

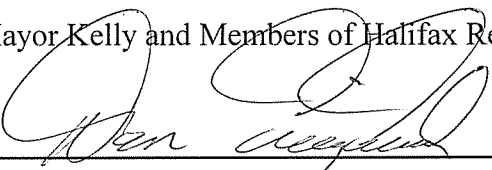


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

**Public Hearing
Halifax Regional Council
July 13, 2004**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Acting Chief Administrative Officer

DATE: June 29, 2004

SUBJECT: **Sale and Street Closure - Portion of Bedford Highway Right of Way
located at 1748 Bedford Highway**

SUPPLEMENTARY REPORT

ORIGIN

At its meeting of June 22, 2004, Halifax Regional Council authorized staff to set a date for a public hearing for consideration of HRM Administrative Order SC-34 concerning the closure of a small portion of the Bedford Highway Right of Way, directly fronting the property known as 1748 Bedford Highway, Bedford, as shown on Attachment "A", and approved a Land Exchange for sewer purposes, subject to approval of the street closure, between Bastion Properties Limited and the Municipality, based on the key terms and conditions contained in the staff report.

RECOMMENDATION

It is recommended that Halifax Regional Council close a small portion of the Bedford Highway Right of Way, directly fronting the property known as Lot C-2, 1748 Bedford Highway, Bedford, as shown on Attachment "A".

BACKGROUND

Approval of this street closure is being requested by staff to facilitate a land exchange, at 1748 Bedford Highway lot C-2, to secure appropriate access and easement rights to a portion of the Bedford/Sackville main trunk line sewer at the rear of the property as well as to facilitate planned development of the lot by Bastion Properties.

DISCUSSION

Staff is recommending exchanging a portion of the municipal right of way fronting Lot C-2, (1748 Bedford Highway) for easement rights at the rear of the property. This provides Bastion Properties Limited the opportunity to move its development forward on the lot; therefore, eliminating any need to in fill over the service easement. The portion of right of way is considered surplus to the requirements of the Municipality, subject to lot grading.

Staff is further recommending the closure of a portion of the Bedford Highway right of way necessary to complete the exchange.

The key terms and conditions of the street closure and conveyance are as follows:

KEY BUSINESS TERMS AND CONDITIONS OF TRANSACTION		
LAND EXCHANGE	HRM Land to Bastion Properties Limited	Bastion Properties Limited Land to HRM
Area	Street Right of Way - 1,800 sq. ft.+/-	Sewer Easement - 2,300 sq. ft.+/-
Property Address	1748 Bedford Highway, Bedford	
Zoning	Commercial	
Vendor/Purchaser	Halifax Regional Municipality	Bastion Properties Limited
Conditions	This land exchange is subject to the following conditions: <ul style="list-style-type: none">• Municipal approval of street closure• Bastion Property Limited to supply all the required survey and legal descriptions, at its expense	
Closing Date	Following the grading of Bastion Properties Limited lot.	

BUDGET IMPLICATIONS

Legal costs to complete this transaction, estimated to be approximately \$1,500.00, will be paid from the Sewer Redevelopment Account and advertising costs for the street closure public hearing, estimated to be approximately \$600 will be paid by Real Estate. Survey costs to be paid by Bastion Properties Limited estimated to be approximately \$3,500.

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. Staff could initiate the expropriation of this easement in order to obtain the appropriate easement rights. This is not recommended as the solution provided by staff has limited budget implications, where as an expropriation for land rights will have significantly higher budget implications and possible injurious affection claim due to the client's inability to complete the development as originally planned.

ATTACHMENTS

Attachment "A"- Site Map

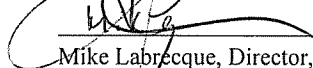
Attachment "B" - Street Closure Administrative Order #34

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 Estate Officer, Real Property & Asset Mgmt. 490-5935

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

Report Approved by: 
Mike Labrecque, Director, Real Property and Asset Management - 490-4851

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER SC-34

RESPECTING CLOSURE OF
A SMALL PORTION OF THE BEDFORD HIGHWAY RIGHT OF
WAY

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 "subject lands", a small portion of the Bedford Highway Right of Way, located at 1748 Bedford Highway, more particularly described in Attachment "A" hereby enclosed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council the day of , 2004.

MAYOR

MUNICIPAL CLERK

I, Jan Gibson, Acting 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 17th day of February, 2004.

