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Public Hearing
Halifax Regional Council
January 11, 2005
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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 Maitland 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-37 concerning the closure of a portion of the Maitland Street right-of-way, Halifax, as shown on Attachment "A", and approved the conveyance of a portion, subject to approval of the street closure, to 3075228 Nova Scotia Limited, containing approximately 3,570 square feet, and St. George's Church, containing approximately 2,284 square feet (*exact areas 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 Maitland Street right-of-way, Halifax, as shown on Attachment "A".

BACKGROUND

Portion South of Cornwallis Street

In January 2002, the Municipality entered into an Agreement of Purchase and Sale with Ross Cantwell or Assignee for the disposal of 2156 Brunswick Street, the former Alexandra School site. In the Agreement of Purchase and Sale, the Municipality agreed to apply for a closure of a portion of Maitland Street, as shown on Attachment "A". At the time, the portion considered to be closed was 5.5 feet in width by 357 feet in length, for an area of approximately 1,965 sq. ft., the closure being subject to Council approval.

Portion North of Cornwallis Street

On September 3, 2002, the Municipality approved the sale of two minor surplus parcels to St. George's Anglican Church on Brunswick Street and authorized staff to initiate procedures to re-establish the street lines on Maitland to the rear of the property, to their former location prior to being altered on February 26, 1970.

In 1970, the former City of Halifax approved a new street line, 10.01 feet in on the Parish property in conjunction with the Uniacke Square Redevelopment. No action was taken by the City to acquire same from the parish and no works were undertaken by the Municipality over a thirty-two (32) year period acknowledging the reconfigured line. Council agreed to reinstate the line to its former location at the request of the parish subject to formal closure procedures being held.

DISCUSSION

Portion South of Cornwallis Street

In the Agreement of Purchase and Sale for 2156 Maitland Street, the former Alexandra School site, the Municipality agreed to apply for a closure of a portion of Maitland Street, as shown on Attachment "A". At the time, the portion considered to be closed was 5.5 feet in width by 357 feet in length, for an area of approximately 1,965 sq. ft.

The proponent has since requested an additional 4.5 feet strip along Maitland Street, which was a direct result of negotiations during the Development Agreement process. During the process for the re-development of the former Alexandra School property, the abutting neighbours at 2138, 2140, and 2146 Brunswick Street expressed concern about the placement of some of the proposed units and the proximity to their respective rear yards. The proposed street closure will help facilitate the relocation of the proposed units away from the rear property lines of the abutting neighbours.

Traffic Services staff have reviewed the request to close the portion of Maitland Street south of the Cornwallis Street right-of-way, and based on the present function of Maitland Street and the significance of HRM supporting the re-vitalization of this area of Halifax, staff consider the closure of the requested portion of Maitland Street will not unduly compromise the function of this street and will be in keeping with the traveled way width of the section of Maitland Street north of Cornwallis.

Staff have always envisioned that the closure of the portion of Maitland Street would be tied to the sale of the former Alexandra School site, because the parcel being created fronts on the site. Due to the poor condition of the curbing and lack of sidewalk on this section of Maitland Street, it was the intent of Real Estate staff, in conjunction with the redevelopment of the site through the Development Agreement, that the proceeds from the sale of the parcel being created by the street closure would be put back towards the required street improvements, HRM's contribution being the land.

Portion North of Cornwallis Street

Referring to Attachment "D", Site Photography, the Maitland Street right-of-way north of Cornwallis abutting the church property is forty (40) feet in width and has had the sidewalk and curbing renewed within the past three years. The work that was done conforms to the original street line that existed prior to 1970, i.e. forty (40) feet, and aligns with the proposed street line south of Cornwallis.

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

KEY BUSINESS TERMS AND CONDITIONS OF TRANSACTION		
Property Address	Portion of Maitland Street right-of-way South of Cornwallis Street	Portion of Maitland Street right-of-way North of Cornwallis Street
Area of ROW to be closed	3,570 sq. ft.+/-	2,284 sq. ft.+/-
Purchaser	3075228 Nova Scotia Limited	St. Georges's Anglican Church
Purchase Price	HRM's contribution to street improvements	No funds involved as noted in Discussion section of report.

<p>Special Conditions</p>	<ul style="list-style-type: none"> • Sale proceeds to be HRM contribution to street improvements; and • Sale is subject to closing of the right-of-way by Council. 	<ul style="list-style-type: none"> • Sale is subject to closing of the right-of-way by Council; and • Purchaser will pay advertising costs, survey costs and HRM's legal costs and applicable taxes.
<p>Closing Date</p>	<p>ASAP after street closure is approved</p>	<p>ASAP after street closure is approved.</p>

BUDGET IMPLICATIONS

There are no net proceeds from the sale, as the land value of the portion south of Cornwallis Street will be considered HRM's contribution to street improvements, (ie. sidewalks, new curbing) and the area north of Cornwallis Street was previously agreed to by Council to reinstate the line to its former location at the request of the parish subject to formal closure procedures being held.

