

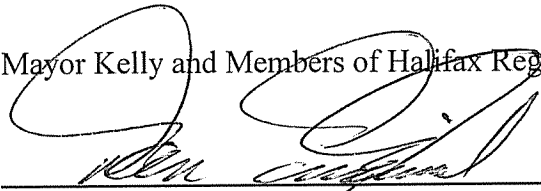
8.1

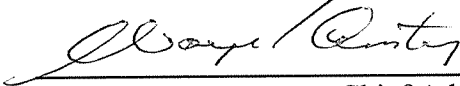


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
September 4, 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: August 20, 2007

SUBJECT: **Street Closure - Cole Drive, Cole Harbour (Parcels DR and ER and
Parcels FR and GR)**

SUPPLEMENTARY REPORT

ORIGIN

A request from Cole Road Developments Limited (“Developer”) expressing an interest in acquiring the remnant parcels of a cul de sac bulb more particularly described as **Parcels DR and ER and Parcels FR and GR, Cole Drive, Cole Harbour.**

At Council’s August 7, 2007 session the matter of the street closure was deferred pending clarification on what the arrangements were with respect to the market conveyances. The remnant parcels of the cul de sac are non-contiguous (separated by Cole Drive) and therefore will be conveyed to the purchaser utilizing two transactions. The terms and conditions of the approved conveyances, as per the CAO delegated authority, is provided as Attachment B to this report.

RECOMMENDATION

It is recommended that Regional Council:

- 1 close the portions of the Cole Drive right-of-way, as shown on Attachment “A”, subject to the outcome of the public hearing;
2. it is further recommended that Council set a date for a public hearing for consideration of HRM Administrative Order SC-46 concerning the closure of a portion of the Cole Drive right-of-way.

BACKGROUND

Staff was contacted by the Developer when completing their extension of Cole Drive to Tamara Drive. As a result Cole Drive is no longer a cul de sac leaving two surplus ROW properties, one on either side of the former cul de sac. The Developer has interest in acquiring the properties, subject to the Regional Council's approval of the street closures, and incorporating the lands into the residential development plans of the surrounding area.

At Council's August 7, 2007 session the matter of the street closure was deferred pending clarification on what the arrangements were with respect to the market conveyances. The remnant parcels of the cul de sac are non-contiguous (separated by Cole Drive) and therefore, will be conveyed to the purchaser utilizing two transactions. The terms and conditions of the approved conveyances, as per the CAO delegated authority, is provided as Attachment B to this report.

DISCUSSION

Further to the August 7, 2007 session and report to Council, Attachment B of this report provides Council with the transaction and appraisal detail for the parcels to be conveyed.

Although each of the individual parcels are valued at less than \$50,000, the cumulative value of the public right-of-way to be closed is greater than \$50,000, therefore under the MGA, a public hearing is required.

New information from the Developer

Subsequent to the Purchaser entering into a conditional Agreement of Purchase and Sale and the August 7, 2007 Council Session, staff was made aware of the Purchaser's claim that there was a pre-existing agreement or arrangement in place whereby the surplus portions of the cul de sac bulb were to be conveyed, at no cost to the developer, at such time the Cole Drive right of way was extended.

Real Property and Planning and Development staff has reviewed the original subdivision file and could not find any written agreement or document to verify this. Furthermore, the subdivision plan approving this portion of the Cole Drive right of way included the cul de sac bulb as part of the Cole Drive right of way (Parcel CD-5), and the cul de sac bulb was not identified as a temporary turning circle, which was the practice when the right of way was to be extended and the remnant portions of the cul de sac bulb became surplus.

Based on this research staff is of the opinion that there is not sufficient documentation to support a less than market value consideration in this case. Under the Municipal Government Act Council may only sell lands to private sector interests at market value.

BUDGET IMPLICATIONS

The net proceeds from the sale shall be credited to the **Sale of Capital Asset Reserve Account Q101**. Legal costs are not expected to exceed \$3,000 per transaction. No further budget implications are expected with this exchange.

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.

If approved this report will increase reserve contributions.

ALTERNATIVES


None

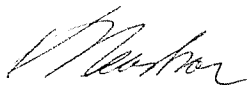
ATTACHMENTS


- Attachment "A" - Administrative Order # SC-46.
- Attachment "B" - Terms and Condition of Conveyances
- Attachment "C" - Legal Description and partial Survey Plan

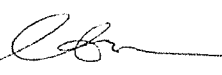
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Carla Thistle - Real Estate Officer, TPW 490-5477

Report Approved by: 
Peter Stickings, Manager, Real Property, TPW 490-7129

Report Approved by: 
Ken Reashor, Manager, Traffic & Right of Way, TPW 490-6637

Report Approved by: 
Mike Labrecque, P.Eng., Director TPW, 490-4855

Financial Review/Approval by: 
Catherine Sanderson, Senior Manager, Financial Services 490-1562

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER SC - 46
RESPECTING CLOSURE OF PORTIONS OF
COLE DRIVE

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:

- (i) A portion of Cole Drive, Parcels DR & ER and Parcels FR & GR, Cole Harbour, Nova Scotia more particularly described in Attachment "A" is hereby closed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council, the ___ day of _____, 2007.

