
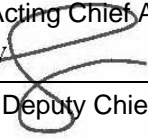




P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 14.1.9
Halifax Regional Council
June 14, 2016

TO: Mayor Savage and Members of Halifax Regional Council
Original Signed by 
SUBMITTED BY: _____
John Traves, Q.C. Acting Chief Administrative Officer
Original Signed by 
Jane Fraser, Acting Deputy Chief Administrative Officer
DATE: May 31, 2016
SUBJECT: Proposed Property Acquisition - Sidney Crescent, Eastern Passage

ORIGIN

November 24, 2015 HRM Regional Council Motion:

Moved by Councillor Karsten, seconded by Councillor Nicoll THAT Halifax Regional Council request a recommendation report in consideration of HRM acquiring a 16,600 square foot parcel of parkland at PID#00354589, Eastern Passage, from the Nova Scotia Department of Justice.

MOTION PUT AND PASSED

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter

Section 61 (1) The Municipality may acquire and own property granted or conveyed to the Municipality either absolutely or in trust for a public or charitable purpose.

(3) The property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise. (5) The Municipality may (a) acquire property, including property outside the Municipality, that the Municipality requires for its purposes or for the use of the public; (b) sell property at market value when the property is no longer required for the purposes of the Municipality;

Section 79 (1) The Council may expend money required by the Municipality for; (k) recreational programs; (x) lands and buildings required for a municipal purpose; (ah) playgrounds, trails, including trails developed, operated or maintained pursuant to an agreement made under clause 82(c), bicycle paths, swimming pools, ice arenas and other recreational facilities; (ai) public grounds, squares, halls, museums, parks, tourist information centres and community centres.

RECOMMENDATION

It is recommended that Halifax Regional Council direct staff to not acquire the 16,600 square foot parcel of parkland at PID#00354589, Eastern Passage, from the Nova Scotia Department of Justice.

BACKGROUND

The Island View Subdivision plan approved by Halifax County in 1975 included two "Park Area" parcels, neither of which was conveyed to the municipality as part of the subdivision approval process (Attachment 1). A 2175 m² (23,415.12 ft²) "Park Area" with 3.66 m (12 ft) frontage on Himmelman Drive was re-subdivided by the Developer in 1983 and consolidated with three existing adjacent private residential lots. The second 1542.19 m² (16,600 ft²) Park Area with two 4.57m (15 ft) frontages on Sidney Crescent was retained by the Developer until July 2000 when it was escheated to the Province after the owner, Provincial Projects Limited, was struck from the Registry of Joint Stock Companies. Title of this property (PID#00354589) currently resides with the Nova Scotia Department of Justice. The current assessed value of the property is approximately \$9300. In a November 3, 2015 letter, the Nova Scotia Department of Justice stated there is an interest of some area residents in retaining this property as parkland and inquired whether HRM was interested in its acquisition (Attachment 1). The letter does not specify whether the lands would be proposed for purchase or conveyed without cost

Subsequently, Regional Council requested a staff report in consideration of acquiring the parcel at its November 24, 2015 meeting.

DISCUSSION

Site Conditions

The subject site abuts the rear yards of thirteen (13) adjacent residential lots and has access from Sidney Crescent at its east and southwest extents by two 4.57 m (15 ft.) wide corridors approximately 30 m long. The area then widens out to 20-23 m and is approximately 59 m in length (Attachment 2). The generally flat site is predominantly turf covered with a small area of shrub growth. The property has never been developed for park or any other use. A Canada Post Community Mail Box is situated in and encumbers the southwest entrance. An April 18, 2016 site visit revealed several possible encroachments from the adjacent residential lots on the site such as fencing, vegetation, and a pick-up truck box. The southernmost two thirds of the lot is wet and appears to have poor drainage.

The site is within 400 m of the Eastern Passage Commons to the northeast, which has nearby sidewalk connection on Caldwell Road, and 115 m of the undeveloped HRM Devils Island View Park to the south across Shore Road.

