

Info #2



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Community Council
April 27, 2006

TO: Chairman and Members of North West Community Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Brad Anguish", written over a horizontal line.

Brad Anguish, P.Eng., PMP, MBA,
Director, Environmental Management Services

DATE: April 11, 2006

SUBJECT: Drainage Corridor Behind the Superstore (Bedford)

INFORMATION REPORT

ORIGIN

At the North West Community Council Meeting of February 23, 2006, Item No. 12.2, a motion was passed requesting "that staff verify that the ownership of the drainage corridor behind the Superstore, Bedford, has been transferred to HRM."

BACKGROUND

There is a stormwater drainage system located to the west (behind) of the Bedford Superstore. A plan outlining the location of this system is included in the attached May 28, 1998 North West Community Council Information Report. In this report, this stormwater drainage system behind the Superstore was identified as Section B (piped section generally located behind Civic #43 to #55 Union Street) and Section C (open channel section generally located behind Civic #55 to #73 Union Street).

DISCUSSION

The May 28, 1998 North West Community Council Information Report indicated that HRM was in the process of acquiring an easement for Section B of this system and that Section C would remain a private system. Staff have reviewed and determined that no easement has been obtained for this drainage system and that it is located on property owned by Loblaw Properties Limited.

Staff will contact Loblaw Properties Limited to determine if they are agreeable to provide the easement for Section B. If the easement can be obtained, then HRM would be responsible for the operation and maintenance of this system. This would include the cleaning of debris from the entrance to the piped system. If the easement cannot be obtained, then the operation and maintenance of this system would remain with Loblaw Properties Limited.

BUDGET IMPLICATIONS

None directly resulting from this report.

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.

ATTACHMENT


May 28, 1998 North West Community Council Information Report

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:


David Ellis, P.Eng., Sr. Environmental Engineer, 490-6716

Report Approved by:


John F. Sheppard, P.Eng., Manager, Environmental Engineering Services, 490-6958

Community Council Report Sign-Off Sheet

| | | | | | |
|---|--|------------------------------------|------------------------|--|----------------|
| Subject: Union Street Flooding | | | | | |
| Meeting Date: April 27, 2006 <input checked="" type="checkbox"/> Community Council <input type="checkbox"/> COW <input type="checkbox"/> In Camera <input type="checkbox"/> Information Report | | | | | |
| Prepared by: David Ellis, P. Eng., Environmental Engineering Services <i>David Ellis</i> Name & Business Unit | | | | April 17, 2006 <i>April 13/06</i> Date | |
| <input type="checkbox"/> First Draft for Information Only <input type="checkbox"/> Consultation <input type="checkbox"/> Approval | | | | | |
| <input checked="" type="checkbox"/> | Stakeholder -Internal | Approved By | Date & Time | Revised Date | Initial |
| | Not Required (Issue unique to originating Business Unit) | | | | |
| | By-Law Rationalization | | | | |
| <input checked="" type="checkbox"/> | EMS | John Sheppard Brad Anguish | | | |
| | Finance | | | | |
| | Fire | | | | |
| | H R | | | | |
| <input checked="" type="checkbox"/> | Legal | Mary Ellen Donovan Wayne Anstey | | | |
| <input checked="" type="checkbox"/> | P & D | Denise Schofield | | | |
| | Police | | | | |
| <input checked="" type="checkbox"/> | PWT | Larry Drew | | | |
| | RPAM | | | | |
| | RTC | | | | |
| | Regional Planning | | | | |
| | Shared | | | | |
| | Library | | | | |
| | RCMP | | | | |
| | Water Commission | | | | |
| | Stakeholder - External | | | | |
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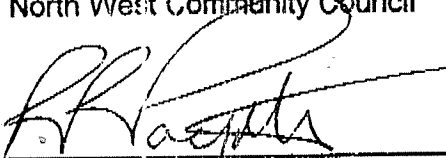
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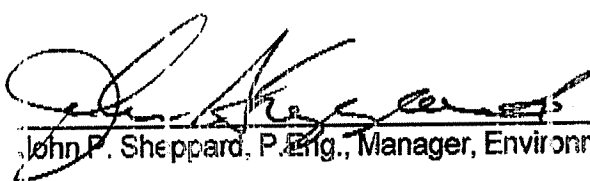
HALIFAX
REGIONAL MUNICIPALITY

North West Community Council
May 23, 1998

TO: North West Community Council

SUBMITTED BY:


Rick Paynter, P. Eng., Acting Director, Engineering & Transportation


John P. Sheppard, P. Eng., Manager, Environmental & Development

DATE: May 21, 1998.

