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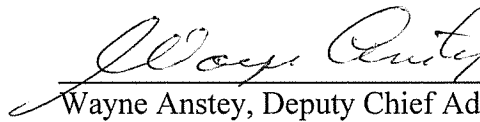
PO Box 1749  
Halifax, Nova Scotia  
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Halifax Regional Council  
May 1, 2007

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
Dan English, Chief Administrative Officer

  
\_\_\_\_\_  
Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** April 20, 2007

**SUBJECT:** Property Matter - Change in Use of Portion of HRM Property at  
Baker Drive and Norm Newman Drive, Dartmouth

**ORIGIN**

The Approved 2007/08 Capital Budget.

**RECOMMENDATION**

It is recommended that Council:

1. authorize staff to set a date for a public hearing concerning the change in use of a portion of HRM property;
2. approve the Change in Use: Parkland to Street ROW - Intersection of Baker Drive and Norm Newman Drive, Dartmouth, as shown in Attachment "A", subject to its approval at the Public Hearing

## **BACKGROUND**

As part of the Russell Lake West Development Agreement Article 3.1(h), a Traffic Management Plan, Norm Newman Drive at Baker Drive Intersection was provided to the Halifax Regional Municipality. The Traffic Management Plan outlined the necessary upgrades to the intersection that were required as part of the Development. They included the widening of Norm Newman Drive to accommodate a left turn storage lane and construction of a right turn channel from Baker Drive to Norm Newman Drive.

Community Development had plans to develop the parkland at the corner of Norm Newman Drive and Baker Drive and staff approached Design and Construction to include the park design within the same construction tender. The Parks primary function or purpose is as a recreation entrance into the Russell Lake Community Park system and has a real opportunity to come to fruition as part of this combined effort between HRM Transportation & Public Works, Portland Estates Trails Group, and HRM Regional Trails.

The subject property, PID No. 40685620, at the intersection of Norm Newman Drive and Baker Drive was acquired as per the 5% Park Dedication via the Subdivision Application process, and registered to the then City of Dartmouth in 1994. Given the prominent and visible location at this busy intersection, the park development opportunities planned for and designed included a pedestrian main entrance plaza to act as meeting place for passive recreation such as hiking, nature observation, lunch hour recreation, etc. Due to its service delivery area this community park will be accessed by motor vehicle as well and therefore vehicle parking was considered. Physical constraints of the land in this location limits a parking lot design to 6 spaces. The granular trail connection to the existing Russell Lake Trail will be landscaped with topsoil and sod. Trees and shrubs, a concrete planter, park benches, interpretive signage, and lighting have been incorporated into the design but may have to be included in a future capital project due to current budget limitations.

## **DISCUSSION**

As advised by HRM Legal Services, a public hearing must be held in order to change the use of the 3853 square foot portion of property from parkland to street right of way. The Municipal Government Act (MGA) states that land conveyed to the municipality pursuant to this section is to be used for parks, playgrounds, and similar public purposes. According to Legal, "Similar public purposes", of this section would not reasonably be interpreted to include the purpose of streets or roads for general use."

Under Section 273 (13), the MGA states that Council can determine that any land transferred to it under this section which is no longer needed for Parkland may be sold upon proper notification to owners in the subdivision and to the public by newspaper advertisements. The sale proceeds however, are required to be used for parks and playgrounds, etc. Although there is no sale of land involved in this case, Legal Services has advised that this section of the MGA should be followed in regards to giving notice to the public and holding a public hearing.

Therefore, the above process:

- permits Council to dispose of parklands;
- gives adjoining owners and the public and opportunity to address Council on the decision to transfer the land;
- stipulates the use to be made of the proceeds; and
- may give opportunity to continue the use as parkland depending upon the purchasers intention.

According to Legal, this course of action most closely follows the intent of the registration as set out in the MGA.

Discussions between Traffic and ROW and Community Development has resulted in an agreement that consists of Traffic and ROW contributing \$10,000 to the park construction. Therefore, this agreement is reasonable and follows the MGA with respect to the proceeds of the land being utilized for parkland or playgrounds. In this case the \$10,000 'work in kind' represents 'payment' for the portion of property required.

This report is to ensure that the above process as set forth by the MGA and advice from Legal Services is adhered to.

### **BUDGET IMPLICATIONS**

There are no budget implications as part of this report at this time. As stated in the Discussion section of this report, Traffic and ROW and Community Development will tender this project together and Traffic and ROW will cover the \$10 000 'work in kind' towards the park construction in addition to the construction costs from Account No. CTR00905.

**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**

There are no recommended alternatives.