While designated "Park Area" on the original 1975 subdivision plan, the subject site would not meet the usable land definition or the HRM Parkland Quality of Land Criteria under the current HRM Regional Subdivision By-Law. As well, the total 9.94 m road frontage is well below the current required minimum of 30 m. This reduced frontage, coupled with the location behind the adjacent thirteen residential lots, creates concern from a CPTED (Crime Prevention through Environmental Design) perspective. A CPTED audit by the Halifax Regional Police Community Response Team raised concerns regarding reduced visibility from the public roadway and limited natural surveillance from abutting properties due to the configuration of the site. While this lot currently exists as an informal open space area for residents in the immediate vicinity, formalizing a public park use on this site with the aforementioned physical constraints would result in an amenity of limited value which also yields concerns from a CPTED perspective.

Other concerns with the site as a potential public parkland relates to the retention of water on the site as it renders the land unusable for park development in its existing state. A site assessment would be required to address the water retention issues. Mitigation would also likely be challenged by the site configuration and the fact that several adjacent properties also appeared to have similar water retention.

Finally, removal of all existing encroachments would be required before the site could be conveyed to HRM as parkland. As a result, a proposed conveyance would likely have adverse impact to several of the

adjacent properties. Therefore, it is recommended that HRM not acquire the property for public park purposes and allow the Department of Justice to proceed with potential disposal to the adjacent property owners or listing with a local real estate company as indicated in Attachment 3.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendation of this report.

RISK CONSIDERATION

No significant risk is associated with the recommendation of this report.

Should Regional Council direct staff to acquire the parcel, there would be CPTED concerns resulting in unwanted activity due to reduced visibility of the site.

COMMUNITY ENGAGEMENT

No consultation was undertaken by HRM related to this parcel.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with the recommendation of this report.

ALTERNATIVES

Halifax Regional Council could direct staff to initiate acquisition of the parcel from the NS Department of Justice for parkland use. This alternative is not recommended because the subject site does not meet the usable land definition or the HRM Parkland Quality of Land Criteria under the current HRM Regional Subdivision By-law. Further, the subject site is in close proximity of two other parkland properties and has CPTED concerns, encroachment concerns, and requires substantial costs to address drainage issues. Should Regional Council direct staff to acquire the parcel, funding would need to be allocated from Q107, Parkland Reserve to acquire the property. Additional capital funding would need to be allocated for basic park infrastructure and to undertake site improvements to address the drainage and CPTED concerns. Detailed design work would be required to estimate the order of magnitude cost for that work but drainage projects on other parkland sites have ranged toward \$200,000 or higher. In addition, annual operating costs for the maintenance of the site would be approximately \$2,000.

ATTACHMENTS

- Attachment 1: Excerpt from Subdivision Map
- Attachment 2: Property Map
- Attachment 3: Letter from NS Transportation and Infrastructure Renewal

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.

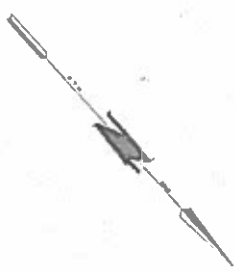
Report Prepared by: Kemp Macdonald, Parkland Planner, Parks and Recreation. 902.490.6974

