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Item No. 4
Halifax Regional Council
February 25, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by Director

SUBMITTED BY: _____
Jane Fraser, Director of Planning & Infrastructure

DATE: February 7, 2014

SUBJECT: Street Closure Withdraw – Portion of Claremont Street, PID 40956354,
Halifax, NS

INFORMATION REPORT

ORIGIN

This report originates with a request from the landowner of Lot 21 and Lot 22 on Claremont Street, to close that portion of Claremont Street right-of-way east of Maxwell Avenue, as shown on Attachment “B”, to facilitate the market disposal of the surplus road reserve to said landowner. The street closure is no longer required as the landowner was unwilling to pay market value for the surplus road reserve.

LEGISLATIVE AUTHORITY

- Halifax Regional Municipality Charter Section 325 (1); street closure.
- The property was declared surplus and categorized as “Extraordinary Properties” under Administrative Order 50, for disposal at market value, subject to a street closure, by resolution of Regional Council on August 6, 2013.

BACKGROUND

In December 1986, the former City of Halifax City Council approved the closure and sale of a portion of Claremont Street and Regent Road, from Windsor Street to Maxwell Street. The purpose of this right-of-way closure facilitated the sale of these lands to a local developer who, in turn, consolidated them to adjacent Lots 13 through 20, as shown in Attachment “A”. The consolidated lands were then developed with a 39 unit townhouse development, which presently exists along a private driveway known as Ashton Lane in Halifax (see Attachment B).

In order to maintain street frontage and access for Lot 21, a 24 foot wide section of Claremont Street was retained by the City of Halifax as a road reserve for this lot.

The surplus road reserve forms an approximate area of 2,955 square feet, which intersects with Maxwell Avenue and is off of Windsor Street in Halifax. The land is characterized as a heavily wooded and undeveloped road reserve that is at grade and general level with Maxwell Street, and gently sloping north to south toward Ashton Lane, the private roadway which the reserve abuts and extends along. Ashton Lane allows access to the townhouse development from Maxwell Avenue and Windsor Street.

In August 2013, under Administrative Order 50, City Council declared the subject road reserve surplus to municipal requirements and categorized the property as extraordinary due to its status as street right-of-way.

In January 2014, Halifax Regional Council set the date for a Public Hearing for HRM Administrative Order No. SC-76 - the closure of a portion of Claremont Street right-of-way, PID 40956354, Halifax.

DISCUSSION

The closure of the surplus road reserve was to facilitate the sale of the lands to the adjacent property owner of Lot 22 and Lot 21 for future redevelopment. The proponent initially expressed interest by requesting that HRM staff deem the property surplus to municipal requirements, and was achieved through Administrative Order 50 as an extraordinary property in August 6, 2013. HRM staff is rescinding the requested street closure based on the following circumstances:

1. Based on contextual dialogue with HRM staff, and the request for surplus of this portion of Claremont Street, the proponent indicated a strong motivation to acquire the road reserve for the purpose of future redevelopment. HRM staff requested the completion of a market value appraisal from an accredited appraisal professional to establish purchase price for the lands. The proponent was unwilling to accept the appraised market value as a purchase price, and their expectation, with respect to the price they were willing to pay, was insufficient for HRM staff to accept, subject to the Administrative Order 50 and the Transaction Policy;

2. the subject street closure is approximately 2,955 square feet and does not meet the area or frontage requirements necessary to be a saleable stand-alone buildable lot, thereby precluding sale to another party; and
3. the subject street closure was a road reserve specifically dedicated to provide Lot 21 with frontage to Maxwell Street. If Lot 21 is to remain in its present form, the portion of Claremont Street will need to remain so that Lot 21 can have street frontage.

Giving consideration to the preceding conditions, HRM staff is rescinding the street closure request. The subject parcel will remain surplus to municipal requirements for future acquisition prospects.

FINANCIAL IMPLICATIONS

There are no financial implications associated with rescinding the street closure.

COMMUNITY ENGAGEMENT

Community engagement is not necessary for withdrawing the street closure.

