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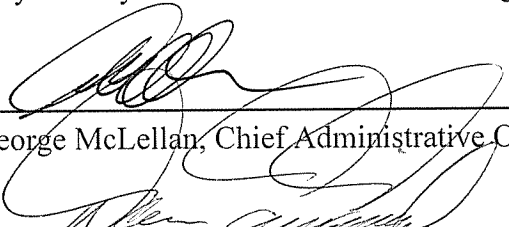


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B3J 3A5 Canada

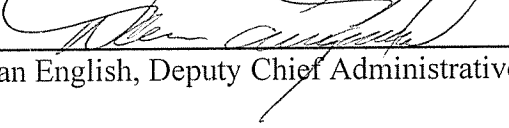
**Public Hearing
Halifax Regional Council
January 11, 2005**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



George McLellan, Chief Administrative Officer



Dan English, Deputy Chief Administrative Officer

DATE: December 9, 2004

SUBJECT: **Street Closure - Sale of a Portion of Bland Street, Halifax**

ORIGIN

At its meeting of December 7, 2004, Halifax Regional Council authorized staff to set a date for a public hearing for consideration of HRM Administrative Order SC-38 concerning the closure of a portion of the Bland Street right-of-way, Halifax, as shown on Attachment "A", and approved the conveyance of the portion, subject to approval of the street closure, to Inглиwood Apartments Limited, containing approximately 165 square feet, *(exact area to be determined by survey)* based on the key terms and conditions contained in the staff report.

RECOMMENDATION

It is recommended that Council close the portion of the Bland Street right-of-way, Halifax, as shown on Attachment "A".

BACKGROUND

In August 2004, Legal Services received a request from Mr. Brian Church, representing the owner of 5505 Inglis Street, Inqliwood Apartments Limited, regarding an encroachment on Bland Street.

DISCUSSION

Inqliwood Apartment, civic address 5505 Inglis Street, is located at the corner of Inglis Street and Bland Street. The property has 60 feet of frontage on Inglis Street and 110 feet of frontage on Bland Street, for a total lot area of 6,600 sq. ft. The building has been situated on the lot since 1889. There is an existing encroachment over the Bland Street street-line of 0.1 feet of the foundation, 0.3 feet of the siding, and 1.2 feet of the over-hang.

The owner of 5505 Inglis Street is in the process of converting the building and has applied to the Registrar of Condominiums for approval for ten (10) units to be sold as condominium units to individual property owners. The Registrar of Condominiums has taken the position that the encroachment of the building must be owned by the applicant. This position is based on Legislation contained in Nova Scotia's Condominium Act. Section 6(1) of the Act requires that a property submitted for registration "shall comprise only freehold land and interest, if any, appurtenant to that land".

Staff has reviewed the request to close the portion of the Bland Street right-of-way, which is 60 feet in width, and is prepared to recommend the closure based on the following; the remaining street width will be sufficient, there are no plans to widen Bland Street in the future, there is Legislative requirement that requires ownership as opposed to an encroachment license. It is proposed that a portion, 1.5 feet in width by 110 feet in length (*total area 165 sq. ft.*), of the Bland Street right-of-way be closed. Because this property is being converted to a condominium, this is a unique situation and not intended to be a precedent.

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

KEY BUSINESS TERMS AND CONDITIONS OF TRANSACTION	
Property Address	A portion of Bland Street right-of-way
Area of ROW to be closed	165 sq. ft.+/-
Purchaser	Inqliwood Apartments Limited
Purchase Price	Market Value

Special Conditions	<ul style="list-style-type: none">• Sale is subject to closing of the Right-of-Way by Council; and• All HRM costs associated with this conveyance, would be the responsibility of the Purchaser.
Closing Date	ASAP after street closure is approved

BUDGET IMPLICATIONS

The net proceeds from the sale shall be credited to the Sale of Land Reserve Account Q101. All HRM costs associated with this conveyance, will be the responsibility of the purchaser.

