placed on the walkway generated many emails from residents in support of retaining the walkway (Attachment B).

### Status of Walkway

The public workshop asked residents to indicate how they connect to the walkway, how frequently they use it and how long they've known about it (Attachments A and B).

#### Walkway Connections

The majority of residents use the walkway to travel from home to the Bedford Place Mall, schools and the Sackville River trails. There are a series of paths, old roads and quiet streets that link the walkway all the way to the top of Rutledge Street and throughout the neighbourhood.

#### Frequency of Use

The majority of residents use the walkway either daily or more than once per week (Attachment A: Figure 1).

#### Age of Walkway

The majority of residents have been using the walkway for one to twenty years, however one family have known/used the walkway for almost sixty years (Attachment A: Figure 2).

The public workshop established that the walkway, in some form, has been in existence for over fifty years. This extended use gives rise to a prescriptive right, or easement, to use the walkway on behalf of the citizens of Bedford.

In 1996 Redden Brothers granted a walkway easement to HRM which overlaid the existing walkway (Map 3). This document was registered with the Registrar of Deeds and does not eliminate any prior rights held by the residents of Bedford.

### Potential Options

A number of options were investigated for North West Community Council's consideration:

#### Close Walkway

Amending the Agreement will not extinguish the "public right" to the walkway and would not permit walkway closure.

#### Acquire Land

Staff investigated purchasing adjacent lands to re-align the walkway on HRM property and complete the connection. HRM Real Estate explored purchasing land from three adjacent property owners. This option was ruled out as the property owners were not interested in selling the necessary portions of land.

Regional Council could consider expropriating the lands. This option would also be costly as land in Bedford is typically \$20.00/ sq. ft. plus the costs associated with constructing the pathway. There is also potential for additional costs with a legal claim such as injurious affection.

### Shift Easement

The upper portion of the walkway could be retained, as is, and the lower portion shifted onto the existing sewer easement running along the eastern property line of 22 Union Street. Ideally, this shift would occur in conjunction with upgrading of the older sewer system, however Halifax Water indicated that this is not scheduled for the near future.

Shifting the pathway onto the sewer easement without the upgrades could be problematic as the older system may not support the additional fill. Construction of the pathway is further complicated by the rough terrain and 12% slopes. Infrastructure and Asset Management have estimated that a naturalized path would cost approximately \$80,000-\$100,000. A naturalized path is the only option as it is not possible to meet walkway standards. Acquisition of the easement would also add approximately \$10.00/ sq. ft. to the costs.

### **Nottingham Walkway**

Workshop attendees were also concerned about a nearby walkway, partially constructed off Nottingham Street. If completed, the walkway would connect this neighbourhood with the walkway system throughout "Old Bedford". Design and Construction Services have identified this connection as a priority for consideration and potential funding. Surveying of these lands and generation of cost estimates is currently underway.

### **Recommendation**

Staff are recommending that Council opt to retain the status quo and explore upgrading the walkway in the future, when circumstances are more favourable. Under the status quo, the onus would remain on the residents to protect their prescriptive right, should adjacent property owners close access or affect the walkway.

While retaining the status quo will not improve the situation in the short term, Council may want to identify the walkway as a future priority. There are a number of potential opportunities to improve the situation:

- HRM could acquire the necessary pieces for re-alignment, as adjacent lands come available;
- HRM could acquire the easement and complete the connection when the sewer is being upgraded;
- HRM could make the upgrading of the walkway a priority for future development;
- or
- HRM could acquire a walkway easement over the existing commercial driveway at 22 Union Street which would include unencumbered year-round access.

### **BUDGET IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310. If future action is decided on by Council, financial implications will be included at that time.

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

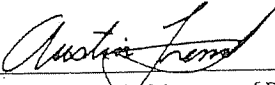
- (1) Defer any action until future upgrades take place on the sewer easements and/or presentation of an opportunity to acquire lands for re-alignment. This is the staff recommendation.
- (2) Community Council could request that Regional Council include funds for acquisition of property and construction of a walkway. Capital costs are estimated between \$100,000 and \$150,000.

