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PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Halifax Regional Council  
February 14, 2006

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

**SUBMITTED BY:**

\_\_\_\_\_  
Dan English, Chief Administrative Officer

\_\_\_\_\_  
Wayne Anstey, Acting Deputy Chief Administrative Officer

**DATE:** January 31, 2006

**SUBJECT:** Surplus Right of Way - Cole Harbour Road, Dartmouth

**ORIGIN**

This report originates from the conditional Agreement of Purchase and Sale with Wesson Property Management to purchase land within the Cole Harbour Road Right of Way to be added to the Company's land holdings at 1081 Cole Harbour Road, Dartmouth.

**RECOMMENDATION**

It is recommended that Council:

1. close a surplus portion of the Cole Harbour Road Right of Way, Dartmouth, pursuant to HRM Administrative Order SC-41, and as shown on Attachment "A", to facilitate the sale of the subject lands.

**BACKGROUND**

Wesson Property Management, owner of 1081 Cole Harbour Road, Dartmouth, submitted a request to Real Property & Asset Management to purchase a small land area (185 sq. ft.) fronting on their lands and within the Cole Harbour Road Right of Way (Parcel Y - Attachment A). The Company intends to develop their site with a single storey, commercial office building and during the design stage, determined that additional land was required to meet the parking requirements for the proposed development.

Transportation and Public Works staff reviewed the request and determined the subject land area is not required as part of the Cole Harbour Road Right of Way and is surplus to the needs of the Municipality and can be formally closed.

Subsequently the Municipality entered into a conditional Agreement of Purchase and Sale subject to the formal closure of the surplus right of way.

**DISCUSSION**

In order to convey Parcel Y, Cole Harbour Road, it is recommended that Council approve closure of the subject Right of Way lands, pursuant to Part 12 of the Municipal Government Act. Section 315 (1A) of the Act informs Council's decision with respect to this matter and does not require Council to hold a public hearing:

- 315 (1A) Notwithstanding subsection (1), where a street or part of a street is being altered, improved or redesigned, part of that street may be closed without holding a public hearing under subsection (1) if
- (a) the part of the street that remains open
    - (i) is open to vehicular and pedestrian traffic, and
    - (ii) meets all the municipal standards; and
  - (b) the part of the street that is closed
    - (i) is determined by the engineer to be surplus, and
    - (ii) is worth less than fifty thousand dollars.

The surplus right of way closure is as follows.

<b>CLOSURE SUMMARY</b>	
<b>Property Location</b>	Portion of Cole Harbour Road right-of-way (PID# 40948408) at 1081 Cole Harbour Road
<b>Property Identifier</b>	Parcel Y
<b>Owner</b>	HRM
<b>Purchaser</b>	Wesson Property Management
<b>Total ROW Area Closed</b>	185 sq. ft.
<b>Land Use</b>	Consolidation with Lot 53AX to form Lot 53AXY - Commercial Use

### **BUDGET IMPLICATIONS**

There are no budget implications with this report. Future sale proceeds will be credited to Account Q101.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

None recommended.

### **ATTACHMENTS**

Attachment "A"- Site Plan


Attachment "B"- Administrative Order Number SC-41

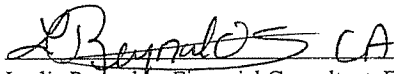
**Surplus Right of Way Closure -  
Cole Harbour Road, Dartmouth  
Council Report**

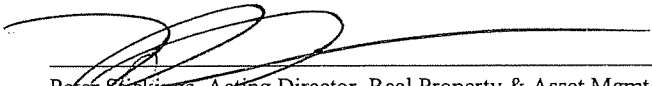
February 14, 2006

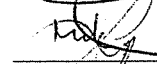
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Stephen Smith, Real Estate Officer, Real Property & Asset Mgmt. 490-5477

Report Reviewed by:   
Tom Crouse, Team Leader, Real Estate, RPAM 490-5931

Financial Review by:   
Leslie Reynolds, Financial Consultant, Financial Services 490-6902

Report Approved by:   
Peter Strickings, Acting Director, Real Property & Asset Mgmt 490-7129

