

Item No. 9.1

Halifax Regional Council

May 15, 2012

June 12, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by _____
Mike Labrecque, Acting Chief Administrative Officer

DATE: April 19, 2012

SUBJECT: Street Closure – Portion of Granite Cove Drive, Parcel RR-2, Hubley

ORIGIN

This report originates with a request from the developer of “Five Island Lake Estates”, to close a portion of Granite Cove Drive right-of-way (Parcel RR-2), as shown on Attachment “B”, necessary to facilitate the market disposal of the surplus right-of-way and to allow for the construction of a private driveway entrance to a proposed residential development.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Set the date for a Public Hearing for consideration of HRM Administrative Order No. SC-67, concerning the closure of a portion of the Granite Cove Drive right-of-way, Parcel RR-2, Hubley (Attachment A); and,
2. Direct staff to close the portion of Granite Cove Drive right-of-way, Parcel RR-2, as shown on Attachment B, subject to the conclusion of the Public Hearing.

BACKGROUND

In December 2007, Parcel RR-2 was approved as part of Five Island Lake Estates Phase 2. The developer who deeded this property to the Municipality is now looking to acquire it back from the municipality to gain access to his backlands for a proposed Bare Land Condominium Project. He requires the parcel to gain driveway access.

DISCUSSION

Parcel RR-2 is 1412.5 sq. m. (15,204 square feet) in area and is located on Granite Cove Drive, Hubley. It was a 'Road Reserve' that was created at the time of the subdivision to gain access to back lands; PID 41255548. This PID is a 30 acre peninsula of land on Five Island Lake. The developer is looking to acquire the HRM parcel to gain driveway access to his property, to develop it as a 'Bare Land' Condominium project, whereby there are multiple individual buildings on one large lot. A driveway access is being proposed, instead of a public street, because the configuration of land makes it difficult to construct a public road, which would be required to 'loop' to provide two access and exit points. The peninsula configuration of the property, and the limited access points, makes this essentially impossible to do.

Parcel RR-2 was established when the surrounding lots and street parcels were approved. This 'road reserve' was never developed as a formal travelled way or paved street. Legal Services has been given an opinion that the subject parcel could be considered part of the public street vested in HRM by the subdivision and deed; therefore, a formal street closure is required. Furthermore, a public hearing is required as the entire right-of-way is being closed.

The closure of the subject parcel will facilitate the sale of lands which has been the subject of a previous approval report under the authority of the CAO.

Business Terms:

<i>Property Address</i>	Parcel RR-2, Granite Cove Drive, Hubley
<i>PID</i>	41255373
<i>Zoning</i>	MRR-1, (Mixed Rural Residential) Zone
<i>Vendor</i>	HRM
<i>Purchaser</i>	Three Brooks Development Corporation Limited, or assignee
<i>Purchase Price</i>	See Confidential Information Report Dated May 8, 2010

<i>Proposed Development or Use</i>	Parcel is required to gain driveway access to back lands owned by the Purchaser
<i>Lot Area (total)</i>	± 15,204 sq. ft.
<i>Special Terms</i>	<ul style="list-style-type: none">• The conveyance is subject to the approval of the Street Closure by Regional Council
<i>Closing Date</i>	As soon as possible after Municipal Approval

BUDGET IMPLICATIONS

There are no budget implications associated with the above recommendation.

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-67

Attachment B – Plan of Parcel RR-2, Granite Cove Drive

**Street Closure –
Portion of Granite Cove Drive
Council Report**

- 4 -

May 15, 2012

Report Prepared by: Tom Crouse, Acquisition & Disposal Manager, Real Estate, Planning & Infrastructure

Report Approved by: _____

Christopher Davis, P.Eng., Right of Way Engineer, TPW, 490-7462

Report Approved by: _____

Peter Stickings, Acting Director, Planning & Infrastructure, 490-7129

Report Approved by: _____

Ken Reashor, P.Eng., Director, TPW, 490-4855

ATTACHMENT 'A'
Street Closure – Portion of Granite Cove Drive, Parcel RR-2, Hubley
Administrative Order #SC-67

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER Admin Order #SC-67

RESPECTING CLOSURE OF A PORTION OF

GRANITE COVE DRIVE, HUBLEY

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

1. A portion of Granite Cove Drive, Hubley, 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 _____, 2012.

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 _____, 2012.

Cathy Mellett, Municipal Clerk

ATTACHMENT "B"

Street Closure - Portion of Granite Cove Dr., Parcel RR-2, Hubley Plan of Parcel RR-2, Granite Cove Drive