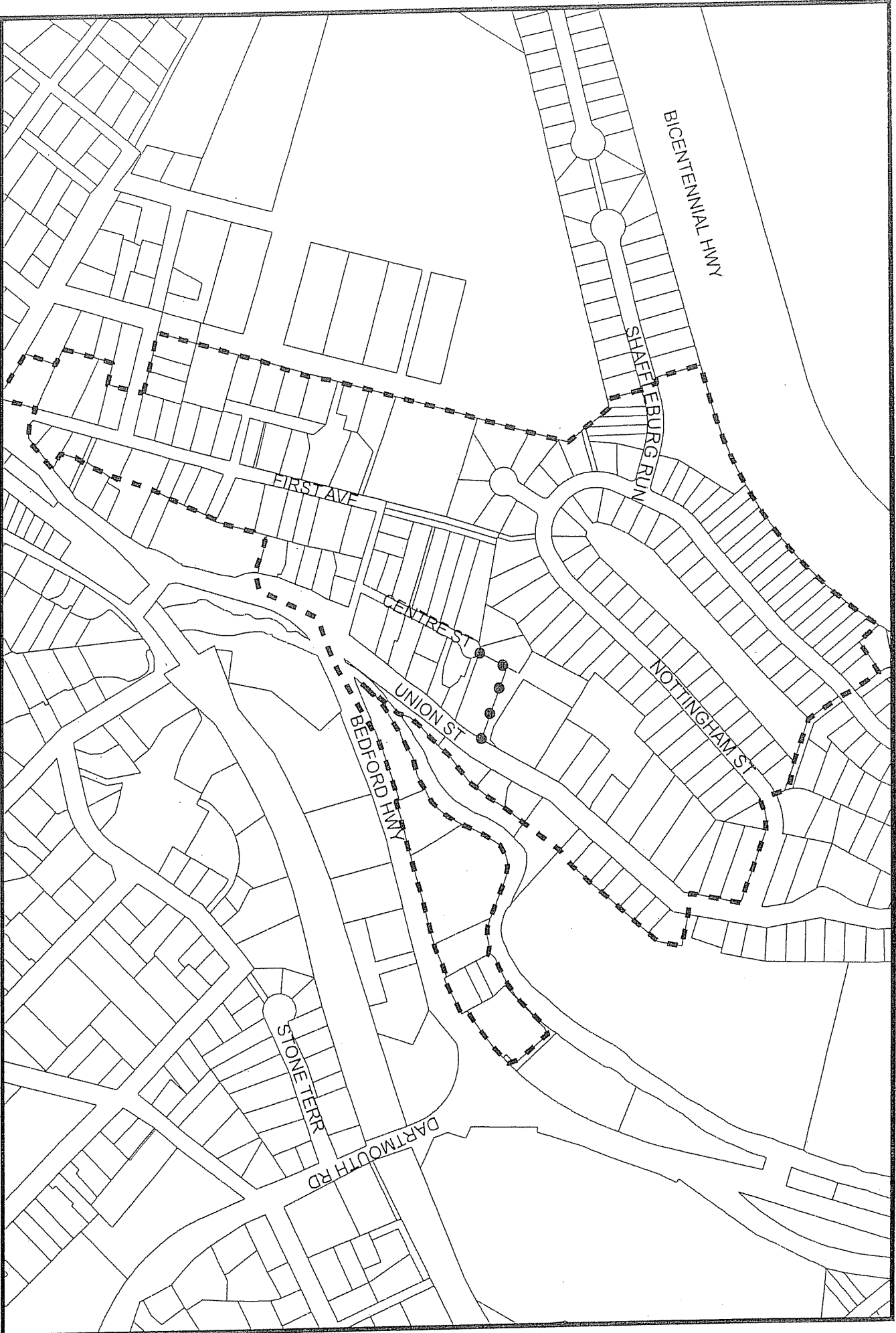
ATTACHMENTS

Map 1	Location of Walkway
Map 2	Redden Brothers Concept Plan
Map 3	Existing HRM Walkway Easements
Attachment A	Walkway Survey Results
Attachment B	Community Response
Attachment C	Workshop Sheet
Attachment D	Public Information Meeting Minutes

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 : Leticia Smillie, Planner, Community Development, 490-4083