Attachment 1

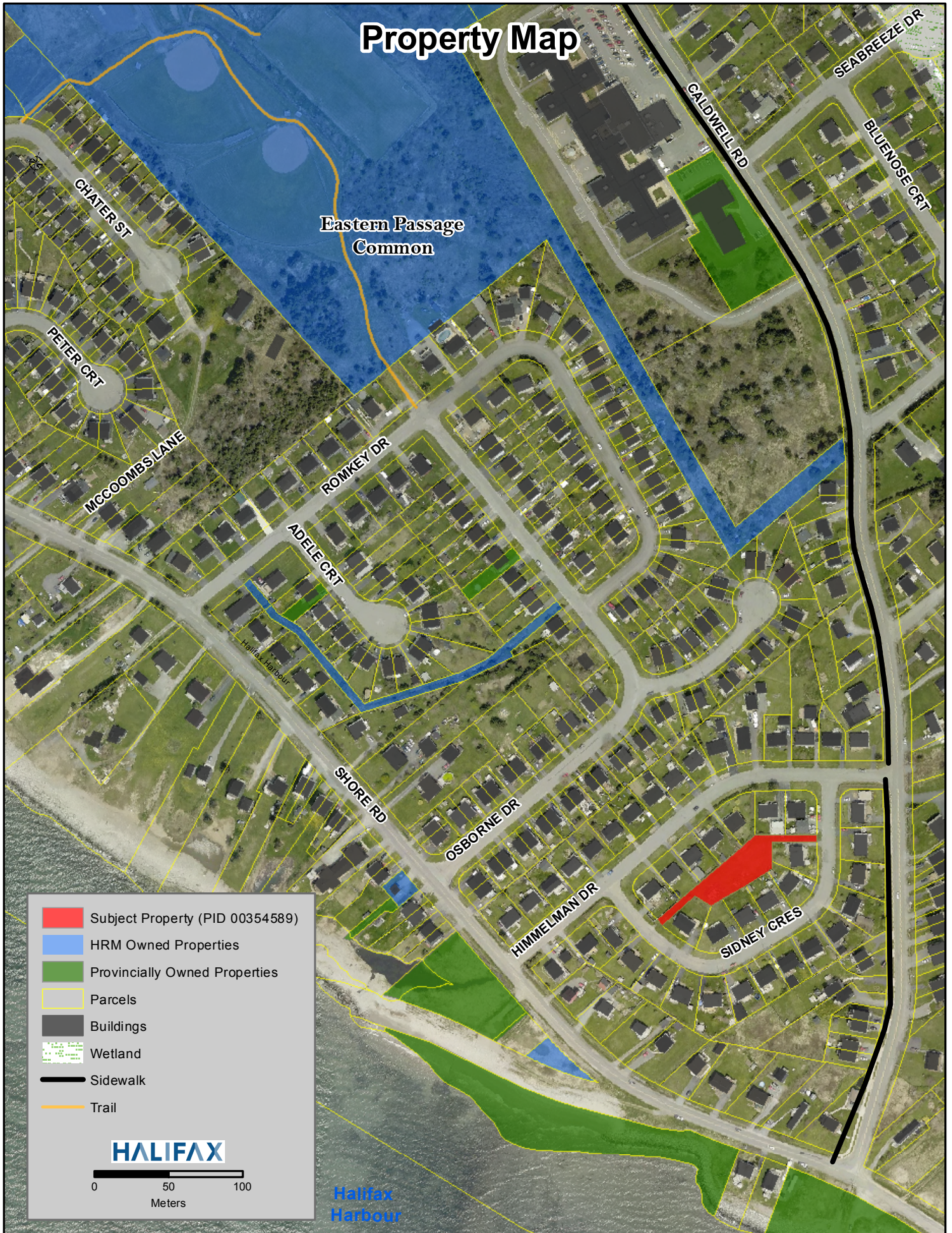


15005

PART II



Property Map





Transportation and
Infrastructure Renewal

5th Floor – Johnston Building
1672 Granville Street
Halifax, NS B3J 2Z8
P.O. Box 186
Halifax NS B3N 2N2

Attachment 3

Bus No. 902-424-5253
Fax No. 902-424-0583
linda.mceachern@novascotia.ca

Our File No. 70144

REAL PROPERTY SERVICES
ACQUISITION AND DISPOSAL

November 3, 2015

Mr. Bill Karsten, Councillor
Dartmouth South-Eastern Passage
Halifax Regional Municipality
PO Box 1749
Halifax, NS
B3J 3A5

Dear Mr. Karsten,

Subject: Park Land Area off Sidney Crescent, Island View Subdivision, Eastern Passage, Halifax County

Thank you for taking the time to meet with Stephen MacKenzie, Manager of Acquisition and Disposal and myself on September 30 regarding the subject property.

Under the *Corporations Miscellaneous Provisions Act*:

Escheat

27(1) Where a corporation is dissolved, the lands, tenements and hereditaments situate in the Province of which the corporation was siesed, or to which it was entitled at the time of its dissolution, shall for all purposes be deemed to escheat to Her Majesty in right of the Province and the Attorney General shall cause possession thereof to be taken in the name of Her Majesty.