SUBJECT: Watercourse - Bedford Place Mall and Union Street

INFORMATION REPORT

ORIGIN

At the March 12 meeting of the North West Community Council, reference was made to a staff report dated March 6, 1998 entitled "Watercourse - Bedford Place Mall and Union Street", and it was noted that the question as to who is responsible for the watercourse was not answered. Council requested that staff clarify the responsibility.

**Watercourse - Bedford Place Mall and Union Street
North West Community
Council Report**

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May 28, 1998

DISCUSSION

The issue of ownership and responsibility was previously dealt with in the staff report of January 22, 1998 to the Community Council, copy attached. Today's report will expand and clarify the issues.

The watercourse or drainage system in question is primarily located on private property, as shown on the attached sketch. It handles drainage from developed and undeveloped lands located generally west of the Bedford Place Mall, extending beyond the Bicentennial Drive. The drainage is generally discharged from private property into drainage systems of the Municipality which are located in the streets in the area, and then subsequently discharged into the drainage system on the lands of the Bedford Place Mall.

The responsibility of the Municipality with regard to this drainage system should be considered in the context of its usual responsibility with regard to drainage systems on private property.

At its meeting of December 16, 1997, Regional Council adopted as policy the Report on Drainage - Private Property prepared by Regional Operations. That report sets out in Recommendation 3-1 the circumstances under which the Municipality will accept responsibility for drainage systems on private property, as follows:

The Municipality will accept ownership of stormwater systems on private property, if a number of conditions can be satisfied, as follows:

- (1) *That the system is utilized to drain stormwater from a system of the Municipality's, and/or that it forms part of a trunk storm sewer system.*
- (2) *That it can be shown that the system is constructed to the Municipality's standards.*
- (3) *That an easement can be provided in a form acceptable to the Municipality.*
- (4) *That, by accepting the system, the Municipality is not unduly exposing itself to liability or to unreasonable costs associated with inspection, maintenance, repair or replacement.*

**Watercourse - Bedford Place Mall and Union Street
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May 28, 1998

In the context of this policy, ownership and maintenance responsibilities for the drainage system in the Union Street/Bedford Place Mall area are as follows:

Section A

- | | |
|---|--|
| (i) 60" diameter storm drain under Union Street | HRM owns the pipe and is responsible for its maintenance. |
| (ii) Open and lined channel behind Civic #'s 27 to 41 | This section crosses two properties. The ownership of the larger parcel is uncertain, and Legal Services will be asked to assist in determining ownership. The smaller parcel is occupied by Civic # 41 Union Street. HRM will carry out maintenance if an easement for this portion of the system is provided by the property owners and accepted by the Municipality in conformance with Recommendation 3-1 above. |

Section B

60" Diameter piped section including pipes between Civic #53 and #55

Located on the property of Bedford Place Mall. HRM is in the process of acquiring an easement, and will be responsible for maintenance of the drainage system within the easement.

Section C

Open channel behind Civic #'s 55 to 73

Located on the property of Bedford Place Mall. Bedford Place Mall owns this open channel, and is therefore responsible for maintenance.

The drainage system within Sections A and B were re-constructed by the Municipality in 1996 as part of a project to improve drainage in the Union Street area. No work was done within Section C.

The former Town of Bedford carried out occasional maintenance of the drainage system within Section C. This will not continue in the future as part of a regular maintenance program. However, the Municipality may access this system in accordance with Section 142(3) of the HRM Act, which states as follows:

**Watercourse - Bedford Place Mall and Union Street
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May 28, 1998

The Engineer may, at any time and from time to time, construct, open, maintain or repair any drain, gutter, sluice or watercourse upon any land adjoining a street and for such purpose may, at any time and from time to time, enter into and upon such land.

