

REVISED  
as of May 10/10



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5, Canada

**Item No. 11.1.9**  
**Halifax Regional Council**  
**May 11, 2010**

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

**SUBMITTED BY:**

A handwritten signature in cursive script, appearing to read "Dan English".

Dan English, Chief Administrative Officer

A handwritten signature in cursive script, appearing to read "Wayne Anstey".

Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** April 19, 2010

**SUBJECT:** Right of Way Closure - Portion of Upper Water Street,

**ORIGIN**

This report originates with the ongoing transfer of wastewater/stormwater services, inclusive of all land assets and liabilities from HRM to HRWC. There is a and the requirement to close a portion of an old section of Upper Water Stree Right-Of-Way (ROW) in order to permit the transfer of the new Halifax sewage treatment plant that is built on the old street ROW.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

- ▶ set a date for a Public Hearing for consideration of HRM Administrative Order No. SC-59 concerning the closure of a portion of Upper Water Street Right-of-Way, Halifax (Attachment "A");
- ▶ direct staff to close the portion of Upper Water Street, shown as parcel UW-3, outlined in yellow, on Attachment "B", subject to conclusion of the required Public Hearing;
- ▶ permit the consolidation of the closed street Right-of-Way with adjacent Municipal lands as per Attachment "C" and this new consolidated lot will then be deeded to HRWC under the overall transfer agreement.

## **BACKGROUND**

On June 12, 2007 HRM and HRWC signed an agreement approving the transfer of HRM's wastewater and stormwater services to the HRWC. The agreement provided key terms and conditions for the seamless transfer of HRM wastewater assets including Harbour Solutions assets that were in the process of construction, to Halifax Water. All wastewater/stormwater staff and fully operations assets (non Harbour Solutions) were transferred to HRWC effective 1 August, 2007. The agreement requires that all real property associated with wastewater/stormwater assets be transferred as soon as reasonably possible after transfer of the assets.

Regarding Harbour Solutions assets , the agreement requires that each asset will transfer to HRWC within 60 to 180 days of substantial completion. Accordingly, the wastewater treatment facility (WWTF) was transferred to HRWC effective 1 June, 2008.

When the Halifax Sewage Treatment Plant (STP), located on the HRM property located at Upper Water Street, was being designed a section of Upper Water Street had to be realigned to allow for sufficient area to construct the plant. The approval was given by Regional Council to realign the Street and the project budget was approved on November 12, 2002. Project Management of this work was done by the Harbour Solutions group and they held the contract with the General Contractor for same. In order to now transfer this specific property that holds the Halifax STP the old section of Upper Water Street ROW that now holds the Plant must be "officially" closed.

## **DISCUSSION**

In 2001 HRM purchased from the Federal DND a portion of lands in front to the Naval Reserve base to permit the realignment of Upper Water St. The realigned section improved the intersection design with Barrington Street, and allowed for the old section of road right of way to be joined with the existing Municipal lands to create an adequate site for the Halifax STP. As the old section of road ROW was not formally closed at the time of the road realignment and subsequently the STP was been built on it, the formal street closure must occur prior to transfer to HRWC.

The realignment did not result in an actual street closure and the public's ability to travel through this area was never affected. However, the HRM Charter still requires that a road closure process occur because the land impacted has value and will be transferred to HRWC. The lands being transferred with the plant will be done so under the overall Transfer Agreement and although no actual funds will be paid for these specific lands HRWC will be taking the assets built upon the lands and all associated liabilities with same.

Summary

- At this time Council is being asked to formerly close the section of Upper Water Street Right-of-Way as shown on Attachment “B”.
- The closure will facilitate the transfer of the sewage treatment plant, inclusive of all municipal lands that hold the Halifax STP to HRWC.
- Administrative Order No. SC-59 will be registered prior to the land transfer to HRWC (See Attachment “A”).

**BUDGET IMPLICATIONS**

The lands will be transferred at HRM’s book value, and that any associated transfer costs will be dealt with as part of the master Transfer Agreement to HRWC. It is the intent that any transfer costs be dealt with by HRWC..

**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**

As all sewage treatment assets are to be transferred to HRWC there are no alternatives.

**ATTACHMENTS**

Attachment “A” - Administrative Order No. SC-59  
Attachment “B” - Lot Plan

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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: Glen W. Boone, Senior Real Estate Officer , Acquisitions & Disposals, 490-5704

Report Approved by:



Tom Crouse, Acquisition & Disposal Manager , RE&FS, 490-5931

Financial Approval by:



Cathie O'Toole, CGA, Director of Finance, 490-6308

Report Approved by:



Peter Stickings, Acting Director of Public Works, 490-7129

Attachment "A" \_\_\_\_\_

**Street Closure - Portion of Upper Water Street, Halifax.  
Administrative Order No. SC-59**

**HALIFAX REGIONAL MUNICIPALITY**

**ADMINISTRATIVE ORDER NUMBER No. SC-59**

**RESPECTING CLOSURE OF A PORTION OF**

**Upper Water St, Halifax**

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of Council of the Halifax Regional Municipality pursuant to Section 325 of the Halifax Regional Municipality Charter as follows:

- (vii) A portion of Upper Water Street, Halifax, Nova Scotia more particularly described in Schedule 1 as Parcel UW-3 (outlined in yellow) is hereby closed.

**I HEREBY CERTIFY THAT** the foregoing Administrative Order was duly adopted by Halifax Regional Council, the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Acting Municipal Clerk

I, Cathy Mellett, Acting 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 \_\_\_\_\_, 2010.

\_\_\_\_\_  
Cathy Mellett, Acting Municipal Clerk