The subject property escheated to the Province in July 2000 when the owner, Provincial Projects Limited, was struck from the Registry of Joint Stock Companies.

This parcel of land (PID 00354589) was determined to be "Park Area" on Plan of Island View Subdivision (attached), with certain Lots approved by a Development Officer of the Municipality of the County of Halifax. Since the property escheated to the Province, it has come to our attention that there are some residents within the subdivision that are interested in having this property remain as a park area.

The Province does not hold property within municipal subdivisions to be maintained as park areas and would like to know if Halifax Regional Municipality would like to acquire this property. Should Halifax Regional Municipality not be interested in acquiring this parcel, the Province will proceed with disposal through sale to adjoining landowners or listing with a local real estate company.

At your earliest convenience, please advise if Halifax Regional Municipality would be interested in acquiring title.

Kindest regards,

Original signed

Linda McEachern
Acquisition & Disposal Officer

Encl.

Nova Scotia Government Web Site
<http://www.gov.ns.ca>

PROPERTY Online  **caris powered**

Search Provincial Map Bulletin Board Help

Property Details

PID	00354589	Parcel Type	STANDARD PARCEL	Status	ACTIVE
Area	16600 0 SQUARE FEET	Parcel Access		Manag. Unit	MU0862
Lot		Created	May 05, 1978 12 00 00AM	Manner of Tenure	NOT SPECIFIED
PDCA Status	No Description	Municipal Unit	HALIFAX REGIONAL MUNICIPALITY		

Location	County	Primary Location	Source
SIDNEY CRESCENT SOUTH EAST PASSAGE	HALIFAX COUNTY	Yes	Not Assigned by Municipality

Comments
 LOC. PARK AREA
 MAP 05P1141NE

Assessment Account	Value	Tax District	Tax Ward	Tax Sub
05436583	\$9,300 (2015 RESOURCE EXEMPT)	030	000	

[View All Related PIDs History](#) [Back to Results](#) [Map View](#)

Owner Name	Interest Holder Type	Qualifier	Province	Country
HER MAJESTY THE QUEEN IN HER SOLE OWNERSHIP	FEE SIMPLE	IN CARE OF		

Inst Type	Inst No	Year	Type	Book/Page	Registration System	Registration Date
Document	View Doc 31537	1983	ORDER (TRANSFERRING/HOT JUDGMENT)	Book 3709 Page 1134	REGISTRY OF DEEDS	Jan 01, 1983
Document	View Doc 51117	1975	DEED	Book 2962 Page 1049	REGISTRY OF DEEDS	Dec 01, 1975

Inst Type	Inst No	Year	Type	Plan Name	Drawer Number	Registration Date
<i>No Plans Found</i>						

Inst Type	Inst No	Year	Type	Plan Name	Filing Reference	Instrument Date
Non-Registered	501453441	2004	CHANGE OF NAME		NR3703	Jan 01, 2004
Non-Registered	501441843	1982	SUBDIVISION & AMALGAMATIONS PLAN		ML501262	Jan 01, 1982

Parcel Relationships

Related PID	Type of Relationship
<i>No Related PIDs Found</i>	

[View All Related PIDs History](#) [Back to Results](#) [Map View](#)

Non-Land Registration parcels ARE NOT REGISTERED PURSUANT TO THE *Land Registration Act*. As such, ownership and all information in this report is believed to be an accurate reflection of registered documents affecting the parcel of land to which it relates, however, it is not intended to be relied upon by the reader as advice on the current state of any title to land. A search of the records at the appropriate Registry of Deeds office may be required to determine the current owner(s) of the parcel of land under consideration. THESE ARE NOT OFFICIAL RECORDS.

Land Registration parcels ARE REGISTERED PURSUANT TO THE *Land Registration Act*. The registered owner of the registered interest owns the interest defined in this register in respect of the parcel described in the register, subject to any discrepancy in the location, boundaries or extent of the parcel and subject to the overriding interests [*Land Registration Act* subsection 20(1)].

