



P.O. Box 1749  
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**Item No. 11.1.11**  
**Halifax Regional Council**  
**May 26, 2015**

**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 10, 2015

**SUBJECT:** **Surplus Property – Administrative Order 50 Land Disposal for Provincial Right-of-Way Requirements**

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### **ORIGIN**

This report originates with a request from Nova Scotia Transportation and Infrastructure Renewal to purchase HRM property required for a proposed right-of-way to realign Highway 7 in Sheet Harbour.

### **LEGISLATIVE AUTHORITY**

This recommended action complies with Administrative Order 50, Respecting the Disposal of Surplus Real Property; and HRM Charter Section 61 (5) (c).

### **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Declare a portion of HRM property, PID 585448 and PID 585455, in Sheet Harbour, shown as Parcel N and Parcel M, respectively, in Attachment 'C', surplus to municipal requirements;
2. Categorize both Parcel N and Parcel M in Sheet Harbour, as 'Intergovernmental Transfer', as per Administrative Order 50;
3. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Province of Nova Scotia for Parcel N and Parcel M, as per the terms and conditions outlined in Table 1 of this report.

## **BACKGROUND**

Nova Scotia Transportation and Infrastructure Renewal (NSTIR) has scheduled the replacement of the East River Bridge and an associated road upgrade to Highway 7 in Sheet Harbour (see Attachment A – Location Map). According to NSTIR, the existing 195 metre steel arch bridge which originally opened to traffic in 1956 is approaching the end of its intended lifespan and is soon in need of replacement. The location of the new 183 metre multi-span steel box girder bridge is to the immediate south of the existing East River Bridge (see Attachment B – Project Plan). The location was selected to minimize property impacts and improve safety, while also ensuring traffic could be maintained on the existing bridge while the new bridge is constructed. Additional changes to the road network in the area will be necessary in order to accommodate the new bridge location. A number of enhancements will also be made to manage access along this new section of Trunk 7.

NSTIR notified HRM staff of their requirement for two parcels from a portion of HRM property for the purposes of expanding the existing right-of-way as it relates to the realignment of Highway 7 and Church Point Road. Construction began on the bridge in the fall of 2014, with the road alignment beginning in the summer of 2015. The lands requested for purchase by NSTIR represent a small portion of peripheral land from the Sheet Harbour Elementary School and the Duncan MacMillan High School site. The Halifax Regional School Board has confirmed approval of the proposed provincial highway project as it relates to the existing schools on HRM property.

NSTIR has indicated that construction is scheduled to commence on the highway realignment in the early summer months of 2015. Giving consideration to the short-term timing of this project and anticipated negotiations with the NSTIR with respect to the terms and conditions of the prospective transaction, staff is seeking the following approval of Regional Council to:

1. declare surplus Parcel N and M to municipal requirements as per Administrative Order 50; and
2. categorize the properties as “Intergovernmental Transfer”; and
3. authorize the conveyance.

## **DISCUSSION**

The two parcels of land required by NSTIR are shown as Parcel N and Parcel M in Attachment “C”. Parcel N represents a portion of HRM property, PID 585448, and is composed of approximately 625 square metres. Parcel M represents a portion of HRM property, PID 585455, and is composed of approximately 434 square metres. Both parcels would require subdivision from their respective parent parcels prior to disposal. The physical state of Parcel N and Parcel M can be characterized as an undeveloped low lying drainage ditch on the periphery of the school sites that embodies limited utility given the configuration, slope, and topography of the surrounding lands (see Attachment D – Site Scene). The salient characteristics of the prospective disposal of Parcel N and Parcel M to NSTIR are details in Table 1 to follow:

**Table 1: Business Terms - Surplus Property Disposal**

	<b>Parcel N</b>	<b>Parcel M</b>
<b>Parent PID</b>	585448	585455
<b>Land-Use Designation</b>	MU (Mixed Use) Zone	
<b>Location</b>	Sheet Harbour	
<b>Total Area of Parcel*</b>	625 sq.m. (6,728 sq.ft.)	434 sq.m. (4,672 sq.ft.)
<b>Appraised Market Value**</b>	\$5,000 (\$0.75 per sq.ft.)	\$2,000 (\$0.40 per sq.ft.)
<b>Purchaser</b>	NS Transportation & Infrastructure Renewal	
<b>Proposed Future Use</b>	Provincial Right-of-way	
<b>Closing Date</b>	Fall 2015	
<b>Special Terms</b>	The purchaser is responsible for surveying costs and vendor's reasonable conveyancing costs.	

*\*Subject to change based on final plan of survey.*

*\*\*Appraised by Turner Drake & Partners as of April 29, 2014*

The Intergovernmental Transfer category of Administrative Order 50 allows for the conveyance of properties required by another level of government which:

- (i) will be used for a public purposes; and
- (ii) sold for market value.

