

HALIFAX

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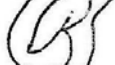
Item No. 9.1


Halifax Regional Council

October 20, 2015

November 10, 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: September 21, 2015

SUBJECT: Disposal of Surplus Property – Portion of Block B2Y-1 (PID No. 00217018),
Portland Street, Dartmouth.

ORIGIN

This report originates with the September 9, 2014, Regional Council motion whereby a portion of Block B2Y-1 (PID No. 00217018), Portland Street, Dartmouth, was approved as surplus to Municipal requirements and categorized as “Extraordinary” as per Administrative Order No. 50.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Chapter 39, Section 61(5): The Municipality may (b) sell property at market value when the property is no longer required for the purposes of the Municipality; and Section 283 (14): The Municipality may sell parkland that is no longer required for public purposes pending a Public Hearing advising of Regional Council’s consideration to sell the subject parkland.

Administrative Order No. 50 - Respecting the Disposal of Surplus Real Property.

RECOMMENDATION

It is recommended that Halifax Regional Council:

- 1) Set a date for a Public Hearing for consideration of HRM Regional Council officially closing a portion of Block B2Y-1 (PID No. 00217018), which is parkland ‘dedicated’ lands located abutting Civic No. 669 Portland Street, Dartmouth, to facilitate its disposal; and
- 2) Authorize the Mayor & Municipal Clerk to enter into a purchase and sale agreement for the disposal of a portion of Block B2Y-1 (PID No. 00217018), subject to the outcome of the public hearing, as per the terms and conditions outlined in Table 1 of the Confidential Information report dated September 21, 2015.

BACKGROUND

The subject Halifax Regional Municipality (“HRM”) property was originally conveyed to the former City of Dartmouth as Block B2 from the Glendale Building Company Limited on January 20, 1971. It was conveyed to the former City of Dartmouth as part of the subdivision parkland dedication requirements for what was originally known as the Farview Farms Residential Development. In September 1984, the former City of Dartmouth approved a plan of subdivision which removed Parcels X and Y from Block B2 and were consolidated with two abutting residential lots fronting on Cathy Cross Drive. This plan of subdivision appears to indicate the removal of Parcel Y and Z was to address a swimming pool and fence encroachments at Civic No 14 and Civic No. 13 Cathy Cross Drive respectively. The remaining city park land property was identified as Block B2Y-1. (See Attachment A – Site Plan)

The subject portion of property was declared surplus by Council at its’ meeting of September 9, 2014, as per of Administrative Order No. 50 – Disposal of Surplus Real Property; and categorized as “Extraordinary” as it is parkland dedicated lands, for disposal at market value, subject to a public hearing respecting its sale.

DISCUSSION

As per Section 283 (14) of the HRM Charter, lands which are conveyed to the Municipality for the intended uses of parks, playground or other similar public purposes, can be sold if the land is no longer needed for those purposes. Upon notifying all land owners in the subdivision for which the land was conveyed to the Municipality, Council can choose to sell the subject Municipal land at market value upon holding a Public Hearing whereby all affected land owners may comment on Council’s consideration to sell. If Council approves the disposal, the market value sale proceeds must be used for parks, playground and similar public purposes.

The abutting land owner to Block B2Y-1 is seeking Regional Council’s approval to formally close and sell a small portion of the Municipal park property abutting their property. The intended use is to construct a new accessory building. Due to the small size of the parcel requested, the subject HRM land will be required to be consolidated to the owner’s property at the owner’s expense. The consolidation of HRM’s parcel to the owner’s property will not result in the opportunity for the Purchaser to subdivide, to create a second residential building lot, as minimum street frontage requirements could not be achieved.

Table 1: Key Business Terms:

Address	Abutting Civic No. 669 Portland Street, Dartmouth
PID Number	00217018 (<i>Portion of</i>)
Vendor	HRM
Purchaser	See Confidential Information Report dated September 21, 2015
Property Area	5,300 square feet (<i>subject to final plan of survey</i>)
Market Value	See Confidential Information Report dated September 21, 2015
Purchase Price	See Confidential Information Report dated September 21, 2015
Zoning	H – Holding Zone - Dartmouth Land Use By-law
Condition	As-is
Closing Date	Within sixty (60) days following Regional Council approval
Special Terms	See Confidential Information Report dated September 21, 2015

FINANCIAL IMPLICATIONS

See Confidential Information Report dated September 21, 2015.

Market Value Definition

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of the specific date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in Canadian Dollars or in financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

(Appraisal Institute of Canada. Canadian Uniform Standards of Professional Appraisal Practice)

COMMUNITY ENGAGEMENT

A public hearing will be required for the recommended parkland closure, as per Section 283(14) of the Halifax Regional Municipality Charter.

ENVIRONMENTAL IMPLICATIONS

There are no environment implications associated with the recommendations above.

ALTERNATIVES

Council may chose not to approve the closure of the parcel of parkland and retain for future Municipal use. This alternative is not recommended, as the parcel of parkland was deemed surplus to HRM requirements through Administrative Order No. 50 – Disposal of Surplus Real Property, by Regional Council at its' meeting of September 9, 2014.

ATTACHMENTS

Attachment A – Site Plan

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 902.490.4210, or Fax 902.490.4208.

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ATTACHMENT "A" – SITE PLAN