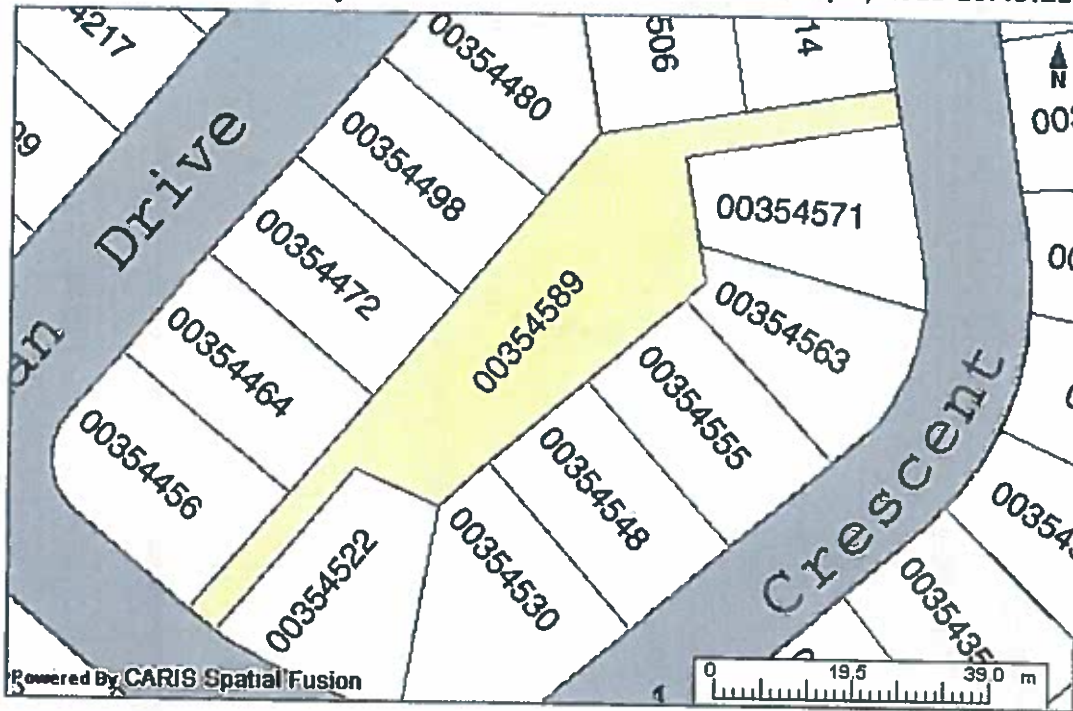
No representations whatsoever are made as to the validity or effect of recorded documents listed in this parcel register. The description of the parcel is not conclusive as to the location, boundaries or extent of the parcel [*Land Registration Act* subsection 21(1)].

[Boundary/Area Problem](#) [Owner Problem](#) [General Problem](#) [Municipal Tax Query](#)



