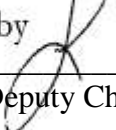


Item No. 10.1.4
Halifax Regional Council
May 7, 2013

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: April 15, 2013

SUBJECT: Street Closure - Portion of Cobequid Road Right-of-Way,
Lower Sackville

ORIGIN

- An unsolicited request from Union Cemetery Company, expressing an interest in acquiring a portion of Cobequid Road, Lower Sackville, more particularly described as a portion of PID No. 40914863;
- Halifax Regional Council Meeting of January 29, 2013, approving the less-than-market value sale of the subject portion to the Union Cemetery Company.

LEGISLATIVE AUTHORITY

Section 325 of the HRM Charter permits Regional Council to permanently close any street or part of a street, without holding a public hearing, if the street or part of a street to be closed is determined surplus by the Engineer and is worth less than fifty thousand dollars. In this instance, a public hearing is not required.

RECOMMENDATION

It is recommended that Halifax Regional Council approve HRM Administrative Order No. SC-74 (Attachment A) to close a portion of Cobequid Road right-of-way, Parcel A, as shown on Attachment "B".

BACKGROUND

Approval Authority:

As per Section 325 (2) 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.

Background:

The subject property is a remnant parcel of the Old Cobequid Road right-of-way, which was realigned at an undetermined date and is located on the south side of Cobequid Road which connects the communities of Waverley, Lakeview and Lower Sackville. HRM was approached by the adjacent property owner, Union Cemetery Company, to sell the subject parcel of HRM lands.

DISCUSSION

The property was processed through the internal real property review and there was no municipal need for the subject parcel. HRM staff is recommending the surplus and closure of a portion of the right-of-way for Cobequid Road.

The HRM parcel is no longer required for Cobequid Road and is not significant enough in size to provide additional development potential to the Union Cemetery Company’s abutting land. It is also possible that there may be unmarked graves located on the subject parcel. The proposed use for the land is to provide parking for the existing community cemetery.

The closure of the subject parcel will facilitate the sale of the subject parcel as per the January 29, 2013, Regional Council recommendation for a less-than-market value sale to the Union Cemetery Company.

KEY BUSINESS TERMS AND CONDITIONS OF TRANSACTION	
Property Address	Portion of PID #40914863, Cobequid Road, Lakeview
Zoning	R-6 – Rural Residential Zone, Sackville Land Use By-Law
Vendor	Halifax Regional Municipality
Purchaser	Union Cemetery Company
Purchase Price	\$1.00 plus all associated costs are to be paid by the Purchaser
Date of Sale Approval	January 29, 2013, Regional Council
Area to be Closed	6,800 sq. ft. Approximately (Subject to final plan of survey)
Conditions	At this time, council is being asked to formally close a portion of the Cobequid Road right-of-way shown on Attachment “B”

FINANCIAL IMPLICATIONS

The net proceeds from the sale (\$1.00) shall be credited to the Sale of Land Reserve Account Q101. All associated costs in acquiring the subject property shall be the responsibility of the Purchaser.

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-74
- Attachment “B” – Site Plan
- Attachment “C” – January 7, 2013, Council Report

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: Chad Renouf, Real Estate Officer, Real Estate & Land Management, P&I, 490-6798
- Report Reviewed by: Tom Crouse, Manager, Acquisitions & Disposals, Real Estate & Land Management, P&I, 490-6798
- Report Approved by: _____
Peter Stickings, Manager, Real Estate & Land Management, P&I, 490-7129
- Financial Approval by: _____
Greg Keefe, Director of Finance & ICT/CFO, 490-6308
- Report Approved by: _____
Jane Fraser, Director, Planning and Infrastructure, 490-7166

Original Signed

ATTACHMENT ‘A’
Street Closure – Portion of Cobequid Road, Parcel A, Lower Sackville
Administrative Order #SC-74

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER Admin Order #SC-74

RESPECTING CLOSURE OF A PORTION OF

COBEQUID ROAD, LOWER SACKVILLE

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 Cobequid Road, Lower Sackville, 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 _____, 2013.