Report Approved by:   
Austin French, Manager of Planning Services, 490-6717



Map 1

Location

Walkway

Workshop Notification Area

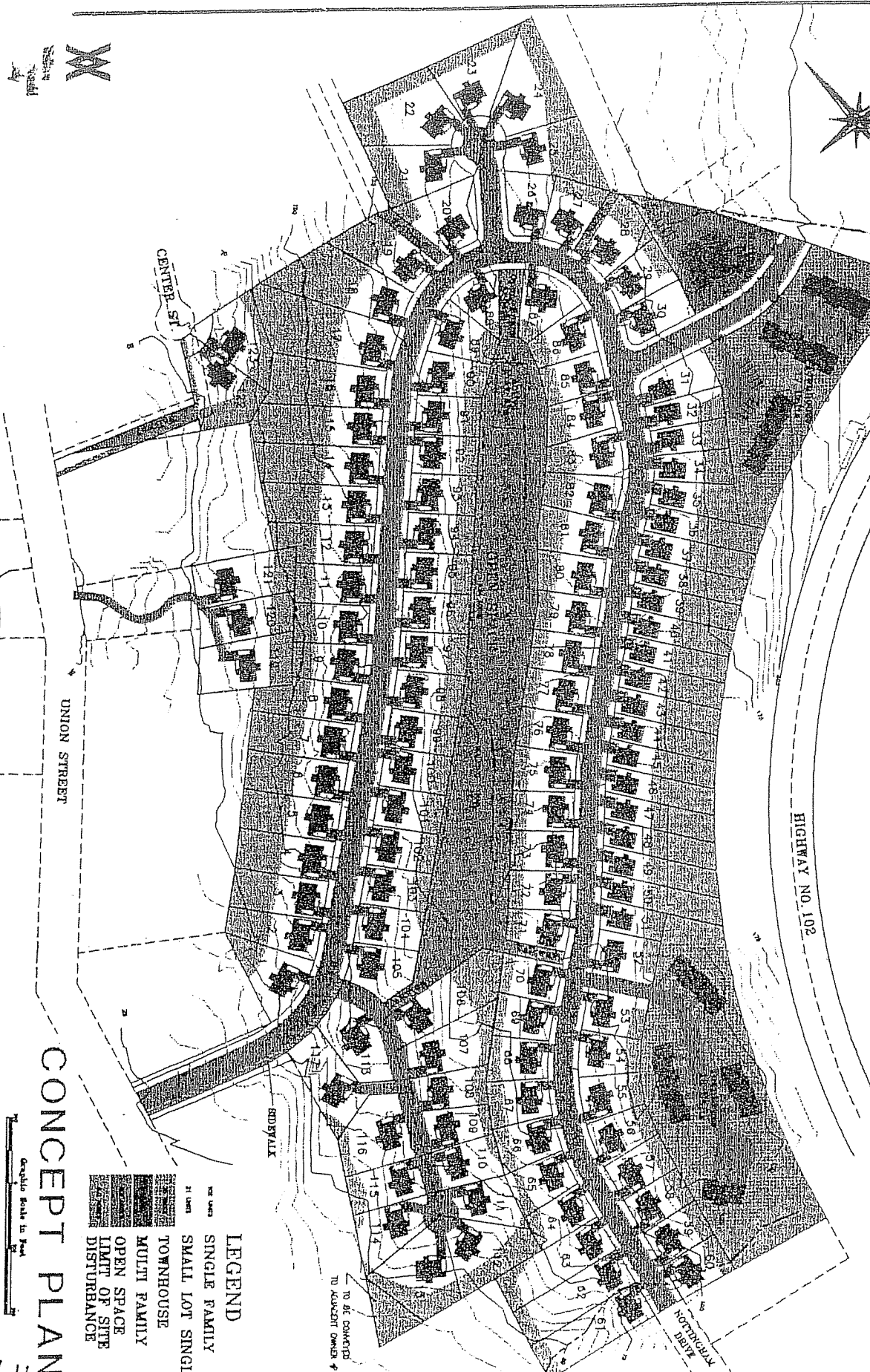


Apr. 28, 2009

HRM does not guarantee the accuracy of any base map information on this map.

F:\Repmaps\Planadm\01154\Map1.mxd (AKT)

LANDS OF REDDEN BROTHERS DEVELOPMENT LTD.  
UNION STREET RCDD

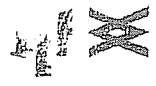


CONCEPT PLAN

- LEGEND**
- SINGLE FAMILY
  - SMALL LOT SINGLE
  - TOWNHOUSE
  - MULTI FAMILY
  - OPEN SPACE
  - LIMIT OF SITE DISTURBANCE

Graphic Scale in Feet  
100

Date: May 1944





Map 3  
Existing HRM Walkway Easements





Attachment A  
Walkway Survey Results

Figure 1: Frequency of Walkway Use

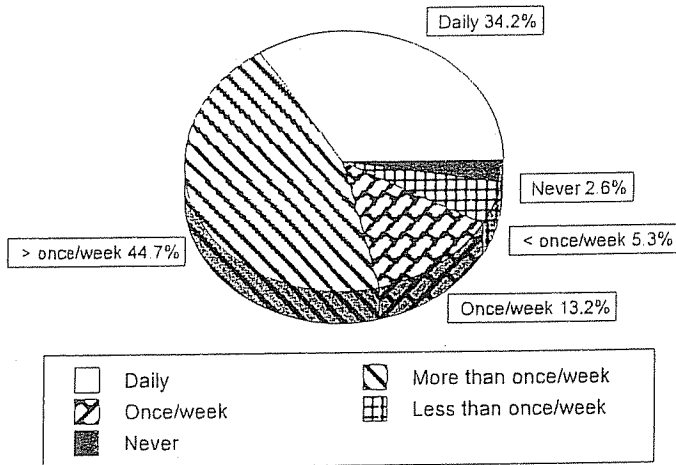
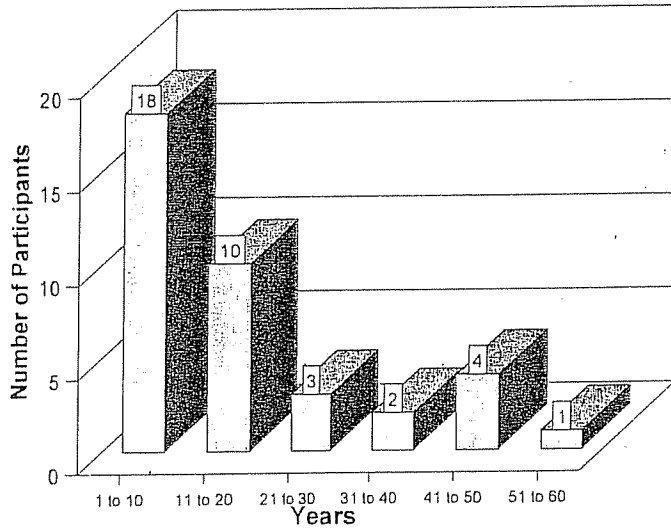


Figure 2: Number of Years Used/Known about Walkway



January 6, 2010

Attachment B  
Community Response

I am a local area resident and I use the walkway 3 to 5 days a week. I would hate to see it closed. In fact, I hope that HRM will consider keeping it open all year (ensuring that the Union St end of it is not blocked by a snow bank in winter).

Thank you

Annie Williams  
[REDACTED]  
[REDACTED]

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Case #01154

I see that the workshop will held Oct. 20th, 2008 and we will be visiting in Ottawa.

However, I would like to tell you that we use the pathway often on walks to the Bedford Place Mall, on our walks on the Sackville River pathways and on our walks to the Union St. area, for our health and to reduce using the car, when ever possible.

I hope the walkway is improved rather than removed as it would be a loss to us and many of the other walkers. At this point in time, I do not see it as interfering with anyone's elses use or privacy or that it is a detriment to abutting home owners.

John and Joan MacDonald  
[REDACTED]  
[REDACTED]

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Attn. Leticia Smillie

We reside at [REDACTED] in Bedford, and we use this walkway regularly to go shopping, banking, dental appointments etc. or just for pleasure. For us it is a short cut to these various places, and we are happy that we can leave our car parked in the driveway.

We trust that there no plans afoot to develop this walkway into a through street for motorized vehicles. We need more footpaths and bicycle routes if we plan to reduce greenhouse gas emissions.