Also, and as for any system on private property, the Municipality would consider accepting responsibility for any portion of the drainage system under discussion, as provided for in Recommendation 3-1.

BUDGET IMPLICATIONS

N/A

ALTERNATIVES

N/A

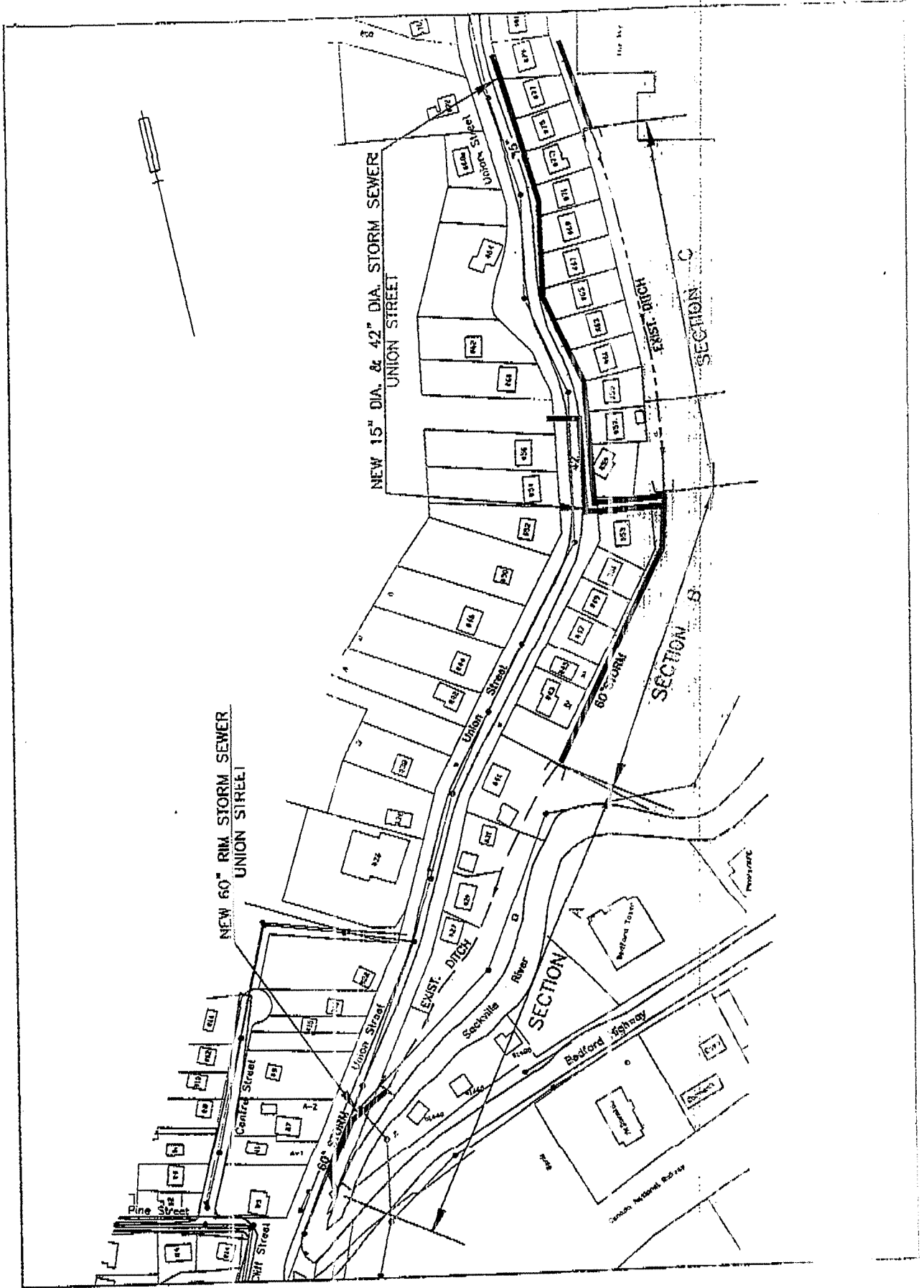
ATTACHMENTS

1. Sketch showing the location of the open watercourse and the piped sections.
2. Report to North West Community Council of January 22, 1998.