Staff will be further recommending a Temporary Construction Easement (TCE) should the Province require access to the subject parcels to initiate work prior to the closing date. The Terms and conditions of the TCE area presented in Table 2. Under the Transaction Policy the Director of Operations Support has the authority to sign the TCE if required.

**Table 2: Business Terms - Temporary Construction Easement**

<b>Property Address</b>	479 & 481 Church Point Road, Sheet Harbour
<b>PID</b>	585448 & 585455
<b>Grantee</b>	NSTIR
<b>Grantor</b>	HRM
<b>Term</b>	June 2015 to June 2016 (or at closing)
<b>TCE Area (total)</b>	1,049 sq. m. (Parcel N, 625 sq.m + Parcel M, 434 sq. m)

### **FINANCIAL IMPLICATIONS**

If Regional Council motions to declare Parcel N and Parcel M surplus to municipal needs, the net proceeds of the market sale of \$7,000 will be placed in the Sale of Land Reserve Account Q101. HST is to be submitted by the purchaser.

### **COMMUNITY ENGAGEMENT**

This is an administrative matter and no community engagement has occurred, nor is it required under the Charter.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are indicated as a result of the recommendation contained herein.

### **ALTERNATIVES**

Regional Council may chose not to declare Parcel N and Parcel M surplus to municipal requirements; however, this alternative is not recommended given that the disposal would be at market terms and conditions; the partial-taking of Parcel N and Parcel M represent peripheral lands that offer limited utility to the parent parcel; and the prospective purchaser is the Province of Nova Scotia for the purpose of acquiring right-of-way.

### **ATTACHMENTS**

Attachment 'A' – Location Map  
Attachment 'B' – Project Plan  
Attachment 'C' – Survey Plan – Parcel M and Parcel N  
Attachment 'D' – Site Scene

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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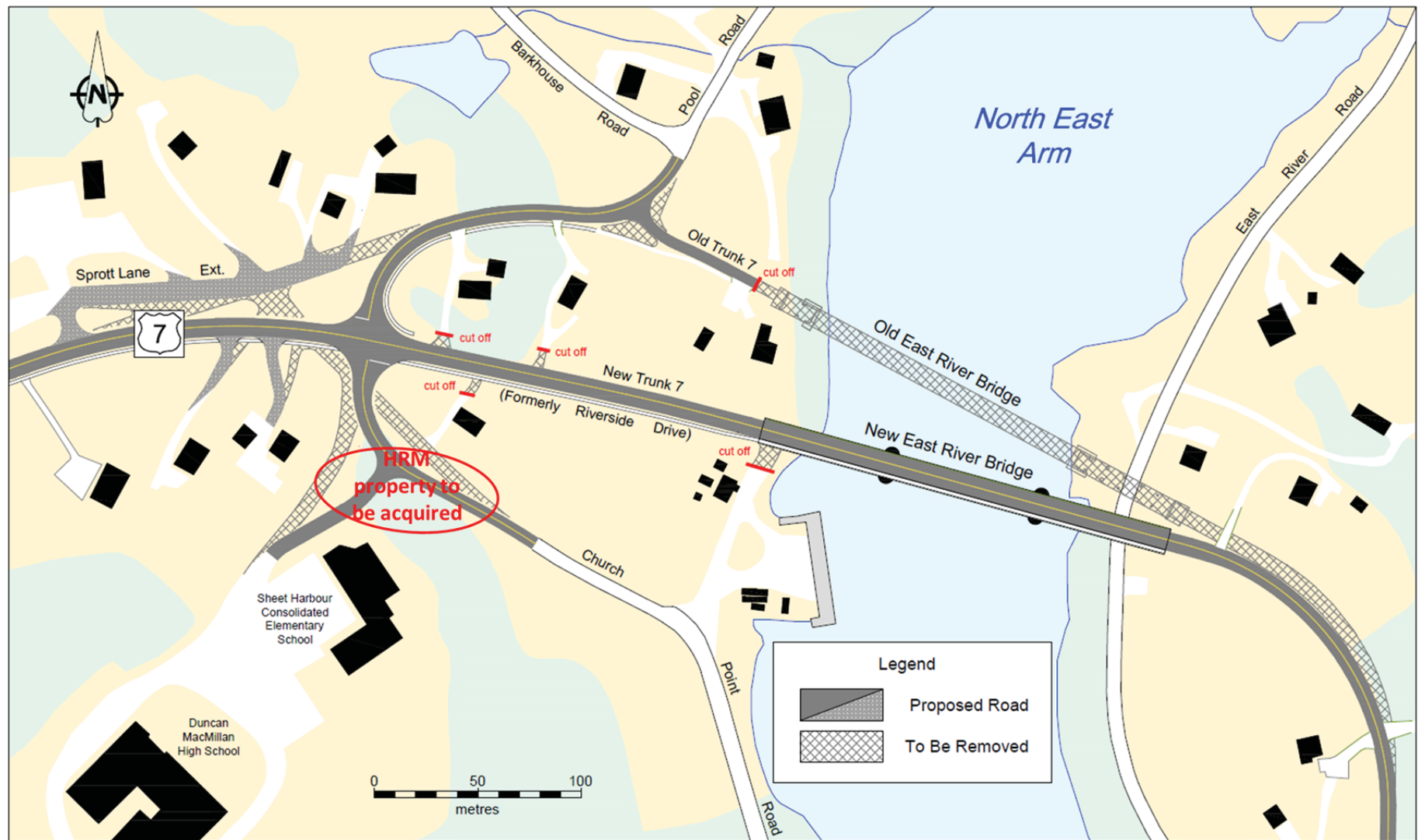
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## Attachment 'A' LOCATION MAP