Thank you for giving us the opportunity to respond to this matter. We are not able to attend the meeting on Oct. 20 because of a previous committment.

Sincerely,  
Gus and Lea Lehmann

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"Dear Leticia,

We are out of town until October 22, 2008, and won't be able to attend the workshop you have scheduled for Basinview School on October 20, 2008.

Please accept this as our strong support for keeping the walkway open to public use. We have used this walkway almost daily for a very long time, and continue to do so. (We lived at [REDACTED] from June 1981 to August 2008. We are now at [REDACTED].)

The walkway offers a most convenient pedestrian access from the old Central Bedford neighbourhood directly to Bedford's central business district, as well as the Sackville River trail - without being forced to walk next to heavy Bedford Highway traffic.

Its presence has encouraged us (and others) to walk rather than drive, thus contributing to the acknowledged attractiveness of old Central Bedford as a place to live, our good health, and that of our fellow citizens and the environment generally, by cutting down vehicular traffic.

The public walkways of Bedford are delightful to discover. Their locations ought to be better advertized - for the common good.

This particular public walkway is a good facility. Let us ensure the public's access is not interfered with.

Paule & Ken MacInnis, QC "

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Hi Leticia:

My name is Chris Redekop and I live on [REDACTED] in Bedford. I would like to offer my comments regarding the walkway between Centre and Union Streets as I will be unable to attend your workshop.

The walkway currently connects pedestrians in much of "old" Bedford with The Atlantic Superstore and Bedford Place Mall. The path allows me to stay off of the Bedford Highway when I walk to shopping, which is safer and more pleasant (less noise and exhaust fumes) for me. Having a safe and pleasant walking route encourages me to leave my car at home, which is better for our environment.

I do not desire any further development on the path, but I do want it preserved for Bedford's pedestrians.

Thank you,  
Chris

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Hello Ms. Smillie,

As I cannot attend the public workshop on October 20, I wished to offer you information on how my family and I use this walkway. Basically, I have 3 young children and we like to spend time together spring summer and fall bike riding. We frequently use this route from my home at [REDACTED] because the traffic is low (except for the thoroughfare we like to call Bedford Street). This entire area of Bedford has a community feel that is sadly lacking along the Bedford Highway, and a small town warmth, also lacking on the busy highway. We know many of our neighbours along this route and I feel safe using this area with my family.

Thanks for asking,

Beverley Audet

Ms Smillie,

Unfortunately, neither my husband or I will be able to attend the public workshop on Mon Oct 20 regarding the public walkway, but we do want to record our public support for the continuance and development of that walkway as a safe and properly-maintained public walkway in our community.

This walkway has been in use for decades; it was well-known when Frank & I bought our house on [REDACTED] Bedford over 25 years ago (Pine St is intersected by Centre St). We and our neighbors often use the Centre to Union St walkway in our daily or evening walks. It makes a quick jaunt to the grocery store and malls more practical when the alternate route would take more time. I see many people outside our immediate neighborhood also use the path - for instance, residents of Paper Mill Lake also use the walkway because I see them walk by our house to continue through Centre St and return the same way..

I would like to see the pathway gravelled and the trees groomed lightly to clear the path and possibly a light in the middle for night travel. I often take the bus home, stop at the mall and then walk home via Centre St. - it takes good night vision to make the path in the dark! In the winter months, the snowplow operators would need to direct the snow in another direction rather than block the walkway .

In the interests of public wellness and increasing 'parkland' use, it would be also be highly desirable to finally develop the path that was intended & planned between First St. & Nottingham Ridge Development. This would improve the overall walking network for Bedford residents many of whom are active walkers. Because much of 'old Bedford - First, & Pine St included, have no sidewalks, this would improve the safety factor for all concerned.

Please record my notes as part of the public workshop in support of the public walkway between Centre and Union Streets Bedford. Thank you.

Regards,  
Patricia (Pat) Kempster

[REDACTED]  
[REDACTED]  
[REDACTED]

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Hi Leticia,  
This is in response to the Notice of the Public Workshop Meeting being held October 20<sup>th</sup>. My husband and I regularly use the path to walk instead of traveling the busy Bedford Highway. We are happy with it just the way it is and would be devastated if access was granted to cars or trucks. We enjoy living on Centre Street because its quiet and traffic is limited to residents.

If you require further information please do not hesitate to contact us.

Thank you

Loreen and Kristopher Keddy

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Case # 01154, Walkway between Centre and Union Streets in Bedford

Dear Ms. Smillie:

Since I won't be attending the Public Workshop tonight, I would like to provide my input into the discussion on the walkway between Centre St and Union St.

I am a resident of Centre Street and use the walkway when I go for walks on the trail beside the Sackville River; my children have used the walk through the years when they walked to work in Sunnyside Mall or walked to the Superstore or to one of the malls to do some shopping.

I would be very concerned if it was decided to remove that pathway because it frequently used by walkers, headed toward the trail by the river or headed toward the malls. I am concerned that many of these walkers will not have heard of the public workshop and will not be able to voice their support of the walkway. Without the pathway, their route would be much longer and, since that route would be on the Bedford Highway, much less pleasant. I feel strongly that the municipality should be encouraging walking to reduce automobile emissions and to promote a healthy lifestyle. By removing this walkway, the municipality would be setting up barriers to walking, rather than encouraging it.

As a resident of Centre St., I value the atmosphere of the street highly. Because the street is a cul de sac, the car traffic level is low and speeds are slow; because of the pathway there is a regular flow of walkers and runners to and from this street and neighbouring streets. This is the kind of neighbourhood that the municipality should be encouraging.

Thank you for your consideration of my thoughts on this matter.