Jan Gibson, Acting Municipal Clerk

ATTACHMENT "A"

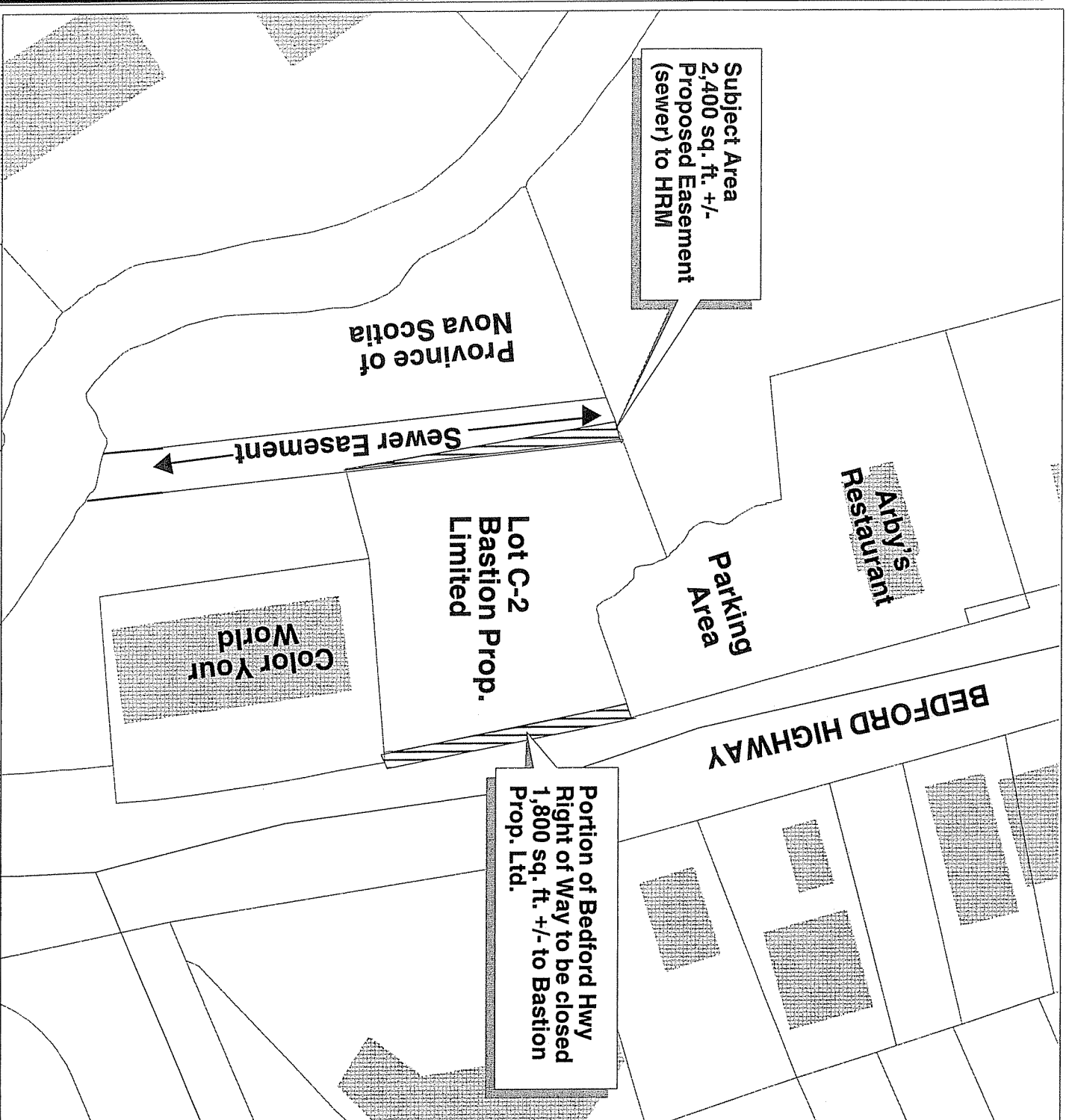
**1748 Bedford Highway
Land Eschange**

Site Map

Scale 1:1266



This map was produced for the internal use of
Halifax Regional Municipality (HRM).
HRM takes no responsibility for errors or omissions.
Date of map is not indicative of the date of data creation.
Projection: Modified Transverse Mercator Zone 5
Date: June 14, 2004
Prepared by: E. Wall



ATTACHMENT "C"
1748 Bedford Highway
SITE PHOTOGRAPHY



View of subject property from across the street looking toward Colour Your World