



**Item No. 11.1.2**  
**Halifax Regional Council**  
**November 26, 2013**

**TO:** Mayor Savage 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:** October 23, 2013

**SUBJECT:** **Property Transaction – Portland Hills Drive, Dartmouth**

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**ORIGIN**

A request from the owner of Portland Hills Centre, Blue Basin Investments, to exchange parcels with HRM to accommodate the construction of a new sidewalk and vehicle ramp.

**LEGISLATIVE AUTHORITY**

This report complies with the Municipality's powers with regard to real property under Section 61 and Section 63 of the *HRM Charter*.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Declare the portion of the subject property, as shown on Attachment A of this report, surplus to municipal purposes and the portion be declared to be categorized as remnant for the purpose of Administrative Order 50, respecting the disposal of surplus real property: and
2. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Blue Basin Investments, or assignee, for the surplus portion of HRM property, as per Table 1 and the terms and conditions of this report.

## **BACKGROUND**

The subject HRM property, PID No. 41058165, Lot PH 911C, was acquired from Clayton Developments in July 2002, with additional lands being acquired in April 2004. These lands were acquired for the Metro Transit Portland Hills Park & Ride Terminal. Opened in May 2005, the terminal has improved transit delivery in the area and was integral to the introduction of the MetroLink service to the area.

The land owned by Blue Basin Investments, PID No. 41058181 was acquired from Clayton Developments in April 2006, and has since gone through a development agreement for the construction of a mixed commercial development. Phase 1 and 2 buildings have been completed with Phase 3 being planned.

HRM and Blue Basin have recently completed an easement agreement which provides for a pedestrian sidewalk from Portland Hills Drive to the bus terminal across the Blue Basin property.

## **DISCUSSION**

The developer of PID No. 41058181 has approached HRM with a proposal for a land exchange. They are proposing that they will construct a sidewalk along the access driveway to the Park & Ride Terminal, a portion of which, 496 sq. ft. (Area C on Attachment A), will be on their lands, which would be deeded over to HRM. The construction of the sidewalk will be at the expense of the developer. The sidewalk was not planned when the bus terminal/park and ride was build. Transit has looked at the developers proposal and agree that the sidewalk would be desirable. There will be additional residential uses in this area in the future, which may mean more foot traffic to the terminal site.

In return, the Developer would like a 750 sq. ft. portion (Area B on Attachment A) of the HRM property, to construct a vehicle access ramp and pedestrian sidewalk from his property to the Park & Ride parking lot. This ramp will be one directional heading into the Park & Ride parking area and will include a pedestrian sidewalk. He would also like a 2,925 sq. ft. portion (Area A on Attachment A) of the HRM property to 'square off' his property.

The terms of the exchange are summarized in the table below:

**Table 1**

Land to Blue Basin	Totals
<ul style="list-style-type: none"><li>• "Squared Off" area = 2,925 sq. ft. @ \$6.00 per sq. ft.*</li><li>• Driveway area = 750 sq. ft. @ \$6.00 per sq. ft.</li><li>• Total Value to Blue Basin.</li></ul>	<p>\$17,550.00</p> <p><u>\$4,500.00</u></p> <p>\$22,050.00</p>
Land & Improvements to HRM	
<ul style="list-style-type: none"><li>• Sidewalk area = 496 sq. ft. @ \$6.00 per sq. ft.</li><li>• Sidewalk Construction = 1,491 sq. ft. x \$12.75 per sq. ft.**</li><li>• Total Value to HRM</li></ul>	<p>\$ 2,976.00</p> <p><u>\$19,010.25</u></p> <p>\$21,986.25</p>

\* Comparable market value of land based on previous HRM transactions in the immediate area.

\*\* Costs confirmed by Design & Construction Services

In addition to the above, an easement will be granted for Lot PH913C over the HRM Lot PH911C, from the new access ramp through the parking lot to the driveway access to the Park & Ride.

Staff has reviewed the request and is recommending the exchange, as the addition of a sidewalk from Portland Hills Drive to the Portland Transit Terminal will provide improved amenities for pedestrians accessing the Terminal. In addition, the lands being disposed of are not required for the operation of the Terminal and there is no apparent negative impact of allowing an access driveway between the parcels of land.

### **FINANCIAL IMPLICATIONS**

There are no financial implications as the exchanges are of equal value. The Developer will be responsible for all costs associated with the conveyance. Winter maintenance costs for the sidewalk will be covered through the existing operating budget.

With respect to HST, where there is a purchase/sale agreement of real property between two or more parties and a swap of real property is involved or a swap of real property and cash, it is the fair market value of the property received by the purchaser which is the basis of the HST, due to be paid by that purchaser. Swaps can also include goods/services/intangible property in exchange for real property. These are also subject to HST to all parties involved in the swap.

### **COMMUNITY ENGAGEMENT**

No Community Engagement for this exchange has taken place.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with the recommendation above.

### **ALTERNATIVES**

Regional Council could choose to not approve the exchange of lands, in which case the existing land holdings would remain the same and the sidewalk and access driveways would not be constructed.

### **ATTACHMENTS**

Attachment A – Site Plan

**Property Transaction - Portland Hills Drive,  
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Council Report**

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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.

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**Attachment "A"**  
**Portland Hills Drive, Dartmouth**  
**SITE PLAN**

