

RECOMMENDATION

It is recommended that Halifax Regional Council approve Administrative Order SC-87 as set out in Attachment 'B' of this report to close that portion of Lethbridge Avenue described as Lot LA in the legal description and survey plan shown in Attachment B.

BACKGROUND

In the fall of 2015, Lot LA, Lethbridge Avenue, Dartmouth (see Attachment 'A') more particularly described as Lot LA in the legal description and survey plan shown in Attachment B (hereinafter referred to as "Lot LA"), was declared surplus and categorized as 'Extraordinary' under Administrative Order 50 at the request of the abutting property owners at 51 Lethbridge Avenue. Their intent is to square off the front property line of their lot in anticipation of subdividing their property to create an additional residential lot.

The subject property was once the boundary between Lethbridge Avenue and the Old Cobequid Road. Old Cobequid Road was closed in March 1986 by the former City of Dartmouth, and portions were incorporated into the lot fabric of the Keystone Village subdivision. Lot LA's southern boundary represents the intersection between the two streets and its flared radius is indicative of intersection design in the area. However the intersection is no longer required.

Lot LA is a flat, grassed area which does not contain municipal infrastructure and is not required for municipal right-of-way purposes.

As per Section 325 of the HRM Charter, Council may, by policy, permanently close any street or part of a street. The portion of the street that is being closed is valued at less than fifty thousand dollars (\$50,000), and therefore a public hearing is not required.

DISCUSSION

The Purchasers' property is currently approximately 21,800 square feet in area and appears to be capable of meeting lot size requirements for subdivision in the R-1 Zone of the Dartmouth Land Use Bylaw. Lot LA is 244 square feet in area. Its addition to the Purchasers' property would not add any development rights to the property. In other words, the addition of Lot LA does not increase the lot yield of the property because the Purchasers' property can already be subdivided.

The consolidation of Lot LA will alleviate potential setback issues by creating a continuous line of street frontage, allowing for a dwelling to be situated in a similar setback to existing dwellings on the street.

The purpose of this report is to close the portion of street right-of-way under Administrative Order SC-87. The property transaction approval (subject to successful street closure) will be covered under a separate report under the appropriate delegated authority.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendation however, the future net proceeds from the sale of the property will be placed in the Capital Reserve Fund Q526.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risks considered rate Low.

COMMUNITY ENGAGEMENT

As per Administrative Order 50, the area Councillor was advised of the recommendation to surplus the subject property with the Extraordinary categorization. A public hearing is not required, as the closure meets Section 325(2) of the Halifax Regional Municipality Charter.

ENVIRONMENTAL IMPLICATIONS

Environmental Implications were not identified.

ALTERNATIVES

Halifax Regional Council could **not** declare the subject property closed, and retain ownership for street right-of-way. This is not recommended as it is classified as surplus and is not required for street right-of-way purposes.

ATTACHMENTS

Attachment 'A' – Surplus Plan

Attachment 'B' – Administrative Order SC-87

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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HALIFAX

ATTACHMENT 'A' LOCATION MAP





PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

ATTACHMENT B

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER Admin Order #SC-87

RESPECTING CLOSURE OF A PORTION OF

LETHBRIDGE AVENUE, DARTMOUTH

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of Council of the Halifax Regional Municipality pursuant to Section 325 of the Halifax Regional Municipality Charter Act as follows:

1. A portion of Lethbridge Avenue, Dartmouth, Nova Scotia more particularly shown as Lot LA, described on the Schedule is hereby closed.

I HEREBY CERTIFY THAT the foregoing Administrative Order was duly adopted by Halifax Regional Council, the _____ day of _____, 2018.

Mayor

Municipal Clerk

I, Kevin Arjoon, 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 _____, 2018.