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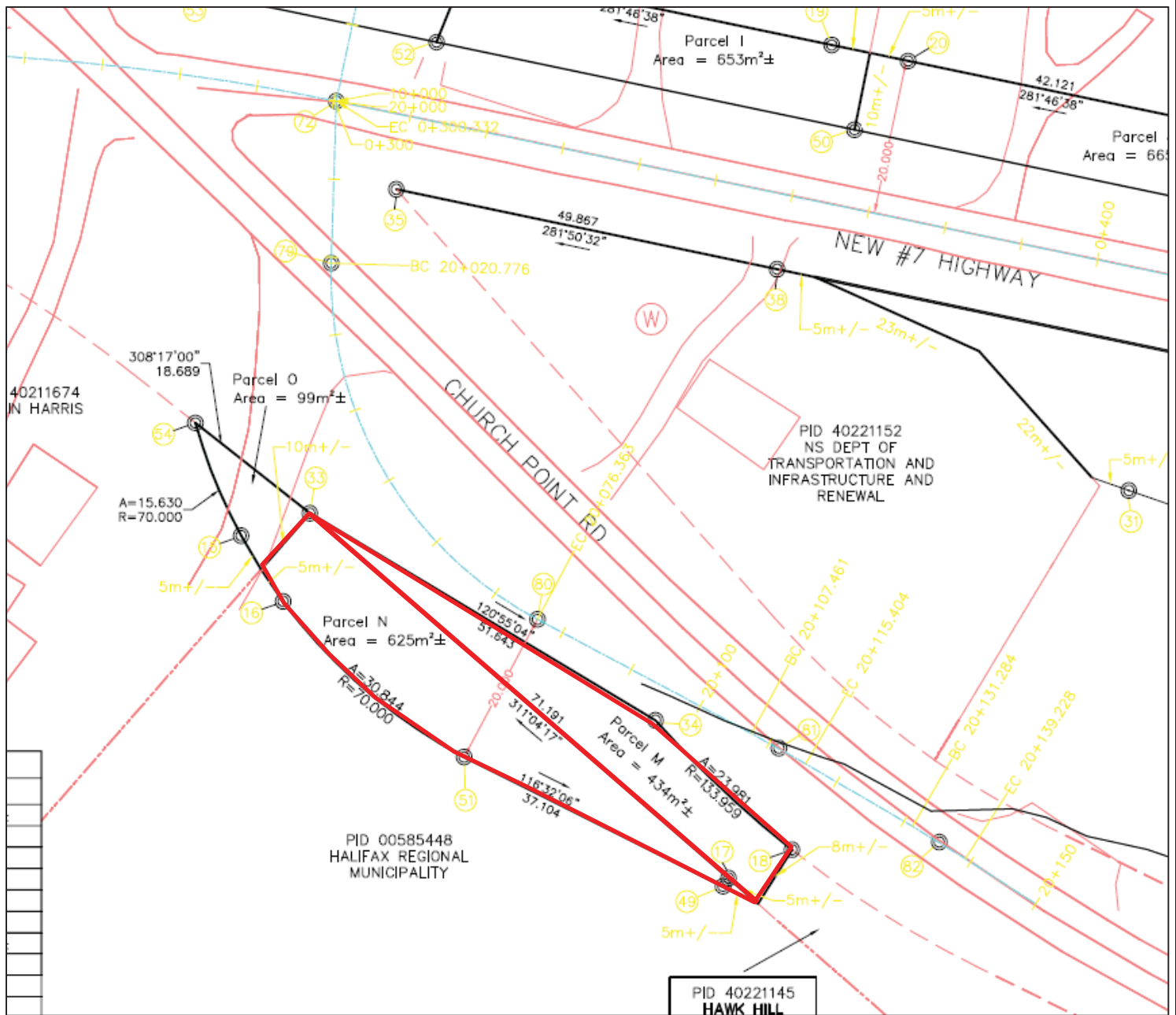
## Attachment 'B' PROJECT PLAN



The project plan is not a construction design plan, subject to change, and provided for discussion purposes only.



