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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:

A handwritten signature in cursive script, appearing to read "Dan English".

Dan English, Chief Administrative Officer

A handwritten signature in cursive script, appearing to read "Wayne Anstey".

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.

CLOSURE SUMMARY	
Property Location	Portion of Cole Harbour Road right-of-way (PID# 40948408) at 1081 Cole Harbour Road
Property Identifier	Parcel Y
Owner	HRM
Purchaser	Wesson Property Management
Total ROW Area Closed	185 sq. ft.
Land Use	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**

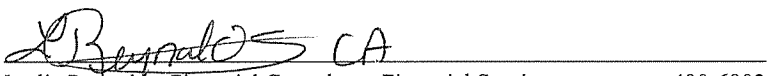
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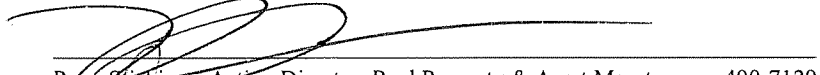
February 14, 2006

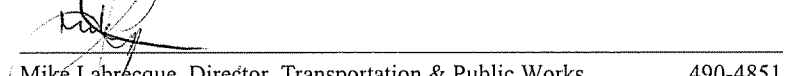
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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 Suckings, Acting Director, Real Property & Asset Mgmt 490-7129

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

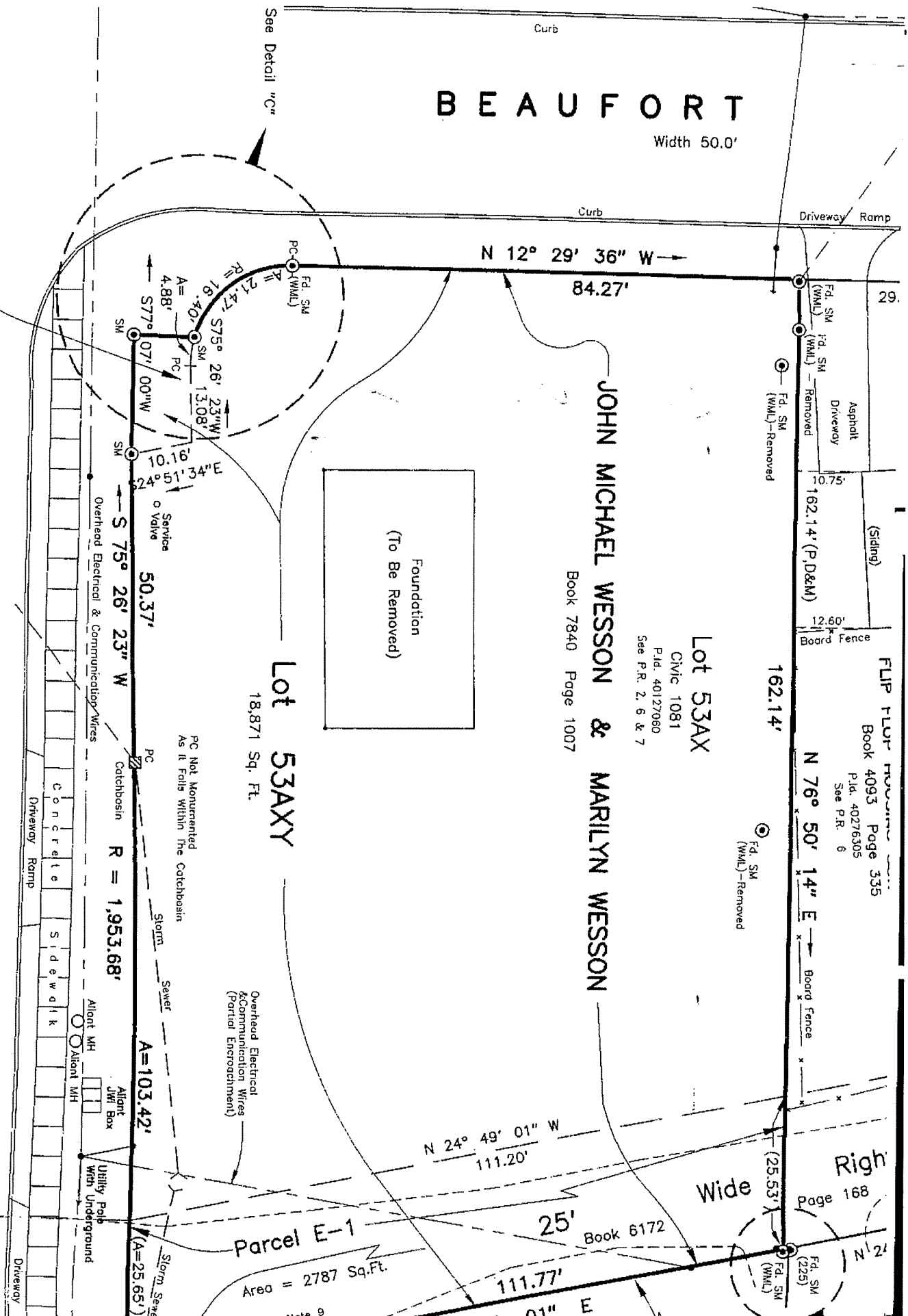
BEAUFORT

Width 50.0'

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

COLE HARBOUR ROAD

4" E 1,953.68'
Social



JOHN MICHAEL WESSON & MARILYN WESSON

Lot 53AX
Civic 1081
P.L. 40127060
See P.R. 2, 6 & 7

Lot 53AXY
18,871 Sq. Ft.

Right Page 168

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

Book 7840 Page 1007

Book 6172

See Detail "C"

Curb

Curb

Driveway Ramp

29

Fd. SM (WML) - Removed
Asphalt Driveway

162.14' (P.D.&M)

12.60' Board Fence

162.14'

Fd. SM (WML) - Removed

N 76° 50' 14" E

Board Fence

(25.53' X)

Fd. SM (WML) (225)

N 24° 49' 01" W
111.20'

25'

111.77'

01" E

Parcel E-1

Area = 2787 Sq.Ft.

Storm Sewer
(A=25.65')

Utility Pole
Underground

CONCRETE
SIDEWALK

Storm Sewer

Alliant MH

Alliant JMW Box

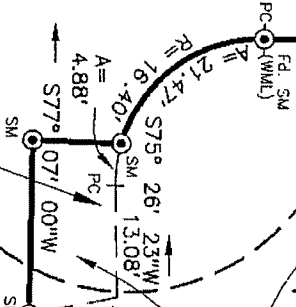
Driveway

Overhead Electrical & Communication Wires

PC Not Monumented
As It Falls Within The Catchbasin

Overhead Electrical & Communication Wires
(Partial Encroachment)

Foundation
(To Be Removed)





PO Box 1749
Halifax, Nova Scotia
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