



**Item No. 11.1.10**  
**Halifax Regional Council**  
**August 14, 2012**

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

Original signed by 

**SUBMITTED BY:**

Richard Butts, Chief Administrative Officer

Original signed by 

Brad Anguish, Acting Deputy Chief Administrative Officer

**DATE:** July 12, 2012

**SUBJECT:** Street Closure – Portion of Marilyn Drive Right-of-Way, Dartmouth

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**ORIGIN**

An unsolicited request from Ellen Kelly expressing an interest in acquiring a portion of the Marilyn Drive right-of-way, more particularly described as a portion of PID No. 40937716 to be used as a private garden.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Approve the closure of a portion of the Marilyn Drive right-of-way, as shown on Attachment “B”, to facilitate the market disposal of the property to Ellen Kelly.

**BACKGROUND**

*Approval Authority:*

As per section 325 of the HRM Charter, Council may, by policy, permanently close any street or part of a street. The portion of the street that is being closed is valued less than fifty thousand dollars (\$50,000), therefore, no public hearing is required.

Marilyn Drive is a residential street located off of Portland Street, Dartmouth. The site was retained for the purpose of a roadway from Marilyn Drive to Green Village Lane. With the development of Green Village Lane, the connection was minimized to maximize the number of single family homes that could be built along Green Village Lane. A portion of the site remains and is used as a pedestrian connection for the two roads.

HRM was approached by the adjacent owner to sell a portion of the lands. The property was processed through the internal real property review and there was no municipal need determined for the site. HRM will be retaining the walkway between the two road ways; however, HRM staff is recommending the surplus and closure of a portion of the underutilised right of way, as there will not be a future street connection between Marilyn Drive and Green Village Lane.

**DISCUSSION**

The closure of the subject parcel will facilitate the sale of lands which will be the subject of an approval report under the delegated approval authority of the Director of Planning & Infrastructure, as per the terms and conditions detailed within the private and confidential information report dated July 12, 2012.

As per the zoning, within the Dartmouth Land Use By-Law, the additional land will not increase development potential for the adjacent owner’s property. The land will solely provide additional space for a garden for the existing single family home, unless the owner was to pursue a development agreement for the parcel.

<b>KEY BUSINESS TERMS AND CONDITIONS OF TRANSACTION</b>	
<b>Property Address</b>	Portion of PID #40937716, Marilyn Drive, Dartmouth
<b>Zoning</b>	R2 – Two Family Residential Zone
<b>Vendor</b>	Halifax Regional Municipality
<b>Purchaser</b>	Ellen Kelly
<b>Area to be Closed</b>	Approximately 1,955 sq. ft. (Subject to survey)
<b>Conditions</b>	At this time, council is being asked to formally close a portion of the Marilyn Drive right-of-way shown on attachment “B”.

**PROPERTY VALUE**

See the Confidential Information Report dated July 12, 2012.

**BUDGET IMPLICATIONS**

See the Confidential Information Report dated July 12, 2012.

**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**

There is no community engagement required with the recommendation above. As per section 325 (2) of the HRM Charter, the portion of the street that is being closed is valued less than fifty thousand dollars (\$50,000), therefore, no public hearing is required.

**ENVIRONMENTAL IMPLICATIONS**

There are no environment implications associated with the recommendation above.

**ALTERNATIVES**

None.

**ATTACHMENTS**

Attachment "A" – Administrative Order # SC-70  
Schedule "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: \_\_\_\_\_  
Mike Wile, Acting Manager of Real Estate, Real Estate, P&I 490-5521

Financial Approval by: \_\_\_\_\_  
Greg Keefe, Director of Finance & Information Communication 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 Marilyn Drive, Dartmouth.**  
**Administrative Order No. SC-70**

**HALIFAX REGIONAL MUNICIPALITY**

**ADMINISTRATIVE ORDER NUMBER No. SC-70**

**RESPECTING CLOSURE OF A PORTION OF**

**MARILYN DRIVE, 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 Marilyn Drive, 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 \_\_\_\_\_, 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

**SCHEDULE 'B'**

STREET CLOSURE -  
Portion of Marilyn Drive  
Right of Way, Dartmouth

SITE PLAN



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: June 13, 2012  
Prepared by: E. Wall