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
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: Tom Crouse, Team Leader, Real Property & Asset Mgmt. 490-5931

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

ATTACHMENT 'A'
Street Closure -
Sale of Portion of
Bland Street, Halifax

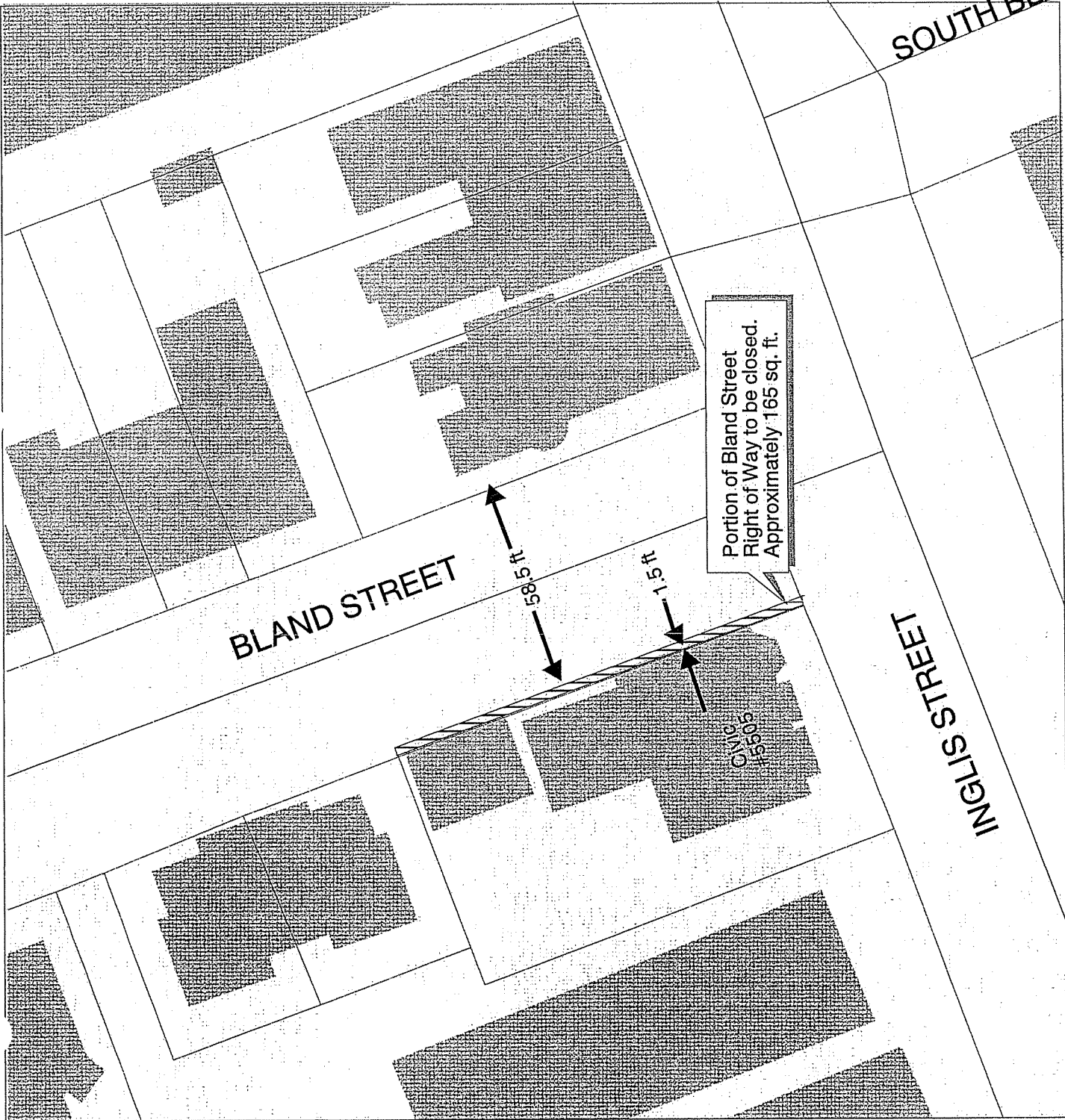
Site Plan

Scale 1:435



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.

Project: Modified Transverse Mercator Zone 5
Date: November 23, 2004
Prepared by: E. Wall



HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER SC-38
RESPECTING CLOSURE OF A PORTION OF
BLAND STREET RIGHT OF WAY, HALIFAX

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 portion of the Bland Street right of way, more particularly described in Schedule "A" is hereby closed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council, the ____ day of _____, 200_ .

MAYOR

MUNICIPAL CLERK

I, Jan Gibson, 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 _____, 200_.

Jan Gibson, Municipal Clerk

ATTACHMENT "B"

Street Closure - Sale of a Portion of Bland St. Right of Way, Halifax
SITE PHOTOGRAPHY