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 - Portion South of Cornwallis Street
- Attachment "B"- Site Plan - Portion North of Cornwallis Street
- Attachment "C"- Administrative Order SC- #37
- Attachment "D"- Site Photography

**Street Closure - Sale of a Portion of
Maitland Street, Halifax
Council Report**

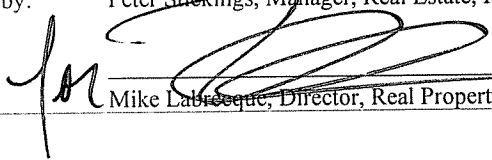
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Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Tom Crouse, Team Leader, Real Property & Asset Mgmt. 490-5931
Mike Woods, Senior Real Estate Officer, Real Property & Asset Mgmt. 490-5925

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
Maitland St., Halifax

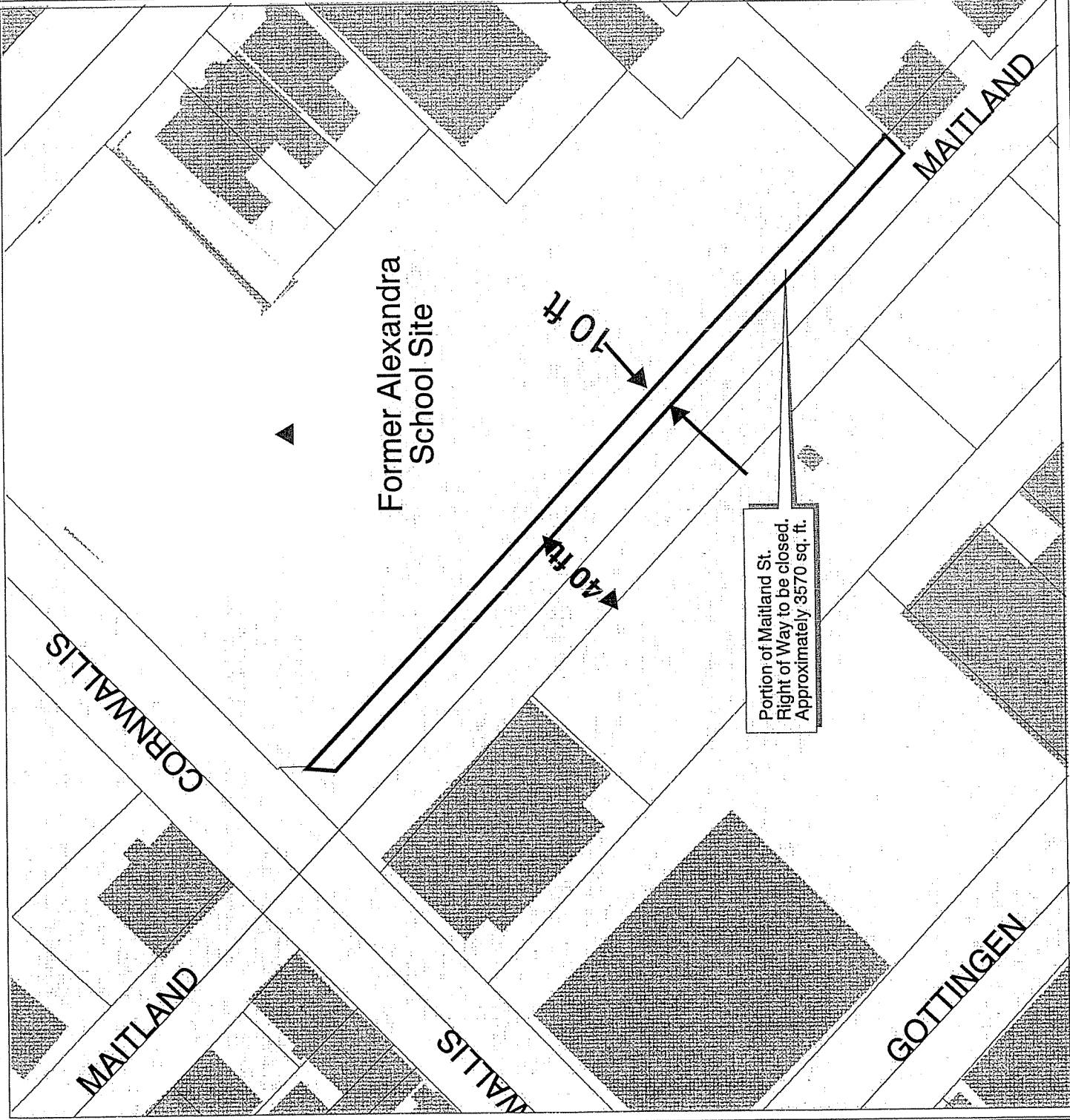
Site Plan -
Portion South of
Cornwallis Street