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 _____, 2007.

Jan Gibson, Municipal Clerk

Terms and Condition of Conveyances

<i>Property Address</i>	Parcels FR & GR, Cole Drive, Cole Harbour	Parcels DR & ER, Cole Drive, Cole Harbour
<i>Site Area</i>	3,239 sqft	3,204 sqft
<i>Zoning</i>	R-1 (Single Unit Dwelling) Zone	
<i>Vendor</i>	HRM	
<i>Purchaser</i>	Cole Road Developments Limited	
<i>Purchase Price</i>	\$35,629 + HST (\$11.00 psf)	\$35,244 + HST (\$11.00 psf)
<i>Appraised Value¹</i>	\$33,000 (\$10.19)	\$35,000 (\$10.92)
<i>Deposit</i>	5%	
<i>Closing Date</i>	September 2007	
<i>Conditions</i>	<ul style="list-style-type: none"> ▶ Subject to Regional Council approval of Street Closure within 60 days of approval of this report ▶ Purchaser, at it's expense, to provide Plan of Survey and Legal Description. ▶ Purchaser and HRM to pay their own legal fees. 	

¹ Alderney Real Estate Appraisal Limited August 2007

Schedule "A"

Parcels DR, ER, FR, & GR

Cole Harbour Estates

Cole Harbour Halifax County Nova Scotia

ALL those certain parcels of land on the eastern and western sides of Cole Drive shown as Parcels "DR" & ER" on the eastern side of Cole Drive and Parcels "FR" & "GR" on the western side of Cole Drive as shown on a plan (John C. MacInnis Plan No. 06-73-L3) entitled "Plan of survey of Lots 11 to 19 Incl., Lots 51 to 59 Incl., Lots 60ER, 61DR, 62GR & 63FR & Lots 64R to 69R Incl. & Parcels CD-6R, T2 & RS1, (1) A subdivision of a portion of Parcel MH-1, Lands conveyed to Cole Road Developments Ltd., (2) A subdivision of a portion of CD-5 (Cole Drive), lands conveyed to Halifax Regional Municipality, Cole Harbour Estates, Cole Drive & Tamara Dive, Cole Harbour, Halifax County, Nova Scotia.", dated April 18, 2007, certified by John C. MacInnis, N.S.L.S. and described as follows:

Parcels DR & ER

BEGINNING on the curved northwestern boundary of Cole Drive at the northwestern corner of Lot "211";

THENCE North 70 degrees 41 minutes 20" West, 2.591 metres along the northern boundary of Cole Drive to an angle therein;

THENCE North 19 degrees 18 minutes 20 seconds west, 35.738 metres along the eastern boundary of Cole Drive to a nontangential point of curvature;

THENCE southeasterly, southerly and southwesterly following the arc of a curve to the right of radius 19.506 metres, 38.895 metres to a point of reverse curvature;

THENCE southwesterly following the arc of a curve to the left of radius 8.534 metres, 4.181 metres to the place of beginning.

CONTAINING 297.2 square metres.

PARCELS FR & GR

BEGINNING on the curved southwestern boundary of Cole Drive at the northeastern corner of Lot "210";

THENCE northwesterly following the arc of a curve to the right of radius 8.534 metres, 5.424 metres to a point of reverse a curvature;

THENCE northwesterly, northerly and northeasterly following the arc of a curve to the right of radius 19.056 metres, 38.890 metres to the western boundary of Cole Drive;

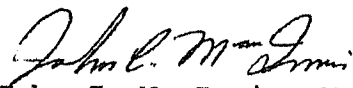
THENCE South 19 degrees 18 minutes 40 seconds east, 37.000 metres along the western boundary of Cole Drive to an angle therein;

THENCE South 70 degrees 41 minutes 20 seconds West, 2.249 metres along the northern boundary of Cole Drive to the place of beginning.

CONTAINING 300.9 square metres.

ALL bearings are referenced to the 3 degree Transverse Mercator Projection, Central Meridian 64 degrees 30 minutes West Longitude.

THE above described Parcels "DR", "ER", "FR" & "GR" being portions of Parcel "CD-5" (Cole Drive) as conveyed to Halifax Regional Municipality and recorded in Book 5998, Page 463 at the Registry of Deeds, Halifax.



John C. MacInnis, N.S.L.S.
April 26, 2007

