

**Item No. 6**  
**Halifax Regional Council**  
**July 22, 2014**

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

Original Signed by Director

**SUBMITTED BY:** \_\_\_\_\_  
Kathleen Llewellyn-Thomas, P.Eng, A/Director, Transportation and  
Public Works

**DATE:** June 9, 2014

**SUBJECT:** ~~Petition Umlah Road~~ \_\_\_\_\_

**INFORMATION REPORT**

**ORIGIN**

Item 10.2.1 raised at the May 13, 2014, meeting of Regional Council.

Councillor Whitman submitted a petition requesting that Umlah Road, also known as Captain Hemlock Lane and Tern Lake in Seabright remain open to the public so that they can continue to enjoy the beaches and access to the waters of St. Margaret's Bay.

**LEGISLATIVE AUTHORITY**

Section 31 "Petitions & Communications" of Administrative Order Number One Respecting the Procedures of the Council.

**BACKGROUND**

The subject roadways are within the jurisdiction of Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR).

## **DISCUSSION**

This matter is the subject of litigation between the Province of Nova Scotia and other parties. Staff contacted NSTIR because Umlah Road is a Provincial road. NSTIR staff indicated that, based on their records, the first 800 meters of the Umlah Road turning off Peggy's Cove Road is a public road which is owned by NSTIR. However, the first 640 meters is presently maintained by NSTIR, while the last 160 meter portion is not maintained. Currently, NSTIR has no intention to restrict public access to these two sections of the Umlah Road. It is NSTIR's position that Captain Hemlock Lane (which is also known as Umlah Road), which begins from the end of the unmaintained portion of the listed Umlah Road, is a private road. Tern Lane, which continues past the end of Captain Hemlock Lane, is also a private road. The extent to which the road is public or private is the subject of recent litigation which is scheduled to be heard by the Courts in late June 2014.

## **FINANCIAL IMPLICATIONS**

There are no budget implications.

## **COMMUNITY ENGAGEMENT**

Local community engagement is not necessary in this process because decisions were based on legal accountabilities and operational procedures.

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> 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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