Kevin Arjoon, Municipal Clerk

SCHEDULE

Legal Description of **Lot LA** Dartmouth, Halifax County, Nova Scotia

ALL THAT LOT OF LAND SITUATE, lying and being at Lethbridge Avenue, Dartmouth, Halifax County, Nova Scotia, shown on a plan entitled, *Plan of Survey of Lot LA, A Subdivision of Lethbridge Avenue, Lands Conveyed to Halifax Regional Municipality*, by Halifax Regional Municipality, certified by Kyle Harrington, N.S.L.S., dated October 26, 2017, on file at the office of the Director of Transportation and Public Works, Halifax Regional Municipality as plan number 17027401, said **Lot LA** being more particularly described as follows:

BEGINNING at a point on a southeastern boundary of Lethbridge Avenue at the northwestern corner of Parcel PDE-1 as shown on Land Registration Office plan number 75391657, said point also being the most northern corner of the Lot under description;

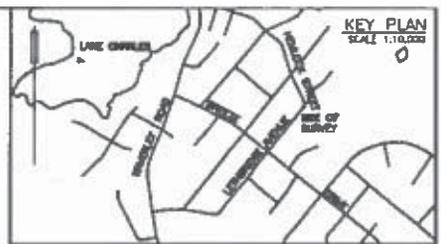
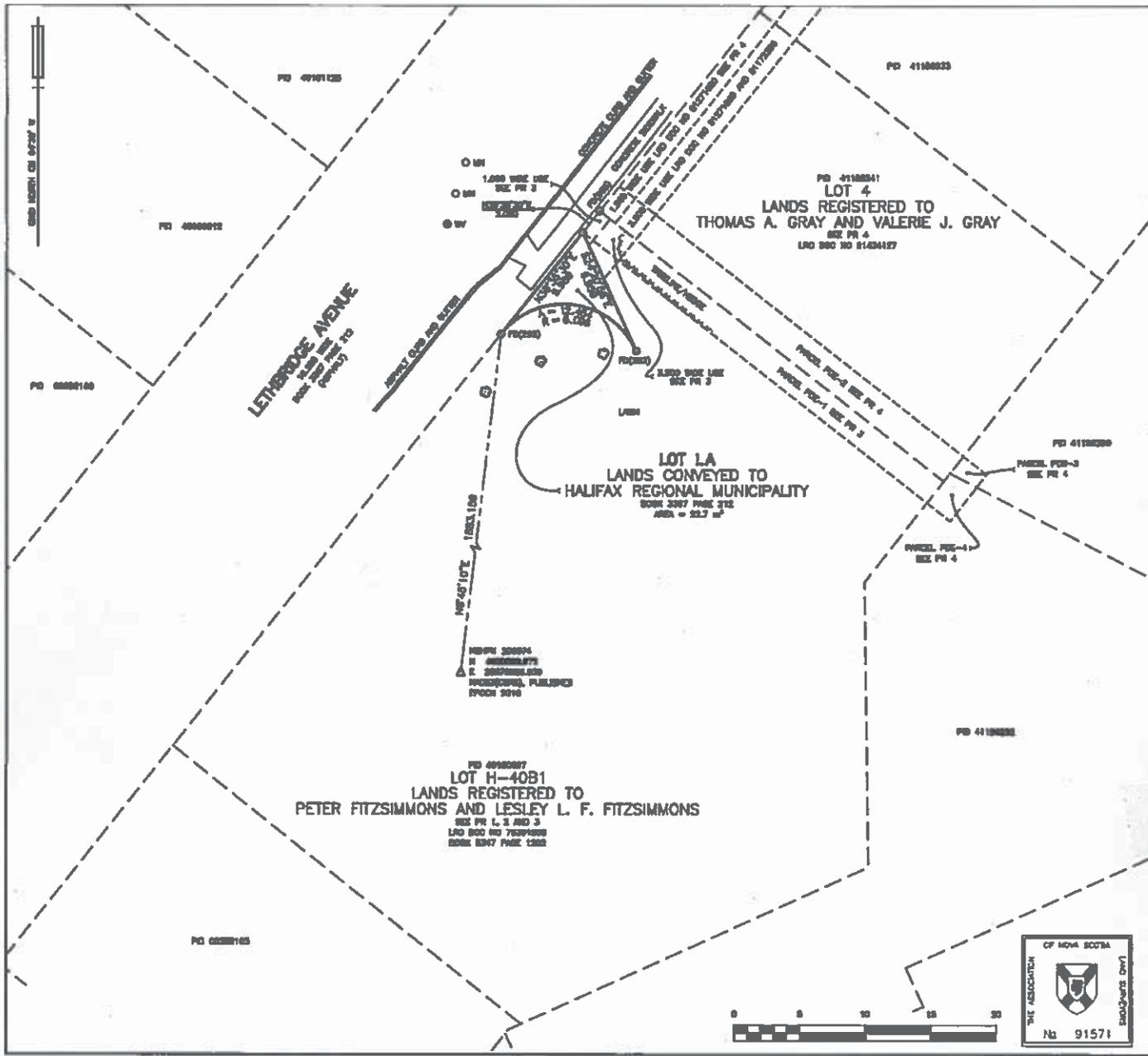
THENCE South 24 degrees 20 minutes 58 seconds East, 9.959 meters, along a western boundary of Lot H-40B1 to a curved northern boundary of Lot H-40B1;