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: John P. Sheppard, P.Eng., Manager, Environmental & Development Services, Phone: 490-6956

JPS/plh





North West Community Council
January 22, 1998

TO: North West Community Council

SUBMITTED BY:

George McLellan, Commissioner of Regional Operations

DATE: January 15, 1998

SUBJECT:

Watercourse - Bedford Place Mall and Union Street

INFORMATION REPORT

ORIGIN

North West Community Council meeting of November 27, 1997.

**Watercourse - Bedford Place Mall and Union Street
North West Community
Council Report**

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January 22, 1998

BACKGROUND

The matter was discussed at the November 27, 1997 meeting of the North West Community Council, at which time staff was requested to provide information on the status of an existing watercourse located in the back of residential properties abutting Union Street, and adjoining Bedford Place Mall.

DISCUSSION

Based on the search carried out by staff, a major portion of the watercourse is located on the Mall's property with the exception of a downstream portion on a parcel of land owned by Fisheries and Oceans, and on Civic #41 Union Street.

The primary responsibility for maintenance of a watercourse rests with the property owner on whose property the system is located, unless the responsibility is transferred or acquired by another entity. However, in this situation, the former Town of Bedford had provided limited minor maintenance for that portion of the watercourse which is located on the Mall's property. The maintenance was provided on an ad-hoc basis because certain drains from the Town drained into this system.

Recognizing the pressure from additional development upstream of Union Street, the Town, in 1995, initiated a storm sewer project on Union Street. After amalgamation, the project was taken over by HRM, and in early 1996 additional piping of the watercourse and channel improvements were added to the contract. Construction was completed during the 1996/97 fiscal year. The location and improvements undertaken by HRM are shown on the attached sketch, and are described as follows:

Section A The watercourse has been partly piped and lined with a semi-circular pipe and rocks from the outlet of the watercourse into the Sackville River to the access road to the Mall. The piped portion is primarily located on Union Street, an HRM property. The remaining portion, which is an open system, is located on property owned by Fisheries and Oceans, with the exception of a small section which crosses over the property of Civic #41 Union Street. It should be noted that with the exception of the portion on Union Street, the location of the watercourse is not altered significantly. It is the intention of HRM to carry out normal maintenance on this portion of the watercourse.

Section B This portion includes the watercourse from the access road to the Mall to an easement between Civic #'s 53 and 55 Union Street. The watercourse is primarily located on the Mall's property. Under the works carried out by HRM, this portion of the watercourse was piped with a 60" diameter pipe. The pipe is generally located within the confines of the existing watercourse. There has been an understanding with the Mall owners that an easement for access to the piped portion will be acquired by HRM.

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Council Report**

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January 22, 1998

Section C This portion includes the watercourse from the end of the piped section in the back of Civic #55 Union Street to the outlet of a piped system upstream located in the back of Civic #73 Union Street. The open channel is primarily located on the Bedford Place Mall property. There was no work carried out on this section of the watercourse by HRM. However, the Town of Bedford, in the past, had carried out works on this section in cooperation with the Mall owners. HRM will continue to provide minor ad-hoc maintenance on their portion.

There has been a complaint by a resident of Union Street regarding the snow dumping into the watercourse by the Mall owners. Staff will consult with the Nova Scotia Department of the Environment and the Mall owners to review this matter, and will report back to the Community Council.

BUDGET IMPLICATIONS

N/A

ALTERNATIVES

N/A

ATTACHMENTS

Sketch showing the watercourse

Further information regarding the contents of this report may be obtained by contacting Naipal S. Tomar, P. Eng Environmental Engineer, Environmental and Development Services, at 490-6946. For additional copies or for information on the report's status, please contact the Office of the Municipal Clerk, at 490-4234 (TEL) or 490-4208 (FAX).