
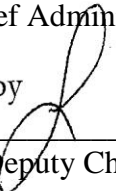


Item No. 11.1.6
Halifax Regional Council
June 21, 2011

TO: Mayor Kelly and Members of Halifax Regional Council
Original signed by 

SUBMITTED BY: _____
Richard Butts, Chief Administrative Officer
Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer, Operations

DATE: May 30, 2011

SUBJECT: **Parkland Disposal – Portion of Lot P-9 (PID#40266841) and**
Parkland Acquisition – Portions of Lot X-A (PID# 40691586)
Civic No. 1182 Cole Harbour Road, Cole Harbour

ORIGIN

This report originates from an unsolicited inquiry by the Cole Harbour Parks and Trails Association to the Halifax Regional Municipality (HRM) to determine HRM's interest in the closure and disposal of a 1,000 square foot parcel of HRM park property, Lot P-9, to facilitate the acquisition of two small portions of Lot X-A for public trail development.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to set a date for a Public Hearing for the closure and disposal of a 1,000 square foot portion of HRM Park property Lot P-9, Cole Harbour, as shown in Attachment "A";
2. Subject to the outcome of the Public Hearing, approve the closure and disposal of a 1,000 square foot portion of HRM Park property Lot P-9, Cole Harbour, as shown in Attachment "A"; and
3. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale between HRM and 3028712 Nova Scotia Limited for the acquisition of two portions of Lot X-A (PID# 40691586) and the disposal of a portion of Lot P-9 (PID# 40286841), as per the key terms and conditions outlined in Table 1, to be funded from Project No. CPX01149 (Parkland Acquisition) as per the Budget Implications section of this report.

Parkland Disposal - Portion of Lot P-9 and**Parkland Acquisition - Portions of Lot X-A, Cole Harbour Drive, Cole Harbour**

BACKGROUND

The Cole Harbour Parks and Trails Association (CHPTA) and HRM Regional Trails Association, have been jointly planning and developing the Bissett Lake Trail Project based on the Bissett Lake Trail Active Transportation (AT) Concept Plan, distributed in 2008. This trail will connect Forest Hills and Colby Village to the Trans Canada Trail on Bissett Road. The AT corridor will also connect Cole Harbour Road to the ball field and the former Halifax County hospital lands (owned by HRM), as well as the trail head parking lot located on Bissett Road. This trail system will be part of HRM's AT Plan.

Phase 1 consists of a three metre wide AT route along the west side of Bissett Brook on an existing HRM sewer service corridor. With cost sharing by CHPTA, Federal/Provincial governments and HRM, a portion of Phase 1 has been built. This report refers to the next section to be constructed which will reach Cole Harbour Road and consists of two options, one of which requires a land acquisition.

DISCUSSION

Phase 1 of the plan primarily follows HRM's sewer lateral almost to Cole Harbour Road. At Cole Harbour Road, staff is recommending a three (3) meter wide trail that connects to the crosswalk on Cole Harbour Road and is parallel to Bissett Brook. This option includes passing through the eastern edge of the parking lot at "Jennifer Place" Apartments, civic number 1182 Cole Harbour Road (See Attachment "A").

The property owner of Jennifer Place, Mr. George Gaty, was contacted and provided with conceptual landscape plans for his review. Mr. Gaty's response was favorable of Option A with the conditions that the proposed trail corridor land be acquired by HRM and that HRM adequately address his concerns of parking lot drainage, post trail construction, and its future maintenance of the trail.

Mr. Gaty has accepted the proposed trail design and has agreed to sell the two required parcels of his property for a purchase price of \$17,000 and a parcel exchange of approximately 1,000 square feet of HRM's Lot P-9 property (Parcel 3). The portion of HRM property Mr. Gaty has requested is to allow him to leave his encroaching screened-in garbage and composting bins where they are. However, the requested Parcel 3 is dedicated parkland from the development of Colby Village.

Under Section 283(14) of the Halifax Regional Municipality Charter, it states "Where the Council determines that any land transferred pursuant to this Section may no longer be needed for parks, playgrounds or similar public purposes, the Council may sell the land, after notifying the owners of lots in the subdivision with respect to which the land was conveyed to the Municipality, by notice published in a newspaper circulating in the Municipality at least fourteen days prior to the Council meeting at which a decision to sell will be made, and the proceeds must be used for parks, playgrounds and similar public purposes." At this time, staff is requesting

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Council's approval to set a public hearing date to give the public the opportunity to speak for or against the closure of Parcel 3, portion of HRM park property Lot P-9.