THENCE in a westerly direction, along a northern boundary of Lot H-40B1, along a curve to the left of radius 6.096 meters, an arc distance of 12.454 meters, to a southeastern boundary of Lethbridge Avenue;

THENCE North 38 degrees 35 minutes 30 seconds East 9.959 meters, along a southeastern boundary of Lethbridge Avenue to the place of beginning.

Lot LA contains an area of 22.7 square meters.

Bearings are grid, NAD83(CSRS2010.0), Nova Scotia 3 degree Modified Transverse Mercator projection, zone 5.



LEGEND

- BOUNDARIES DEALT WITH BY THIS SURVEY
- FE LINES
- PLACED SURVEY MARKER
- FOUND SURVEY MARKER
- △ NONS SOUTH HIGH PRECISION MONUMENT
- IN FOUND BENCH MARK
- IN WAINWALE
- IN WY WATER WALE
- 1/4 METRES SOUNDED
- PD PARCEL IDENTIFICATION NUMBER
- LRD DOC NO LAND REGISTRATION OFFICE DOCUMENT NUMBER
- LCE LCE
- PR UTILITY SERVICE EMBLEMMENT
- PR PLAN REFERENCE
- TREE
- 293 JOHN MACPHERSON
- 545 ALLAN MACCLEDUGH

BEARINGS ARE DERIVED FROM CHISEL OBSERVATIONS AND ARE REFERENCED TO ZONE 3 OF THE NOVA SCOTIA 3rd MODIFIED TRANSVERSE MERCATOR PROJECTION BY THE MODEL DATUM. COORDINATES ARE REFERENCED TO CEPS EPOCH 2010. DISTANCES SHOWN ARE GRID AND ARE MEASURED IN METRES AND DECIMALS THEREOF. MEASUREMENTS SHOWN HAVE BEEN ADJUSTED BY LEAST SQUARES AND A SCALE FACTOR OF 0.999963 WAS APPLIED TO MEASURED DISTANCES. FIELD SURVEYS WERE CARRIED OUT DURING THE PERIOD SEPTEMBER 27 TO OCTOBER 19 2017.

NOTES

1. LOT LA ORIGINATES WITH THIS PLAN.
2. LOT LA IS A PORTION OF LETHBRIDGE AVENUE THAT WAS DECLARED SURPLUS PROPERTY BY PERMANENT COUNCIL ON OCTOBER 6, 2015.

PLAN REFERENCES

1. LRD PLAN 17292 - DATED DECEMBER 30 1979 SIGNED BY JOHN C. MACPHERSON
2. LRD PLAN 18103 - DATED SEPTEMBER 27 1983 SIGNED BY JOHN C. MACPHERSON
3. LRD PLAN 75391837 - DATED APRIL 8 2004 BY THOMPSON CORN LIMITED SIGNED BY ALLAN J. OWEN
4. LRD PLAN 76707232 - DATED NOVEMBER 3 2004 BY THOMPSON CORN LIMITED SIGNED BY ALLAN J. OWEN

SURVEYOR'S CERTIFICATE

I, MYLE B. HARRINGTON, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAN WAS CONDUCTED UNDER MY SUPERVISION AND THAT THE SURVEY AND PLAN WERE MADE IN ACCORDANCE WITH THE LAND SURVEYORS ACT, REGULATIONS AND STANDARDS MADE THEREUNDER.



THIS WAS DONE THIS DAY OF OCTOBER, A.D. 2017

Original Signed
HALIFAX

PLAN OF SURVEY OF
LOT LA
A SUBDIVISION OF
LETHBRIDGE AVENUE
LANDS CONVEYED TO
HALIFAX REGIONAL MUNICIPALITY
LETHBRIDGE AVENUE
DARTMOUTH, NOVA SCOTIA



DATE 15/08/2017	SCALE 1:200	DRAWN JCH	PLAN NO. 17027401
REVISION PG	SURVEYOR	JOB NO. 3017018	