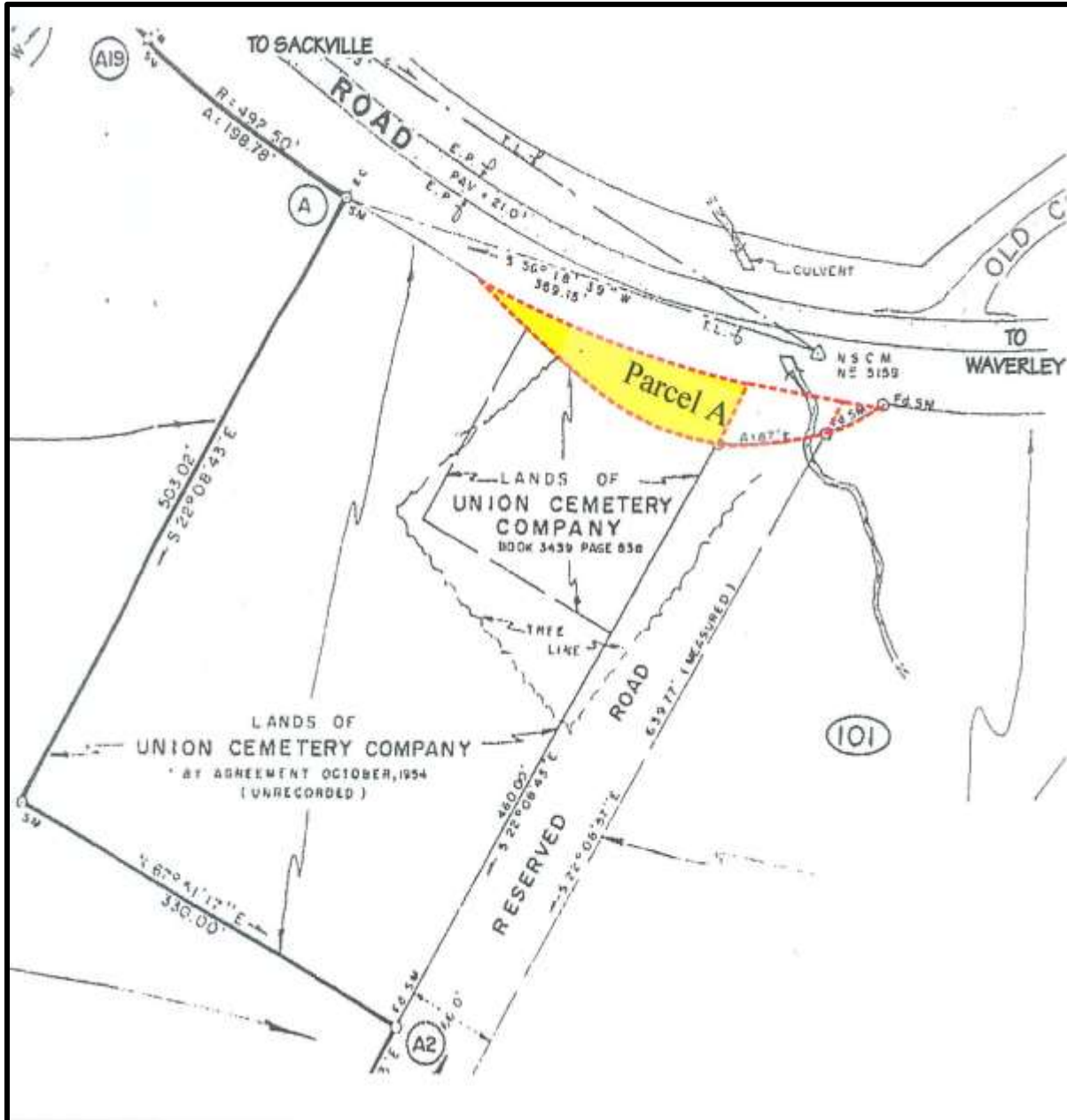
Mayor

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 _____, 2013.

Cathy Mellett, Municipal Clerk

ATTACHMENT "B"
**SALE OF LAND – A PORTION OF PID #40914863, COBEQUID ROAD,
LOWER SACKVILLE
SITE PLAN**



Site Area

- Parcel A – Shaded in Gray (to be deeded to Union Cemetery Company) +/- 6,800 ft²
- Remainder of Outline – (Parcel to be retained as Street Right of Way)

Item No. 10.3.1
Halifax Regional Council
January 29, 2013

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed _____
for/ Councillor Barry Dalrymple, Chair Grants Committee

DATE: January 7, 2013

SUBJECT: Property Matter: Less than Market Value Sale of a portion of
PID#40914863, Cobequid Road, Lakeview to the Union Cemetary
Company

ORIGIN

The August 21, 2012 staff report and the January 7, 2013 Grants Committee meeting.