## Attachment 'C' SURVEY PLAN – PARCEL M AND PARCEL N



PRELIMINARY

REVISION

**NOVA SCOTIA**  
Transportation and  
Infrastructure Renewal

Scale: 1:500

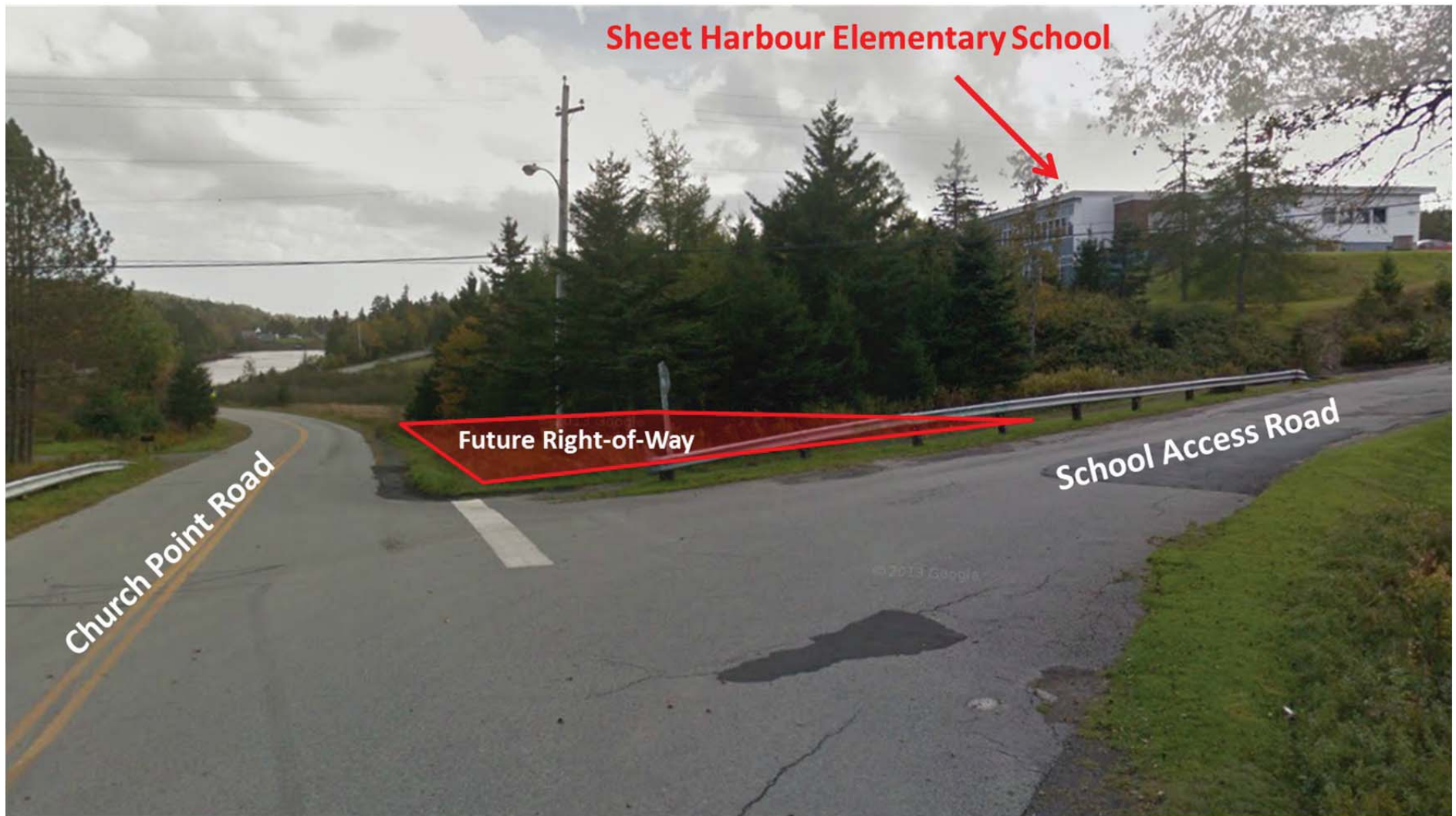
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## Attachment 'D' SITE SCENE



View toward Sheet Harbour from Church Point Road and School site access intersection.



Attachment 'D'  
SITE SCENE



View towards Church Point Road and School site access intersection.