ATTACHMENTS

Attachment A – (1) Plan of PID 40956354, Claremont Road, Halifax

Attachment B – (2) Plan of PID 40956354, Claremont Road, Halifax

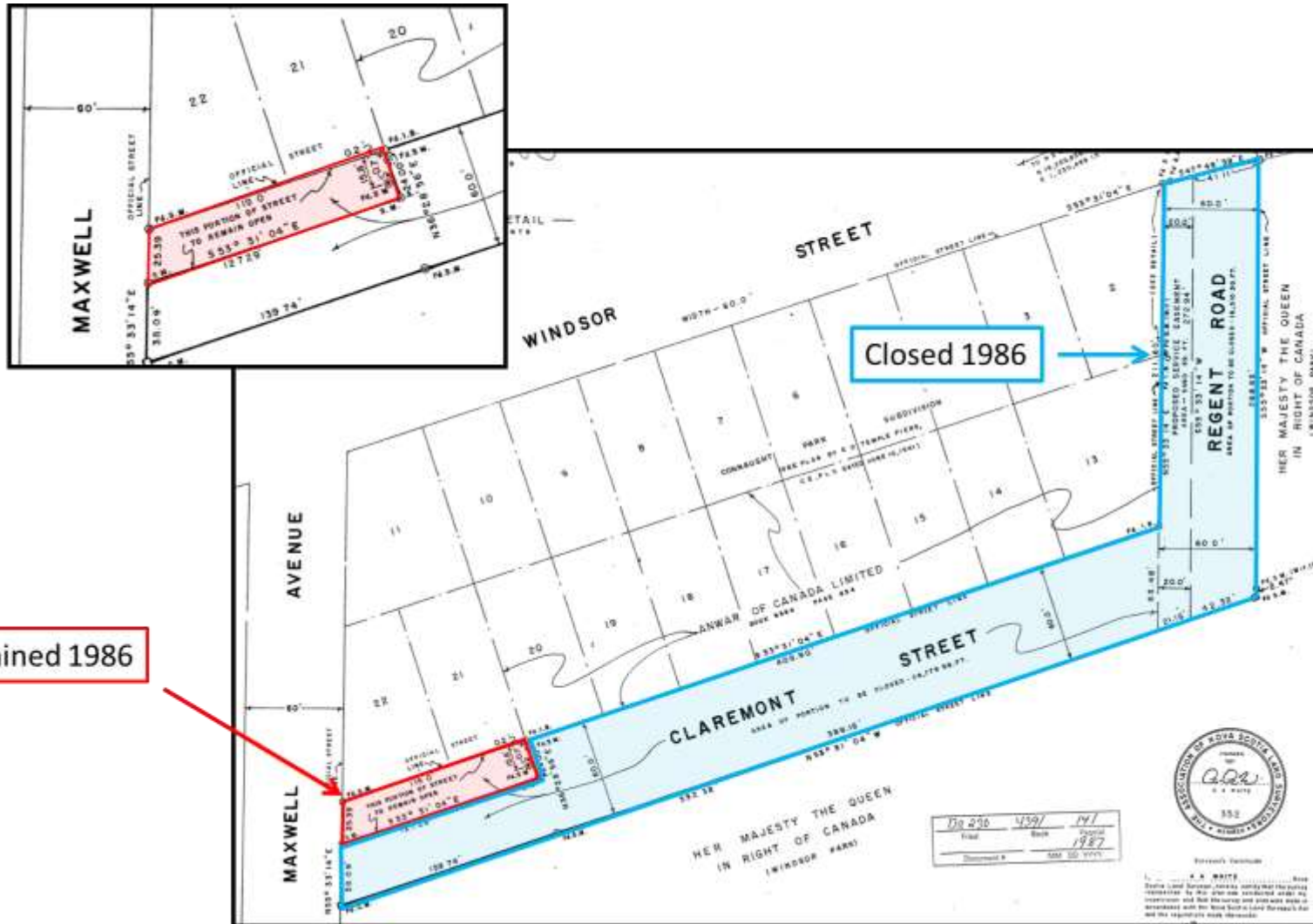
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Attachment "A"
SITE PLAN – +/- 2,955 square feet



Attachment "B"
SITE PLAN - +/- 2,955 square feet