Subject to Council's approval at the Public Hearing and completion of conveyances, HRM and CHPTA intend to construct this portion of Phase 1 - Bissett Lake Trail project in the next year's construction season.

TABLE 1 TERMS AND CONDITIONS OF TRANSACTION		
<i>Property Address</i>	Civic # 1182 Cole Harbour Road, Cole Harbour	Civic # 34 Attwood Crescent, Cole Harbour
<i>PID#</i>	Portions of PID# 40691586	Portion of PID# 40286841
<i>Parcel Identifier</i>	Parcels 1 & 2 – Portions of Lot X-A	Parcel 3 – Portion of Lot P-9
<i>Purchaser</i>	HRM	3028712 Nova Scotia Limited
<i>Vendor</i>	3028712 Nova Scotia Limited	HRM
<i>Parcel Area</i>	6,666 sq. ft. (Subject to Plan of Survey)	1,000 sq. ft. (Subject to Plan of Survey)
<i>Zoning</i>	C-2 – General Business Zone	C-2 – General Business Zone
<i>Market Value¹</i>	\$3.00 per sq. ft.	\$3.00 per sq. ft.
<i>Purchase Price</i>	\$20,000.00	\$3,000.00
<i>Conditions</i>	<ul style="list-style-type: none"> • HRM is responsible to complete Final Plan of Survey; • HRM is responsible to migrate Vendor's property; • HRM to pay Vendor's reasonable legal fees at Closing. 	
<i>Closing Date</i>	August 26, 2011	

1. Valuation is based on the 2010 HRM property sale at 1213-1215 Cole Harbour Road and internal comparables and analysis/extrapolation of MLS data for the subject area.

BUDGET IMPLICATIONS

Funds in the amount of \$25,000.00 are available in Project No. CPX01149, Park Land Acquisition, to cover the land costs, the Vendor's and HRM legal fees in preparing and registering the property conveyance documents, and the migration of the Vendor's property. Legal fees are estimated to be \$8,000 (net HST included). Applicable adjustments to the Purchase Price include, but are not limited to, appraisal, survey, easements, environmental impacts, grading deficiencies, wetland management, legal, marketing and administrative costs. Adjustments or deficiency allowances resulting from the Purchaser's due diligence inspection, if required, shall be to a maximum of 15% of the purchase price.

The budget availability has been confirmed by Financial Services.

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Budget Summary: Project No. CPX01149 – Park Land Acquisition

Cumulative Unspent Budget	\$ 949,754.19
Less: Property Purchase	\$ 17,000.00
Legal Fees (Estimated)	\$ 8,000.00
Balance	\$ 924,754.19

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating budget, 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 the gross project budget but not the net, and will increase withdrawals from Reserves.

COMMUNITY ENGAGEMENT

The desire to have a trail access at the intersection of Cole Harbour Road and Peron Drive has been expressed strongly by the Cole Harbour Parks and Trails Association (CHPTA) to the area Councilor. The main objective is to provide a direct formal connection of the Bissett Lake Trail system to residents on the north side of Cole Harbour Road. The connection to Cole Harbour Road is also a component of the CHPTA's long term goal of connecting the Bissett Lake/Colby Village trails system with the Provincial Park opposite the Cole Harbour Rehabilitation Center on Bissett Road.

ALTERNATIVES

Council could choose to not approve the closure and disposal of HRM's Parcel 3 and the acquisition of Parcel 1 and 2 as required. This is not recommended as the alternative will require the proposed Bissett Lake Trail to be located at that west side of Jennifer Place Apartments, only meters from the windows of the Jennifer Place tenants, and would exit trail users onto Cole Harbour Road in excess of 200 feet from the existing crosswalk at the intersection of Peron Drive and Cole Harbor Road.

ATTACHMENTS

Attachment "A" – Site Plan

Parkland Disposal - Portion of Lot P-9 and**Parkland Acquisition - Portions of Lot X-A, Cole Harbour Drive, Cole Harbour**

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.

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ATTACHMENT "A"

Jennifer Place
Cole Harbour

SITE MAP



This map was produced for the internal use of Halifax Regional Municipality (HRM). HRM takes no responsibility for errors or omissions. Date of map is not indicative of the date of data creation.

Date: May 17, 2011
Prepared by: E. Wall

