



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

Item No. 10.1.5
Halifax Regional Council
September 14, 2010
September 21, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

Original Signed by

A handwritten signature in black ink, appearing to be "Wayne Anstey".

SUBMITTED BY:

Wayne Anstey, Acting Chief Administrative Officer

Original Signed by

A handwritten signature in black ink, appearing to be "Mike Labrecque".

Mike Labrecque, Deputy Chief Administrative Officer

DATE: August 20, 2010

SUBJECT: Street Closure - Parcels K3 & K4, Kelly Street, Halifax

ORIGIN

A request from Banc Properties Limited ("Developer") expressing an interest in acquiring the remnant parcel of a cul de sac bulb more particularly described as K3, Kelly Street, Halifax.

RECOMMENDATION

It is recommended that Halifax Regional Council close the portions of the Kelly Street right-of-way, as per HRM Administrative Order SC-60, as shown on Attachment "B".

BACKGROUND

The extension of Kelly Street for residential development has eliminated the cul de sac bulb and created the surplus right of way referred to in this report as Parcels K3 and K4.

The Developer has an interest in acquiring Parcel K3, measuring 228 square feet, subject to Regional Council’s approval of the street closure. The Developer’s intention is to incorporate the lands into the abutting residential development lot.

Parcel K4 will remain in HRM ownership and consolidated with the abutting HRM Parkland which was conveyed to HRM as Parkland Dedication through the subdivision development process.

DISCUSSION

Development in this area dates back to 1969, and initially Kelly Street was two (2) separate right-of-ways; one from Stonehaven Road, ending in a cul de sac and the other from Osbourne Street. It appears to be the intention that someday Kelly Street was to be extended through to Osbourne Street which has been done as part of the new residential development.

The closure will facilitate the market conveyance of Parcel K3, which was subject to a previously approved report under delegated authority of the DCAO, and the retention and consolidation of Parcel K4 to the abutting HRM parkland.

Property Details

<i>Property Address</i>	Portion of Parcels K3, Kelly Street, Halifax	Parcel K4, Kelly Street, Halifax
<i>Owner</i>	HRM	HRM
<i>Area</i>	228 sq. ft.	3050 sq. ft.
<i>Zoning</i>	R-2 (Two Family Dwelling) Zone	R-2 (Two Family Dwelling) Zone
<i>Conditions</i>	<ul style="list-style-type: none">▶ At this time Council is being asked to formally close Parcel K3 and Parcel K4 of the Kelly Street Right of way as shown on Attachment “A”.▶ The closure will facilitate the conveyance of the smaller Parcel K3,(228 sq. ft.) which was subject to a previously approved report, and the formal consolidation of Parcel K4 to the abutting HRM Parkland.	

BUDGET IMPLICATIONS

There are no direct budget implications associated with the recommendation above.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

As per the October 2004, amendment to the Municipal Government Act a Public Hearing is not required where part of a street is being altered, improved or redesigned, if:

- (a) the part of the street that remains opens
 - (i) is open to vehicular and pedestrian traffic, and
 - (ii) meets all the Municipal standards; and
- (b) the part of the street that is closed
 - (i) is determined by the engineers to be surplus;
 - (ii) is worth less than fifty thousand dollars.

The recommended street closure meets all the above criteria and a public hearing is not required.

ALTERNATIVES

None.

ATTACHMENTS

Attachment "A" - Administrative Order # SC-60
Attachment "B" - 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: Tom Crouse, Acquisition & Disposal Manager, Real Estate, TPW 490-5931

Report Approved by: _____
Peter Stickings, Manager, Real Estate & Facility Services, TPW 490-7129

Financial Approval by: _____
Cathie O'Toole, CGA, Director of Finance, 490-6308

Report Approved by: _____
Ken Reashor, P.Eng., Acting Director, TPW 490-4855



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

ATTACHMENT "A"

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER SC-60
RESPECTING CLOSURE OF A PORTION OF
KELLY STREET

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:

3. A portion of Kelly Street, Parcel K3 and Parcel K4, Halifax, 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 _____, 2010.

Mayor

Municipal Clerk

I, Cathy Mellett, 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, Municipal Clerk

ATTACHMENT "B"

Street Closure - Parcels K3 & K4, Kelly Street, Halifax Site Plan