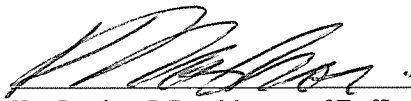
**ATTACHMENTS**

Attachment "A" - Site Plan

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: Tanya Davis, P.Eng, Design Engineer, Transportation and Public Works, 490-6821

Report Approved by:



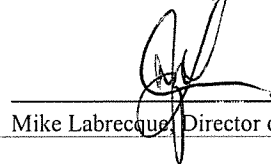
Ken Reashor, P.Eng, Manager of Traffic and ROW, 490-6637

Financial Approval by:

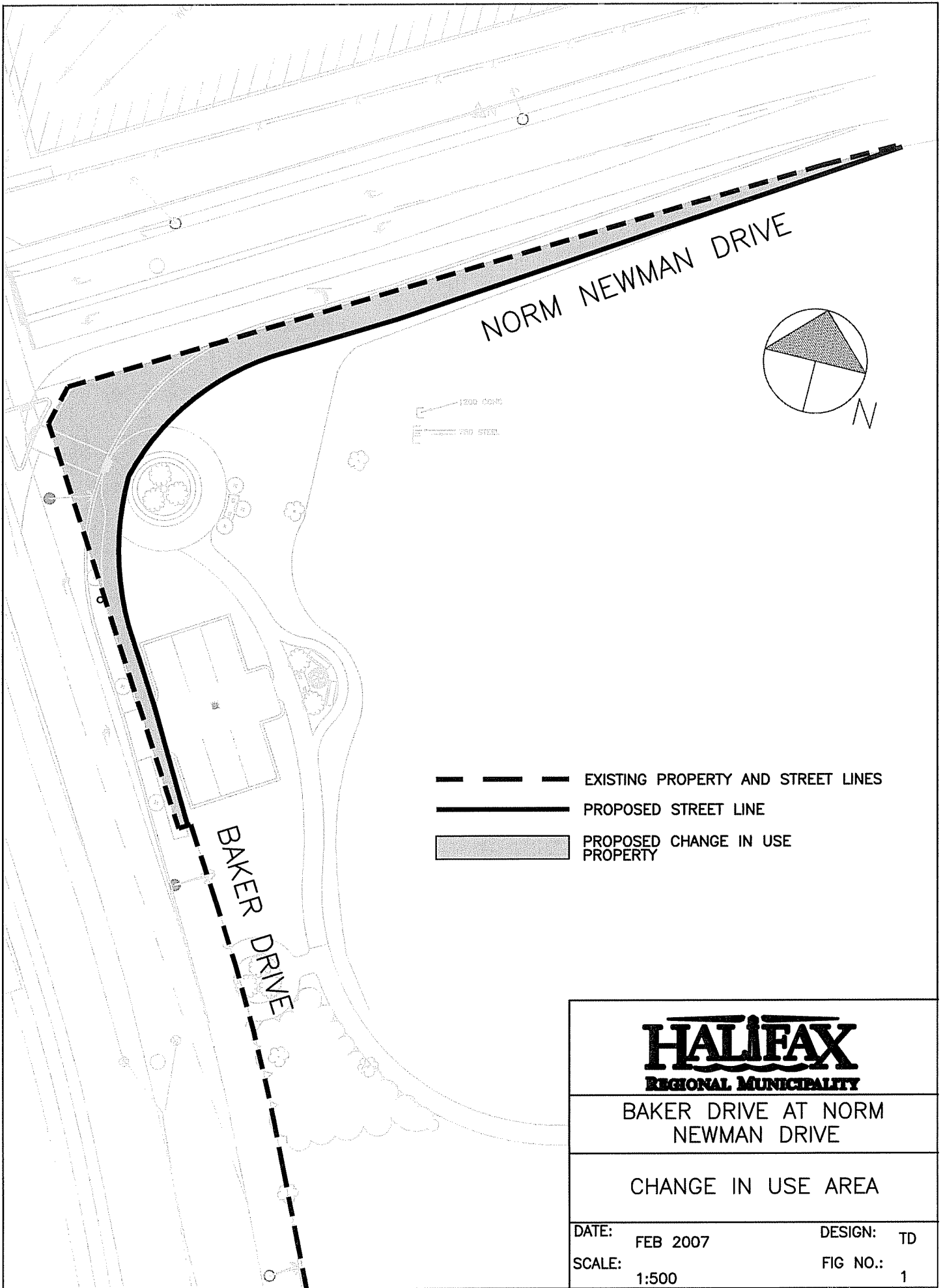


Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by:



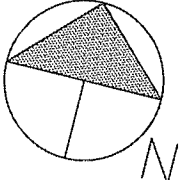
Mike Labrecque, Director of Transportation and Public Works, 490-4855



NORM NEWMAN DRIVE

BAKER DRIVE

1200 CONC  
750 STEEL



- EXISTING PROPERTY AND STREET LINES
- PROPOSED STREET LINE
- PROPOSED CHANGE IN USE PROPERTY

<b>HALIFAX</b> REGIONAL MUNICIPALITY	
BAKER DRIVE AT NORM NEWMAN DRIVE	
CHANGE IN USE AREA	
DATE: FEB 2007	DESIGN: TD
SCALE: 1:500	FIG NO.: 1