Sincerely,

Debbie Nicholson

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I can't be at the Basinview meeting tonight, but wanted to let you know that my family does use that walkway, all year round, to get to the malls, the Fish Hatchery Park, and to the Bedford Highway generally, if we are heading north of the bridge over the Sackville River. We use it because it is so much more pleasant than walking along the Bedford Highway, and also safer as I am usually with my school-aged child and pre-schooler. If it is cut off, then we will have to back-track along that steep windy road that goes up from the Anglican Church on the Bedford Highway, which is in addition to backtracking, is also kind of dangerous, as it is a steep, windy road with blind corners. Or we will have to just be on the Bedford Highway. Both are disincentives to doing our errands by foot or by bike.

Please keep it open for public use.

Thanks for your consideration,

Sarah M. Kirby

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I am writing you regarding the public workshop scheduled for Monday on the walkway between Center St. and Union St. in Bedford. I live on Center st., near the end of the street where the walkway is. Unfortunately I will be unable to attend the workshop. My Wife and I moved to this street a few years ago in large part because the quiet nature of the street ideally suited our plans to raise a family. We have a 6month old, and we are looking forward to watching him grow up on this quiet street.

We do use the walk way in its current form and think that a pedestrian path is a great addition to the street, but a

change to allow for vehicle traffic would be a large mistake. Our street is not wide enough to support the increase in traffic that that kind of change would encourage. A closure of the path will only encourage pedestrians to walk on private property and that will lead to an entirely different set of problems. My vote is to stick with Status Quo. If you have any questions or concerns I can be reached in any of the manners listed below.

Thank you for this opportunity to be heard, Good luck on Monday.

Ted Tupper

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To whom it may concern

I am a resident of Bedford, although not an immediate neighbour of Centre Street. I use the walkway between Centre and Union Streets as a pleasant and shorter route from my home to the Bedford Place Mall. I use it 2 or 3 times a month, except in the winter months when the path is not suitable for seniors.

I was under the impression that after a set number of years (10?) of unopposed use of a walkway like this a permanent right-of-way was established. I do not expect HRM to do winter maintenance on paths like this. However, the useful season for the walkway would be increased if those who plow snow on the parking lot at the Union Street end could avoid blocking the end of the walkway.

George C. Bush

Bedford NS

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Hello Leticia,

My name is Lesley Donnelly, I live at [REDACTED] in Bedford. My family and I use the walkway between Union and Centre streets often. We would like to see it remain a walkway. I feel sure that Centre St., First Ave., Cadegon and other narrow back streets could not handle the traffic that would race through trying to avoid the Bedford highway. I believe these quiet back streets give Bedford its charm, we walk with our kids and dog along these wooded walkways. Many days these foot paths have made the difference between little ones wanting to walk to do an errand or taking the car. Regrettably I am unable to attend the meeting October 20th.

Thank you for considering my opinion,  
Lesley Donnelly

---

Good Morning, Leticia:

I was unable to attend last night's meeting regarding the Walkway between Centre and Union Streets and did not get my comments to you before the meeting, so I am hoping that you are still able to accept this:

I use the walkway regularly when shopping at Superstore or Bedford Place Mall. It not only is a more pleasant walk than the highway but is shorter as well. When I first moved to Bedford 40 years ago, it was common for the school children and grown ups, too, to 'cut through' our properties going to and from school and shops. Nowadays, it's not done as much and residents, most of whom are not home in the day, may not be as amenable to such 'village' behaviour.

The walkway from Union to Centre provides, with other similar pathways, that pleasant way to walk the back roads of Bedford; I hope you will see your way clear to keeping the walkway in question.

Yours sincerely,  
Barbara Tremills

Regarding HRM staff investigation of the walkway between Centre and Union Street. I was unable to attend the

meeting regarding the above held on 20th. October, 2008, therefore I am submitting my remarks via e-mail. Firstly, let me place on record that I feel this is a complete waste of taxpayers money to have so many HRM staff asking the same questions that was asked and answered a year ago.

To reiterate: The walkway is used by many residents of Bedford, some of my friends who use the walkway live on Rutledge Street and as far away at Bedford Village. It is a short cut through the backs streets of Bedford and a way of staying off the Bedford Highway. What else can be said, except I have been using this walkway for 38 years, my husband a lot longer than that. This is an old and established walkway and I would assume HRM staff are clearly aware of this, and I would also assume it comes under a grandfather clause of usage.

The walkway removes cars off the Bedford Highway thus helping with the congestion. It keeps me fit, which seems to be on most governments agenda for our aging population. Considering that HRM is spending over one millions dollars on walking trails I have to wonder why this particular walkway has come under HRM's scrutiny and it makes me question what ulterior motive HRM staff have for doing so. Perhaps you would kindly let me know.

I will finish this e-mail by saying the walkway is well used and has been so for many years, and it is quite adequate as is, so leave it alone and please move on to more pressing issues like taking a close look at your planning department as most people I speak to these days believe we have an awful lot of development in HRM and very little planning.

To conclude kindly forward Mayor Peter Kelly's and my local councillors e-mail addresses to me as I wish to send the above remarks to them for their files.

Shirley Jerram,

[REDACTED]  
Bedford. NS

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RE: case 01154  
Walkway, Centre/Union Street

We have been using this walkway since 1984. It has been a route for my family to get to The Bedford Place Mall area and Sunnyside Mall. And now with the Bedford Sackville Trail it added another reason why we use it.

It keeps us off of the Bedford Highway, as we do not have to walk on this polluted route with the constant coming and going of car and truck traffic.

I urge HRM to find a way to keep this walkway open for the many residents that use it.