Property Online Map

Date: Sep 9, 2015 10:45:21 AM

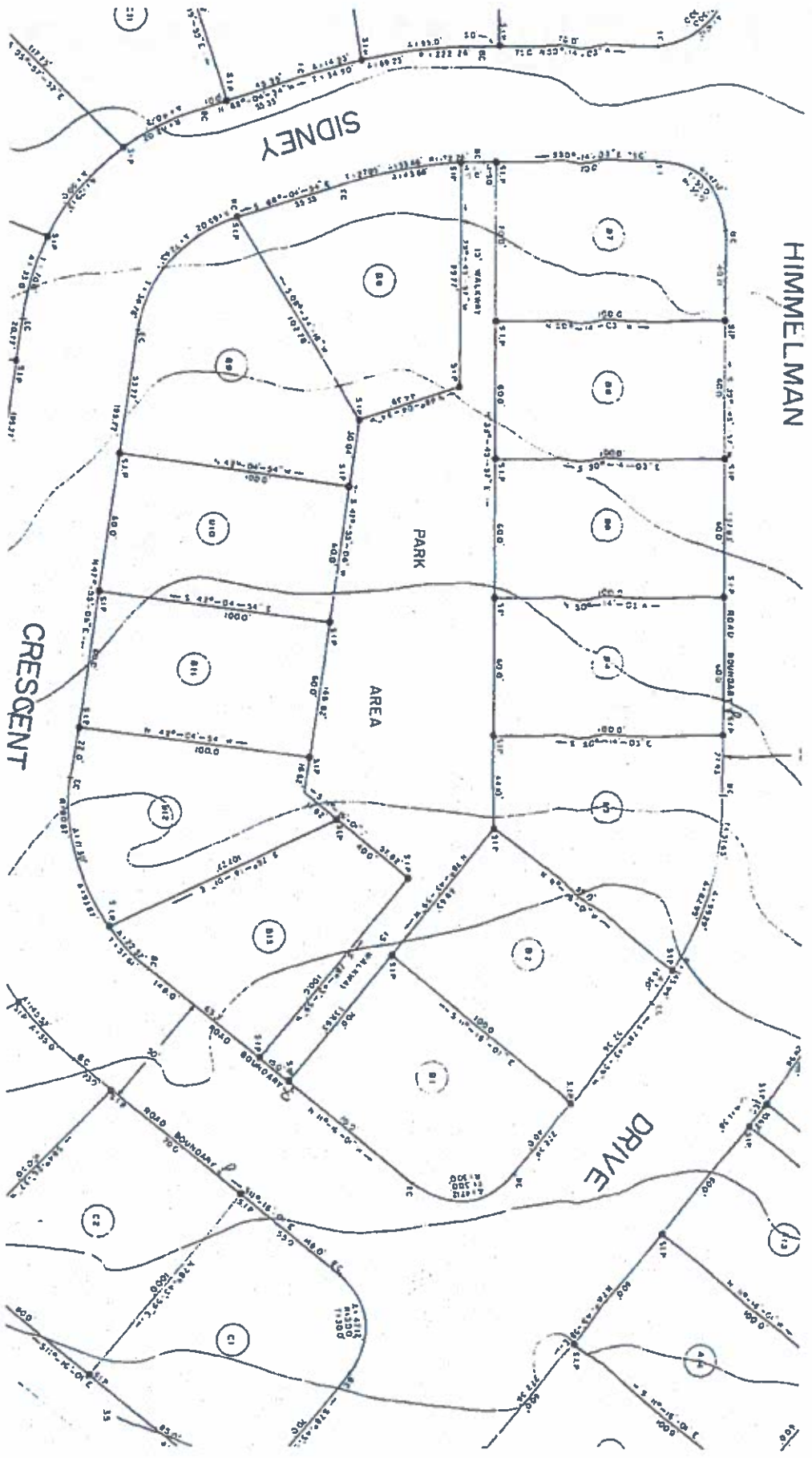


PID: 00354589 **Owner:** HER MAJESTY THE QUEEN N S N S JUSTICE **AAN:** 05436583
County: HALIFAX COUNTY **Address:** SIDNEY CRESCENT **Value:** \$9,300 (2015
LR Status: NOT LAND SOUTH EAST PASSAGE RESOURCE EXEMPT)
 REGISTRATION

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [*Land Registration Act* subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

Property Online version 2.0

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HIMMELMAN

SIDNEY

PARK

AREA

CRESCENT

DRIVE

12' WALKWAY

CHARLES DR.

BOUNDARY DR.

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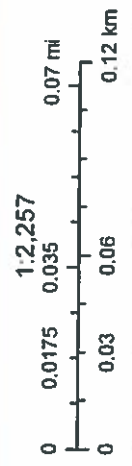
Crown Land Online



08-25-00491 4351
08-25-00501

April 21, 2015

- * Monumented Corner
- UnMonumented Pt
- Unmonumented Corner
- * NSCM
- G Grid
- I Investigation
- M Magnetic
- O Order of Survey
- R Research Folder
- + Rejected Petitions



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aergrid, IGN, IGF, Swisstopo, and