


**Item No. 10.1.5**  
**Halifax Regional Council**  
**April 24, 2012**

**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

**DATE:** March 13, 2011

**SUBJECT:** **Street Closure – Portion of Wyse Road Right-of-Way, Dartmouth**

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**ORIGIN**

A request from Sobey Leased Properties Limited expressing an interest in acquiring a portion of Wyse Road, more particularly described as a portion of PID 41256777.

**RECOMMENDATION**

It is recommended that Regional Council:

1. Approve the closure of a portion of the Wyse Road right-of-way, as shown on Attachment “B”, subject to the conclusion of the Public Hearing, to facilitate the market disposal of the property to Sobey Leased Properties Limited; and
2. Set a date for a Public Hearing for consideration of HRM Administrative Order No. SC-69 concerning the closure of a portion of the Wyse Road right-of-way, Dartmouth, (Attachment “A”).

## **BACKGROUND**

Wyse Road is a main thoroughfare for commercial development. The subject property is the site of a commercial strip mall located along Wyse Road. In 1962, the former City of Dartmouth leased the site to Foord Construction Limited. The site was leased for a 50 year term to allow for parking for their retail strip mall. In 1963, Foord Construction Limited sub-leased the land to Sobey Leased Properties Limited, who is still leasing the property. During their term, Sobey has utilized the site as access parking as well as constructing a Tim Hortons drive-thru on the site. The lease is still in effect and will be ending the 20<sup>th</sup> day of July, 2012.

In 1996, Sobey enquired about purchasing the site from the City of Dartmouth. At that time, the land was reviewed and retained by the Municipality.

With the lease nearing the expiration date, in 2010, Sobey once again approached HRM about purchasing the site. The site was reviewed and HRM deemed a portion of the site surplus. A portion of the subject property is to be retained for future road widening purposes.

## **DISCUSSION**

Sobey is interested in purchasing a portion of the lands and leasing the remainder of the site, as per Attachment “B”.

The portion of the property to be sold to Sobey Leased Properties Limited is outlined in red on attachment “B”. The remainder of the site, outlined in blue on attachment “B”, is to be retained for future street purposes. There is a Tim Hortons drive-thru encroaching on the portion of land HRM is to retain; therefore, Sobey has requested to lease the remainder of the property to allow for the encroachment and to have additional parking available to the site. Due to the property being a right-of-way, HRM will be granting an encroachment license for Sobey Lease Properties Limited. All the conditions of the encroachment license will be the subject of a future report.

The closure of the subject parcel will facilitate the sale of lands which was the subject of a previous approval report under the delegated approval authority of the CAO, as per the terms and conditions detailed within the private and confidential information report dated March 13, 2012.

## **PROPERTY VALUE**

See the Confidential Information Report dated March 13, 2012.

<b>KEY BUSINESS TERMS AND CONDITIONS OF TRANSACTION</b>	
<b>Property Address</b>	Portion of PID #41256777, Wyse Road, Dartmouth
<b>Zoning</b>	C2 – General Business Zone R4 – Multiple Family Residential Zone (High Density)
<b>Vendor</b>	Halifax Regional Municipality
<b>Purchaser</b>	Sobey Leased Properties Limited
<b>Area to be Closed</b>	Approximately 8,120 sq. ft. (Subject to survey)
<b>Conditions</b>	At this time, council is being asked to formally close a portion of the Wyse Road right-of-way shown on attachment “B”.

### **BUDGET IMPLICATIONS**

There are no 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**

A public hearing will be required for the recommended street closure, as per section 325 of the Halifax Regional Charter.