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Warren/Edna Hutt

Hi Leticia

We have lived on High Street in Bedford for 30+ years and would however like you to know that we use the path between Centre and Union Streets frequently for walking and cycling. This path allows us to walk to the shopping centre and access the Sackville River trail without having to walk or cycle along the Bedford Highway - which is not pleasant. We would like to see this path continue as a public right-of-way.

We did not attend the workshop held on Oct 20 regarding the future of the path because we were not aware that it

was being held.

Thank you for considering our comments.

Patrick & Patricia Phelan

[REDACTED]  
[REDACTED]

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Hi Leticia:

My name is Chris Redekop and I live on [REDACTED] in Bedford. I would like to offer my comments regarding the walkway between Centre and Union Streets as I will be unable to attend your workshop. The walkway currently connects pedestrians in much of "old" Bedford with The Atlantic Superstore and Bedford Place Mall. The path allows me to stay off of the Bedford Highway when I walk to shopping, which is safer and more pleasant (less noise and exhaust fumes) for me. Having a safe and pleasant walking route encourages me to leave my car at home, which is better for our environment.

I do not desire any further development on the path, but I do want it preserved for Bedford's pedestrians.

Thank you,  
Chris

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# PUBLIC WORKSHOP

- 1) Please trace your typical route to and from the walkway
- 2) How often do you use this walkway?
  - Daily
  - More than once a week
  - Once a week
  - Less than once a week
  - Never
- 3) How many years have you used or known about a pedestrian connection between Centre St. and Union St.? \_\_\_\_\_ years
- 4) Are there any other comments you would like to make about the walkway  
Comments: \_\_\_\_\_

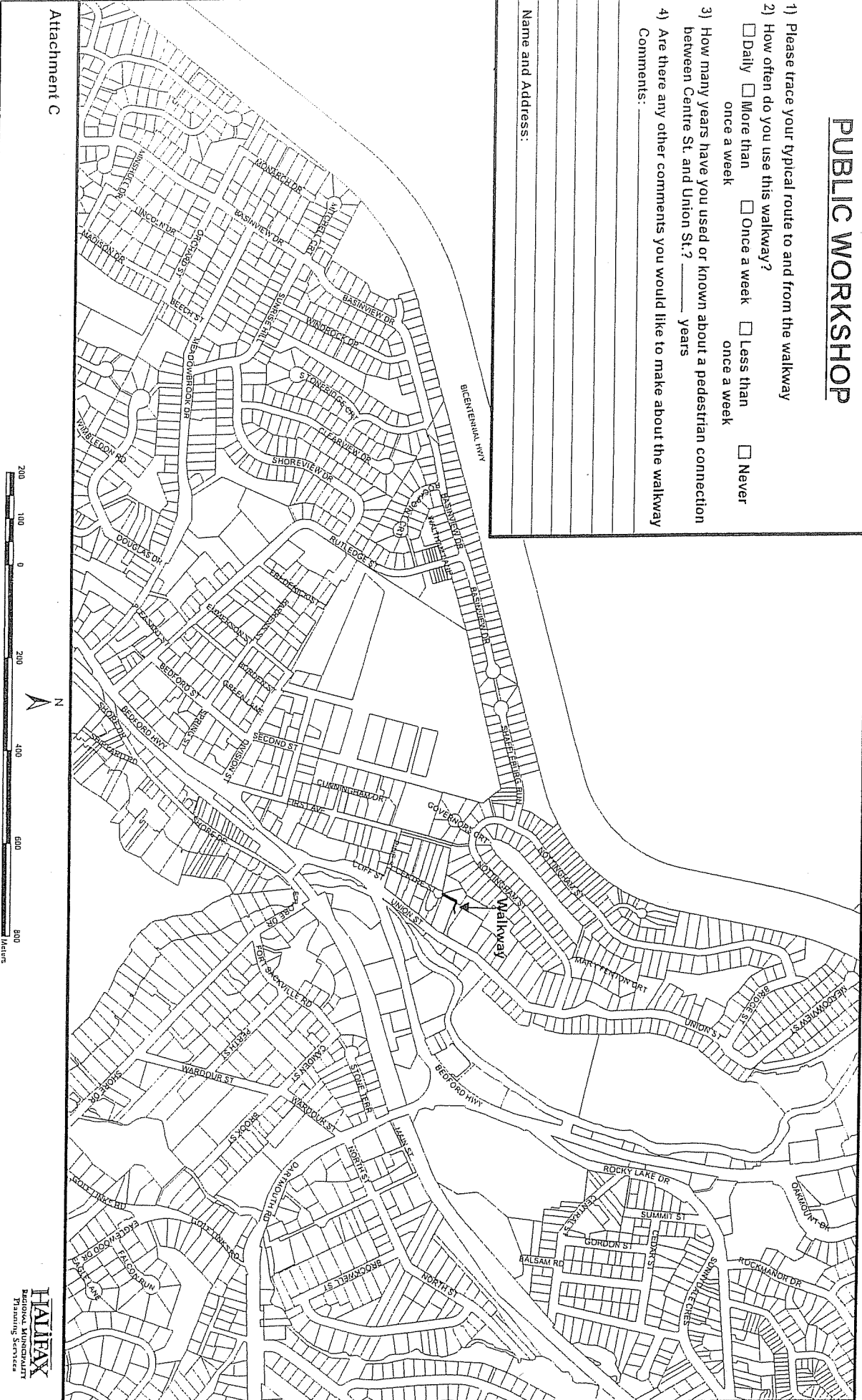
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\_\_\_\_\_

\_\_\_\_\_

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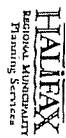
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Attachment C

Nov. 16, 2009

HRM does not guarantee the accuracy of any base map information on this map.