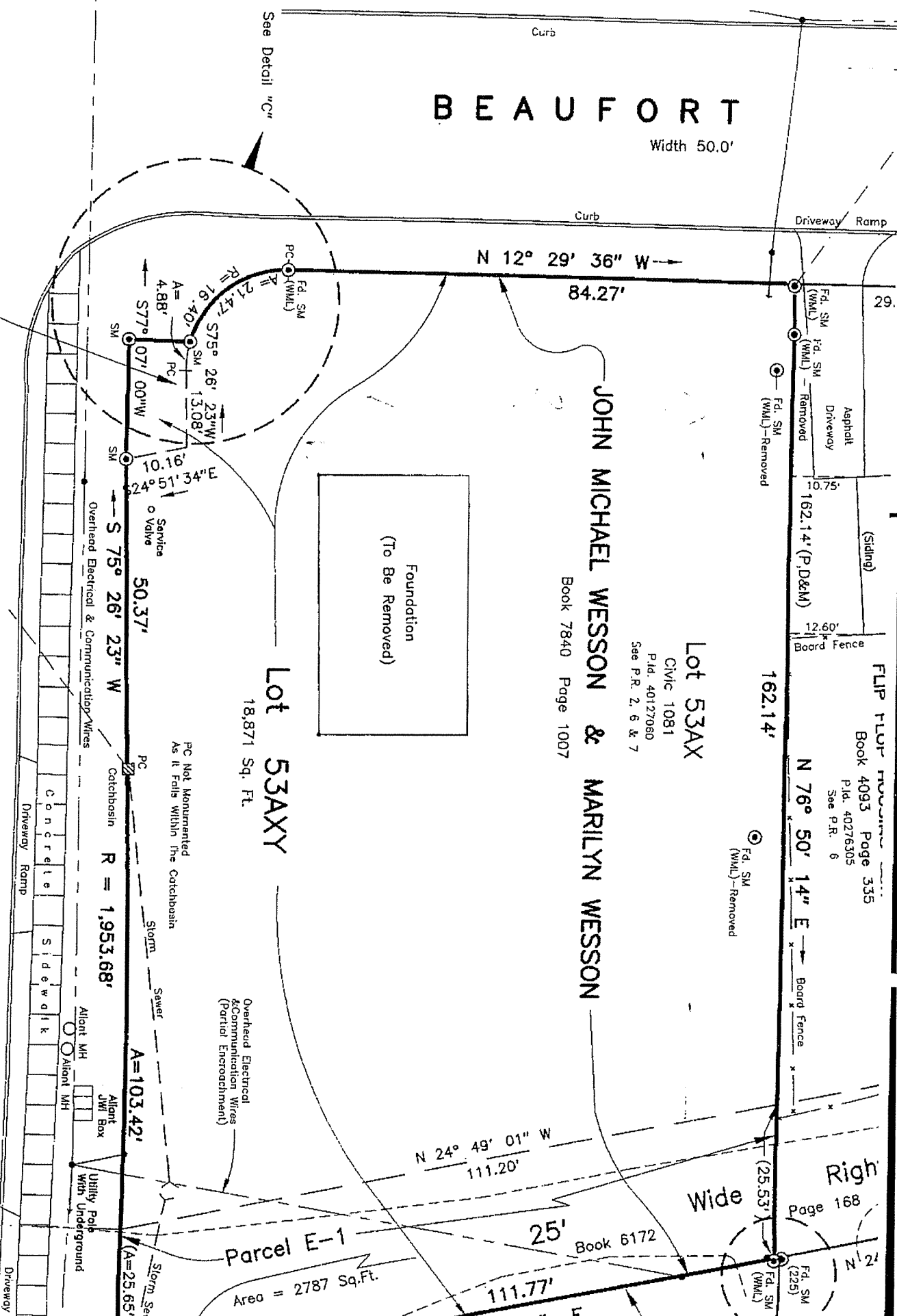
Report Approved by:   
Mike Labrecque, Director, Transportation & Public Works. 490-4851

# BEAUFORT

Width 50.0'

Parcel Y  
Area = 185 sq. ft.  
fax Regional Municipality

## COLE HARBOUR ROAD



**JOHN MICHAEL WESSON & MARILYN WESSON**

Book 7840 Page 1007

**Lot 53AX**

Civic 1081  
P.L.D. 40127060  
See P.R. 2, 6 & 7

**Lot 53AXY**

18,871 Sq. Ft.

Foundation  
(To Be Removed)

162.14'

N 76° 50' 14" E

Page 168

FLIP FLOP HOUSING  
Book 4093 Page 335  
P.L.D. 40276305  
See P.R. 6

12.60'  
Board Fence

162.14' (P.D.&M.)

Fd. SM (WML) - Removed

Fd. SM (WML) - Removed

Fd. SM (WML) - Removed

Fd. SM (WML) - Removed

Fd. SM (WML) - Removed

Fd. SM (WML) - Removed

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Fd. SM (WML) - Removed

Fd. SM (WML) - Removed

N 12° 29' 36" W

84.27'

N 24° 49' 01" W  
111.20'

25'  
Book 6172

111.77'

01" E

Parcel E-1

Area = 2787 Sq.Ft.

A=103.42'

S 75° 26' 23" W  
R = 1,953.68'

A=25.65'

50.37'

S 77° 07' 00" W

A=4.88'

See Detail "C"

PC (WML)

PC (WML)

PC Not Monumented  
As it Falls within the Catchbasin

Overhead Electrical & Communication Wires  
(Partial Encroachment)

Overhead Electrical & Communication Wires

Foundation  
(To Be Removed)

Foundation  
(To Be Removed)

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(To Be Removed)

Foundation  
(To Be Removed)

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B3J 3A5 Canada

**HALIFAX REGIONAL MUNICIPALITY**  
**ADMINISTRATIVE ORDER NUMBER SC-41**  
**RESPECTING CLOSURE OF A PORTION OF**  
**COLE HARBOUR ROAD, DARTMOUTH**

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of Council of the Halifax Regional Municipality pursuant to Section 315 of the Municipal Government Act as follows:

1. A portion of Cole Harbour Road, Parcel Y, Dartmouth, Nova Scotia more particularly described in Attachment "A" is hereby closed.

**I HEREBY CERTIFY THAT** the foregoing Administrative Order was duly adopted by Halifax Regional Council, the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Mayor Peter Kelly

\_\_\_\_\_  
Municipal Clerk

I, Jan Gibson, Municipal Clerk of Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was passed at a meeting of Halifax Regional Council held on \_\_\_\_\_, 2006.

\_\_\_\_\_  
Jan Gibson, Municipal Clerk