Scale 1:758



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Projection: Modified Transverse Mercator Zone 5
Current Date: 02/20/04
Prepared by: E. Wal



ATTACHMENT 'B'
Street Closure -
Sale of Portion of
Maitland St., Halifax

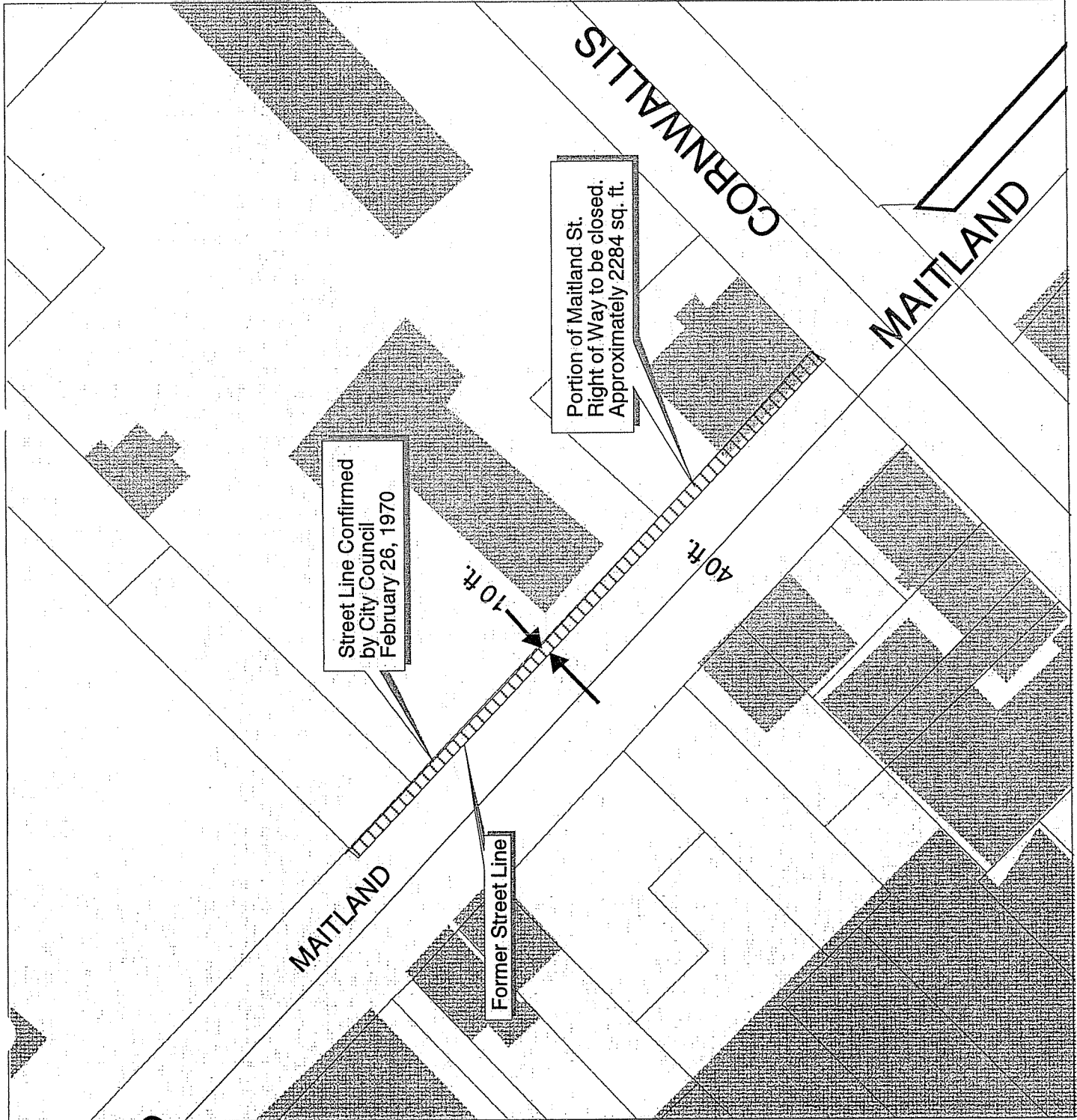
Site Plan -
Portion North of
Cornwallis Street

Scale 1:580



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Projection: Modified Transverse Mercator Zone 5
Date: November 22, 2004
Prepared by: E. Weil



HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER SC-37

RESPECTING CLOSURE OF A PORTION OF
MAITLAND 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 Maitland 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 "D"
Street Closure - Sale of Portion of Maitland St., Halifax
SITE PHOTOGRAPHY



Maitland Street Looking South



Maitland Street Looking North