LEGISLATIVE AUTHORITY

The HRM Charter permits the sale of municipal property at less than market value to a non-profit organization. If valued over \$10,000 the sale must be approved by a two-thirds majority of Council present and voting at a public hearing. In this instance, a public hearing is not required.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale, subject to the closure of a portion of Cobequid Road, whereby the property located at PID#40914863, Cobequid Road, Lakeview, be conveyed to the Union Cemetery Company for the sum of \$1.00, plus all the costs associated with this conveyance, subject to the preparation of a site survey, legal description and documents of conveyance, and the terms and conditions set out in Table 1 of the August 21, 2012 staff report.

BACKGROUND

See the August 21, 2012 staff report attached as attachment 1 to this report.

DISCUSSION

The Grants Committee reviewed the August 21, 2012 staff report at their January 7, 2013 meeting.

FINANCIAL IMPLICATIONS

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

The Grants Committee is comprised of six (6) citizens at large representing the public and six (6) elected officials representing each of the six (6) Community Councils. The Committee meetings are open to the public.

ENVIRONMENTAL IMPLICATIONS

None indicated.

ALTERNATIVES

As per the August 21, 2012 staff report attached as Attachment 1 to this report.

ATTACHMENTS

August 21, 2012 staff report.

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: Quentin Hill, Legislative Assistant, 490-6732

HRM Grants Committee
October 1, 2012

TO: Chair and Members HRM Grants Committee

Original signed

SUBMITTED BY:

Bruce Fisher for: Greg Keefe, Director of Finance & Information
Technology

DATE: August 21, 2012

SUBJECT: **Property Matter: Less than Market Value Sale of a portion of
PID#40914863, Cobequid Road, Lakeview, to the Union Cemetery
Company**

ORIGIN

An unsolicited request came from the Union Cemetery Company for the donation of a remnant parcel of vacant land located on Cobequid Road, Lakeview, for use in association with the abutting non-profit community cemetery.

RECOMMENDATION

It is recommended that the HRM Grants Committee recommend that Regional Council:

1. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale, subject to the closure of a portion of Cobequid Road, whereby the property located at PID#40914863, Cobequid Road, Lakeview, be conveyed to the Union Cemetery Company for the sum of \$1.00, plus all costs associated with this conveyance, subject to the preparation of a site survey, legal description and documents of conveyance, and the terms and conditions set out in Table 1 of this report.

BACKGROUND

In 2007, the Union Cemetery Company applied to HRM for a permit to place a sign on land abutting the community cemetery. Evidently, the society had been using the land for parking in relation to the abutting community cemetery. In 2009, the proponent made a formal written request for title to the land for cemetery parking. The proponent has offered a purchase price of \$1.00.

DISCUSSION

Proponent: In 1954, the Union Cemetery Company incorporated in accordance with the Cemetery Companies Act (1989). Under s.2(1) of the Act no less than ten persons may form a company for the purpose of "...establishing, maintaining, conducting, managing or operating a cemetery"; such entities are of limited liability in that members of the Board of Directors are not personally liable for any obligations of the organization related to unpaid shares or any assessment. The community cemetery is non-denominational.

Precedence: With the exception of identifying or protecting artifacts in registered heritage burial grounds (grave markers, heritage structures) HRM does not provide cash grants or discounted property sales for religious or congregational purposes. To date, property sales have been at market value with the following exceptions:

- Baron De Hirsch Benevolent Society, Halifax: In 2002, HRM entered into a land exchange agreement to consolidate abutting property boundaries, create a new right of way and shared parking. The transaction was considered market value with the future sale of burial plots in the HRM-owned Fairview Cemetery off-setting the value of land conveyed to the Society and HRM's capital investment in infrastructure.
- Riverlake Community Cemetery Association, Wellington: In 2008, HRM declined a request for the donation of the former Wellington School property but did agree to a fair market value sale whereby the Association assumed responsibility for the full cost of demolishing the building. The sale was considered a fair market value transaction based on market value, minus the estimated cost of demolition. Because of the nominal net value (\$0) the sale was approved under the Transaction Policy, as approved by Regional Council on October 8, 2002.

