

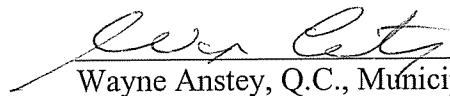
10.2.11

Halifax Regional Council
March 20, 2003

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Wayne Anstey, Q.C., Municipal Solicitor

DATE: March 20, 2003

SUBJECT: Infilling of Moirs Pond, Bedford - Easement and Right of Way

SUPPLEMENTARY REPORT

Origin:

This item was on the agenda of Halifax Regional Council on Tuesday, May 13, 2003. The North West Community Council recommended to Regional Council that it not extinguish, relocate nor vary its right of way contained in the Grant of Easement and Right of Way dated May 26, 1989 between Sobey Leased Properties Limited and the Town of Bedford, and which Right of Way is referred to in an e-mail dated April 9, 2003 from Mr. Wayne Anstey, Municipal Solicitor, to Mayor Peter Kelly. At the request of Councillor Walker, this matter was referred to staff for a report for May 20, 2003.

Recommendation:

It is recommended that the recommendation from the North West Community Council that Regional Council not extinguish, relocate nor vary its right of way contained in the Grant of Easement and Right of Way dated May 26, 1989 between Sobey Leased Properties Limited and the Town of Bedford be tabled.

Background/Discussion:

The right of way in question is for the use of the public and runs along the northern edge of the Moirs Pond. HRM will retain the right of way until it agrees to its release or its relocation. To date, the municipality has not received a request from Sobeys in respect of the right of way. Until such a request is received, and it is clear just what the proposal from Sobeys is as to the eventual status of the right of way, it is impossible for staff to determine what course of action is in the best interests of HRM and its citizens. Regardless of the position taken by Regional Council on this issue at this time, Council will presumably have to consider the request of Sobeys, if and when a request is made. In addition, a decision of Council at this time, cannot bind the position of a future council on this issue.

The status of the right of way will remain unaltered until a positive resolution is adopted by Council to either release it or to agree to its relocation. Accordingly, it is staff position that Council should simply table the recommendation of the Community Council and only consider the issue when a formal request is received from Sobeys to either extinguish or relocate the right of way. HRM's position will not be jeopardised in any way by simply tabling the recommendation from the Community Council.

Alternatives:

Obviously, Council could endorse the recommendation of the Community Council. This alternative is not recommended because there is no basis to determine whether this is in the best interests of the municipality or its citizens.

BUDGET IMPLICATIONS

There are no budget implications at this time.

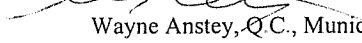
FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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.

Attachments:

None

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:  Wayne Anstey, Q.C., Municipal Solicitor
Approved by: Wayne Anstey, Q.C., Municipal Solicitor