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Attachment D  
Public Workshop Minutes

HALIFAX REGIONAL MUNICIPALITY

PUBLIC WORKSHOP

CASE NO. 01154 - Union and Centre Streets Walkway

7:00 p.m.

Monday, October 20, 2008

Basinview Drive Community Elementary School

STAFF IN

ATTENDANCE:

- Leticia Smillie, Planner, HRM Planning Services
- Miles Agar, Planner, HRM Planning Services
- Thea Langille, Supervisor, HRM Planning Services
- Shanon Pictou, Planning Technician, HRM Planning Services
- Mark Tinmouth, HRM Legal Services
- Cara McFarlane, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE:

- Councillor Tim Outhit, District 21

PUBLIC IN

ATTENDANCE:

- Approximately 26

The meeting commenced at approximately 7:10 p.m.

**1. Opening Remarks/Introductions/Purpose of Meeting**

Ms. Smillie introduced herself as the Planner taking the application through the planning process; Councillor Tim Outhit, District 21; Mark Tinmouth, HRM Legal Services; and Thea Langille, Miles Agar, Shannon Pictou and Cara McFarlane, HRM Planning Services.

The agenda was reviewed.

**2. Presentation of Proposal**

Council asked planning staff to look into the existing walkway that runs between Centre and Union Streets in Bedford. Staff would like members of the community to explain how the walkway connects them to other areas of Bedford, how often the walkway is used, how long has it been existence, opinions on the walkway and the importance of the walkway to them as an individual resident.

In the mid 1990's, the walkway was recognized as part of the Redden Brothers' development which created the residential community located to the north (Nottingham Street, Shaffleburg Run, Governor's Court and the two lots that are located at the end of the older Centre Street). While the

walkway was dealt with as part of this development, it appears to have been in existence and has been a long standing pedestrian connection from Centre Street to Union Street in some form. The existing walkway is a graveled, well treed path located over an easement (shown on screen). The easement covers a portion of the driveway of the home located at 26 Centre Street, goes through a treed area and then ends at the driveway located on the commercial building on Union Street. One of the reasons council has asked staff to look into the walkway is because this easement does not continue all the way down to provide direct connection to Union Street which means that when people exit off of the walkway, they are walking on private property.

HRM Real Estate have explored the possibility of purchasing land from three adjacent property owners and realigning the walkway so that it could be located completely on public lands. This option has been ruled out as the property owners were not interested in selling the necessary portions of land.

The information given tonight, and other feedback received from residents through e-mail and other means, will be used to create a report to council describing how the walkway is used, it's legal status, and providing recommendations for the next steps.

Ms. Smillie assured the public that HRM is not considering or intending to convert this walkway to a road connection.

Ms. Smillie asked the resident to a) trace on the maps providing their typical route, start to finish points; b) how often the walkway is used as an individual; c) write down the number of years they have used the walkway or have known about the walkway's existence; and d) take the time to write down anything that would be important to this application.

### 3. Questions/Comments

Phil Carter, Centre Street, asked for an explanation of an easement. In relation to the sewer and water along that same route, is that connected to the walkway? Ms. Smillie said an easement is a description on a legal document (deed). On the deed for these properties, there is a description and a survey plan showing a walkway easement (shown). There are also easements on the properties for sewer (location shown). Mr. Carter wondered why the easement could not be continued over top of the sewer and used as a walkway. Mr. Tinmouth mentioned that in this case, the sewer and walkway easements have been granted and staff is trying to determine if it exists. There is a written grant of a sewer easement. The sewer easement does not go above ground. Mr. Carter said the line shows that the walkway is where the sewer is.

One resident showed on the plan where the easement runs. In the original development agreement, it ends about five feet before the end of the path. That original development agreement was carried through into an appropriate easement legal issue. Mr. Tinmouth mentioned that staff hasn't fully gotten into all the details but any information would be helpful. The resident believed that one of the properties was encroaching on the easement and there was actually a path where paving had occurred. Ms. Langille said that this particular application is a challenge for the department. Staff

needs to establish how this particular walkway has been used then the more technical issues can be worked out. Engineering staff has looked at putting the walkway over the sewer easement but there were some concerns with regards to the stability. This application is also tied in with the development agreement for the area. Due to the level of complexity and given the ownerships in the area, the easements that are on title and the activity that is happening across these lands are the key components tonight.

Gudula Grabke, Nottingham Street, asked what type of application this is. Ms. Smillie explained that council directed staff to take a look at the walkway. There was originally a case started in 2004 from Councillor Goucher to investigate the walkway which was further brought forward by Councillor Martin in 2007. Ms. Grabke asked what the purpose of the investigation is (extend or eliminate?). One resident asked if any complaints about using it were received. Ms. Langille explained that the original application came from the previous owner at 26 Union Street who was looking to expand their driveway. It could not be done because of various reasons (easement, used as a walkway, sewer easement, part of a development agreement). Now staff wants to find out from the community how this walkway is being used. Staff is not looking to close or extend the walkway. Walkways have to meet a certain level of standards due to liability issues. It may have some status if it has been used a certain way for a certain amount of time. This walkway may have been used long before the development agreement was in place.

Bill Roy, First Avenue, has been a resident at this address for 44 years, has always used the walkway and still does. He was a member of the Citizen's Committee that was involved in the Nottingham Subdivision public process. One of the firm conditions that Redden Brothers and Wallace Macdonald Lively made was that the walkway would stay. The walkway is very important to his family.