No change is being proposed to the practice of excluding religious or congregational uses and/or private parking from consideration for property donations or discounts. However, the subject parcel of vacant land is under-sized and cannot be developed. Hence, its utility and marketability is severely constrained. The unresolved issue of possible un-marked burial plots, being on the subject property, also diminishes potential use and would require confirmation using specialized imaging techniques at the proponent's expense.

Rationale in Support of a Land Donation: A less than market value sale is recommended on the basis of the land's limited utility and potential liabilities with respect to the possibility of un-marked burial plots.

Civic Address	PID#40914863 Cobequid Road, Lakeview
Site Area	6,800 sf
Zoning	R-6 Rural Residential Zone, Sackville Land Use By-law. The intended use is permitted as of right under existing zoning.
Market Value	\$6,000
Proposed Sale Price	\$1.00
Tax Status	To date, the property has been assessed as Exempt Resource. A sale will trigger a re-assessment. If, as required as a condition of sale, the land is consolidated with the abutting cemetery the property shall be Exempt Commercial as per the Assessment Act.
Specific Conditions	<ul style="list-style-type: none">• The proponent shall consolidate the subject property identified as a portion of PID#40914863 with the existing cemetery located at PID#40068827 and PID#40416323, Cobequid Road, Lakeview.• The purpose of HRM's in-kind contribution shall be for the purpose of a non-profit community cemetery.• There shall be no Buy-Back Agreement based on the possibility of un-marked burial plots and the negligible marketability of the land.
Closing Date	Fall, 2012
Cost of Sale Recovery	The Purchaser shall pay all municipal costs associated with this sale including but not limited to legal fees, plan of survey, sub-division consolidation application and deed registration.

Market Value Estimate: A market value of \$6,000 is based on a staff assessment of comparable land sales and extrapolation of MLS data for the subject area. An assessment valuation cannot be used as a proxy for market value because the property does not have a separate assessment account number. Prior to the Provincial/Municipal Service Exchange Agreement the land was owned by the Province of Nova Scotia; under the agreement roads within a defined core area were transferred to HRM. Long-term government ownership with no on-site service or program use has resulted in a lack of detection for assessment purposes.

Street Closure: Section 325(2)(b) of the Halifax Regional Municipal Charter (HRM Charter) permits Regional Council to close a portion of street without a public hearing, if the portion of street is deemed surplus by the municipal engineer and the value of the portion to be closed is worth less than \$50,000. Due to a re-alignment of Cobequid Road a number of years ago, the subject property has been deemed surplus to the current Cobequid Road right-of-way. The subject property is also valued less than \$50,000. Subject to Regional Council's approval to do the proposed less-than-market value sale and the proponent entering into an Agreement of Purchase and Sale, an Administrative Order for a Street Closure will be requested in a future Regional Council report.

BUDGET IMPLICATIONS

Using a proxy value of \$6,000, a sale price of \$1.00 would decrease HRM's potential revenue by \$6,000 and the applicable deed transfer tax of \$90 for a combined in-kind contribution of \$6,090. The sale will not generate real property taxes.

The net proceeds from the sale shall be credited to the **Sale of Land Reserve Account Q101**.

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.

The subject property is valued at \$6,000. Therefore, a public hearing is not required and Regional Council may determine the disposal process and/or value by a simple majority vote.

COMMUNITY ENGAGEMENT

The HRM Charter (2008) permits the sale of municipal property at less than market value to a non-profit organization. If valued over \$10,000 the sale must be approved by a two-thirds majority of Council present and voting at a public hearing. In this instance, a public hearing is not required.

ALTERNATIVES

1. The Grants Committee could recommend a full market value sale or limit HRM's in-kind contribution to a percentage of the full market value.

This action is not recommended: The remnant land is under-sized for development (6,800sf) and has negligible marketability due to its location, size and configuration.

2. The Grants Committee could recommend retention of the land by HRM and execution of a lease agreement with the Union Cemetery Company.

This action is not recommended: Operations have confirmed that the land is not required for road-widening and is surplus to municipal operations. Further, should the site contain human remains an alternate use is constrained.

ATTACHMENTS

1. Site Map.

**Property Matter: PID#40914863
Cobequid Road, Lakeview
Committee Report**

- 5 -

October 1, 2012

Report Prepared by: Peta-Jane Temple, Team Lead Grants & Contributions, Financial Policy & Planning, HRM
Finance & Information Technology 490-5469; Chad Renouf, Real Estate Officer, HRM Planning &
Infrastructure


Original signed

Approved by: _____
Michael Wile, A/Manager, Real Estate, Planning & Infrastructure

Attachment 1.