### **ALTERNATIVES**

None

### **ATTACHMENTS**

Attachment “A” – Administrative Order # SC-69

Attachment “B” – Plan

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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: Nathan Hines - Real Estate Officer, Real Estate, Planning & Infrastructure 490-5477

Report Approved by: \_\_\_\_\_  
Tom Crouse, Manager of Acquisition and Disposal, Real Estate, P&I 490-7129

Financial Approval by: \_\_\_\_\_  
Greg Keefe, A/Director of Finance & Information Technology/CFO, 490-6308

Report Approved by: \_\_\_\_\_  
Peter Stickings, Acting Director, Planning & Infrastructure 490-7129

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Original Signed

**Attachment "A"**  
**Street Closure - Portion of Wyse Road, Dartmouth.**  
**Administrative Order No. SC-69**

**HALIFAX REGIONAL MUNICIPALITY**

**ADMINISTRATIVE ORDER NUMBER No. SC-69**

**RESPECTING CLOSURE OF A PORTION OF**

**WYSE ROAD, DARTMOUTH**

**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 Wyse Road, Dartmouth, Nova Scotia more particularly described in Attachment "B" is hereby closed.

**I HEREBY CERTIFY THAT** the foregoing Administrative Order was duly adopted by Halifax Regional Council, the \_\_\_\_ day of \_\_\_\_\_, 2011.

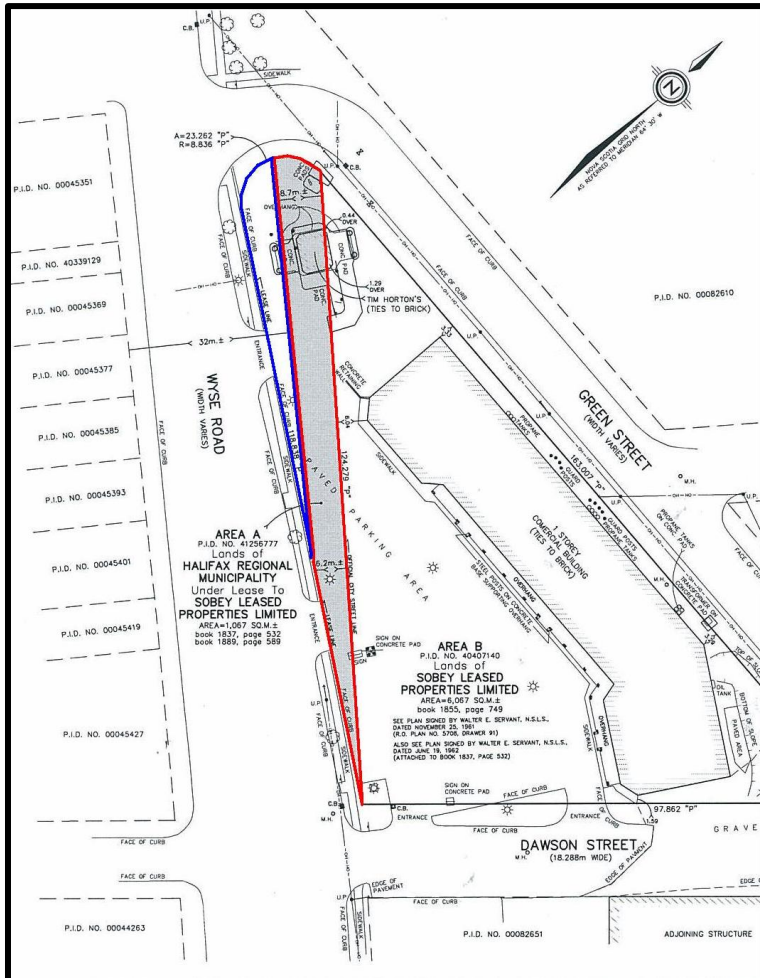
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
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 \_\_\_\_\_, 2012.

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

**ATTACHMENT "B"**  
**SALE OF LAND – A PORTION OF PID #41256777, WYSE ROAD, DARTMOUTH**  
**SITE PLAN**



**Site Area**

- Red Outline (to be deeded to Sobey Leased Properties Limited) +/- 8,120 ft<sup>2</sup>
- Blue Outline (to be leased to Sobey Leased Properties Limited) +/- 3,330 ft<sup>2</sup>