Matthew Christie, Cadogan Street, asked what more information is needed. Ms. Smillie explained that this is the type of information staff is looking for. Now the information will be taken and figure out the numbers and the status of the walkway and make a recommendation can be made to council through a staff report.

Erica Tromanhauser, First Avenue, said it is a safety issue. All the streets in the area are narrow and have no sidewalks. As Bedford builds, people shortcut, driving very fast, through old Bedford to avoid the traffic on the Bedford Highway. The walkway is very important to her family as they use it to travel to Union Street instead of dealing with the traffic on the narrow streets.

Valerie Wagner, Centre Street, said some people walk and/or cycle the walkway. People who live in the area obviously use the walkway but also the people that work in the area use it when they walk during their lunch. The walkway is used constantly during the day. It is critical to the community. Many people have used the walkway for over 25 years. People will still use it even if there isn't an easement. She is not sure why staff is investigating. The city wants people to practice active living. Ms. Smillie explained that when asked by council to open up a case, staff needs to produce a response and a report that outlines all the issues.

One resident wondered if HRM would take the information gathered at the meeting, recognize that it has clearly been used as a walkway for many years and establish it as an official right away. The easement stops before the end of the walkway but logically people have to get to the road. That in itself is evidence that a right away has been established. Ms. Langille said legal services can give us advise on if that could be an option. Another option could be that it remains the same.

One resident mentioned that the driveway at 26 Centre Street has been widened without approval. Ms. Langille said HRM was not aware that was done.

Eric Wagner, Centre Street, mentioned that about 1.5 to 2 years ago there were signs up and information was gathered similar to this evening. What has happened with that application? There was a sign at the top of the walkway that said "No winter maintenance - HRM". It came down about 3 or 4 years ago. By having the sign there, does HRM recognized the fact that there was a path there? Ms. Smillie said the previous application has been rolled into this one but from looking through the file it didn't appear that a formal public meeting was held. There were letters from a number of concerned residents but there isn't a lot of specific information. In terms of recognition of the walkway, she will talk to park staff to see if it is on the list.

One resident said he spoke with the resident who made the original application and was told that the easement was running across his driveway. It was narrowing his driveway down. Ms. Smillie said the easement does run along the property line and a portion of the walkway may be on his driveway.

Ms. Wagner said the resident did go ahead and widen his driveway.

A resident from First Avenue said his family uses the walkway mainly for safety reasons which is easier than traveling down a street with a dangerous corner. He remembers the walkway being an access before the current house was built. It was always blocked off but was quite wide and went through to Union Street.

Stephanie Bernard, Center Street, was told about a year ago when she purchased her property and a survey was done that they had the only easement. Their easement ended when the right-hand turn was made on the path. Their lawyer said that no other easements existed. Ms. Smillie explained that two survey plans and deeds were reviewed and the walkway easement on one plan is also shown on the plan for the other property. Ms. Bernard believes that at least 100 people use the walkway per weekday and more during the weekend.

Mike Oulahen, Centre Street, uses the path everyday. The gray areas (on the map) are broken into two lots. The one with the long strip actually was for sale. He believes that the narrow strip is not on the driveway but on the Union Street property. About 20 feet of the yard is in the gray area. The driveway goes over the two property lines.

Jeff Maher, Spring Street, mentioned that there were real estate signs on the property and was concerned that a flag lot may be created. Ms. Smillie understands that the application originated from the one owner and council started it from there.

Ms. Bernard said she understands there are at least two lots behind her place. Ms. Smillie explained that the properties were negotiated through a development agreement in the 1980's which allowed the owners to do a commercial building at the front of the property and create a flag lot which can only be developed with a single unit dwelling in the back.

Ms. Grabke asked how HRM can extend the walkway if the land cannot be purchased. Ms. Smillie explained that HRM did look into the possibility of purchasing land so it could be a publicly owned piece so the walkway could be relocated. Unfortunately, the property owners did not want to sell.

Shirley Towill, Union Street, asked why HRM is suddenly interested in this walkway. Ms. Smillie said that this has been ongoing since 2004. Staff is trying to bring everything together to provide council with a recommendation.

One resident asked if staff has gone back to look at old survey plans and maps. There is no consistency with the lot lines. Ms. Smillie said staff is trying to locate some aerial photos. Ms. Langille explained that staff has looked at a lot of the older plans and tried to find out what is happening. We can only see what is on the paper in front of us. The lines don't match up. From conversation, staff decided to put those things aside and talk to the community to find out exactly how long it's been used and how the public is using it.

One resident thought it would be a great opportunity to get the names and contact information from the older members of the community that are present at the meeting. If HRM decided to make an application to get a right of way on the land that is owned by the people who own the parking lot and the commercial buildings, what would be needed is a description of what has been used for over the years. These people could take the surveyors down to explain how the path existed over the years. They can provide an affidavit as evidence that can be used in the application.

One resident asked about a time line. Ms. Smillie is looking at January, 2009.

Some residents feel a sense of security with the amount of people that use the walkway.

Ms. Wagner asked who would be contacting the public as the application progresses. Ms. Smillie mentioned that she could be contacted at any time. Warren Hutt would also be a good contact.

Mr. Roy raised a similar subject with regards to the proposed walkway at the end of First Avenue (part of the Nottingham development). He wondered if that could be rolled with this application. Ms. Smillie mentioned that this issue has come to staff's attention from looking at this application and it will be addressed.

#### **4. Closing Comments**

Ms. Smillie thanked everyone for their time and knowledge regarding this application.

#### **5. Adjournment**

The meeting adjourned at approximately 8:05 p.m.