HALIFAX
 REGIONAL MUNICIPALITY

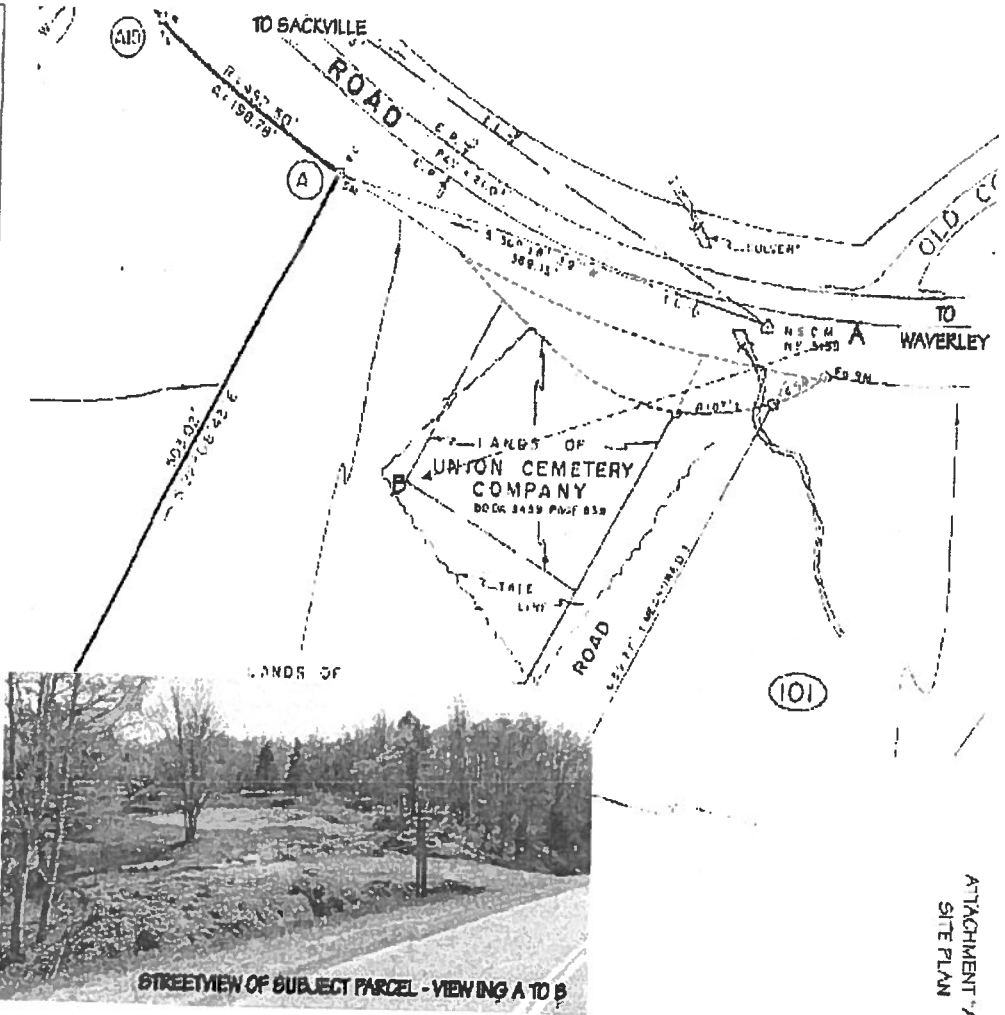
ATTACHMENT "A"
 SITE PLAN
 PORTION OF
 COBEQUID ROAD
 RIGHT-OF-WAY
 PID# 40914863
 PARCELS A, B & C



LEGEND
 [Symbol] PARCEL A

NOT TO SCALE

This plan was produced for the information of the Halifax Regional Municipality (HRM) and is not intended to be used for any other purpose. The HRM is not responsible for the accuracy of the information contained herein. The plan is based on the information provided by the applicant and the HRM. The plan is subject to the provisions of the Planning Act and the HRM's Planning Department. The plan is not intended to be used for any other purpose. The HRM is not responsible for the accuracy of the information contained herein. The plan is based on the information provided by the applicant and the HRM. The plan is subject to the provisions of the Planning Act and the HRM's Planning Department.



ATTACHMENT "A"
 SITE PLAN