



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 11.1.14**

**Halifax Regional Council  
June 10, 2008**

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

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

**SUBMITTED BY:**

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Dan English, Chief Administrative Officer

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

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Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** May 13, 2008

**SUBJECT:** Request for Permanent Encroachment on Memory Lane

**ORIGIN**

Request for encroachment on public right of way on Memory Lane, Lower Sackville. The encroachment will be in the form of a trail head sign for the Bedford Sackville Connector Greenway.

**RECOMMENDATION**

It is recommended that Halifax Regional Council approve the attached encroachment agreement to allow the Sackville Rivers Association to install a trail head sign on Memory Lane.

## **BACKGROUND**

The Fort Sackville Walkway and Bedford Sackville Connector Greenway, located along the Sackville River between Fort Sackville, Bedford, and Fultz House, Lower Sackville, have evolved from traditional paths to 3-metre wide, multi purpose, wheel chair accessible, active transportation trails.

They were planned and developed over the past twenty years (Fort Sackville Walkway from 1991 to 2001; Bedford Sackville Connector Greenway from 1997 to 2006) with leadership from the Bedford Walkway Committee and the Sackville Rivers Association, well over 10,000 volunteer hours, and funding from all three levels of government. Measured trail usage in 2006 was over 1,400 trips per week.

## **DISCUSSION**

Each of the 3' x 4' trail head signs shows each trail's location, distance, walking time, and parking, and some detail about each of the three locations:

- Fultz House/ Memory Lane
- Range Park/Soccer Field Parking Lot
- Fort Sackville/Scott Manor House

The locations will encourage parking, when necessary, at these sites, rather than at the trail junction with Old Sackville Road, designated as a cycling/wheelchair entrance.

The location of the sign near Fultz House on Memory Lane (proposed sign face attached) would be placed on HRM right of way, as per the attached sketch and photo. Site visits by HRM staff have concluded that there is no suitable place for the sign on the private land. Staff is proposing a location for the sign near the edge of the right of way on the existing look off. This location will be visible to pedestrian and vehicular traffic next to the trail head.

Installation and maintenance of this sign will be the responsibility of the Sackville Rivers Association, as per the Encroachment Agreement. Staff is suggesting that the regular encroachment fee be waived for this sign due to the nature of the sign and its benefit to the public. The yearly fee for this sign under Administrative Order #15 would have been ten dollars.

## **BUDGET IMPLICATIONS**

There are no budget implications associated with this encroachment.

## **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**

Council could choose to deny the request.

## **ATTACHMENTS**

Proposed sign face  
Sketch of proposed sign location  
Photo of the proposed sign area  
Proposed Encroachment Agreement between HRM and the Sackville Rivers Association

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Christopher Davis, EIT, Right of Way Engineer, 490-7462

Report Approved by:



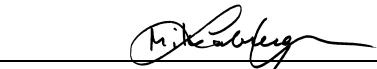
Ken Reashor, P.Eng., Manager, Traffic & Right of Way, 490-6637

Report Approved by:



Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by:



Mike Labrecque, P.Eng., Director, Transportation & Public Works, 490-4855

# PROPOSED SIGN FACE

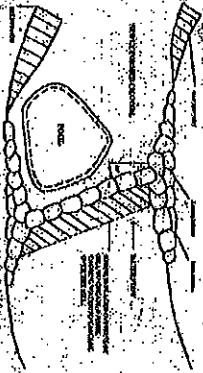
## Bedford Sackville Connector Greenway

## Fort Sackville Walkway

- ▶ Use trails at your own risk
- ▶ Non-motorized usage, except for motorized wheelchairs
- ▶ Cyclists must warn and yield to pedestrians
- ▶ Sections of trail under water when river floods
- ▶ To report vandalism call 490-5020, HRM 490-4000
- ▶ Trail closed at dusk (by-law P-600)

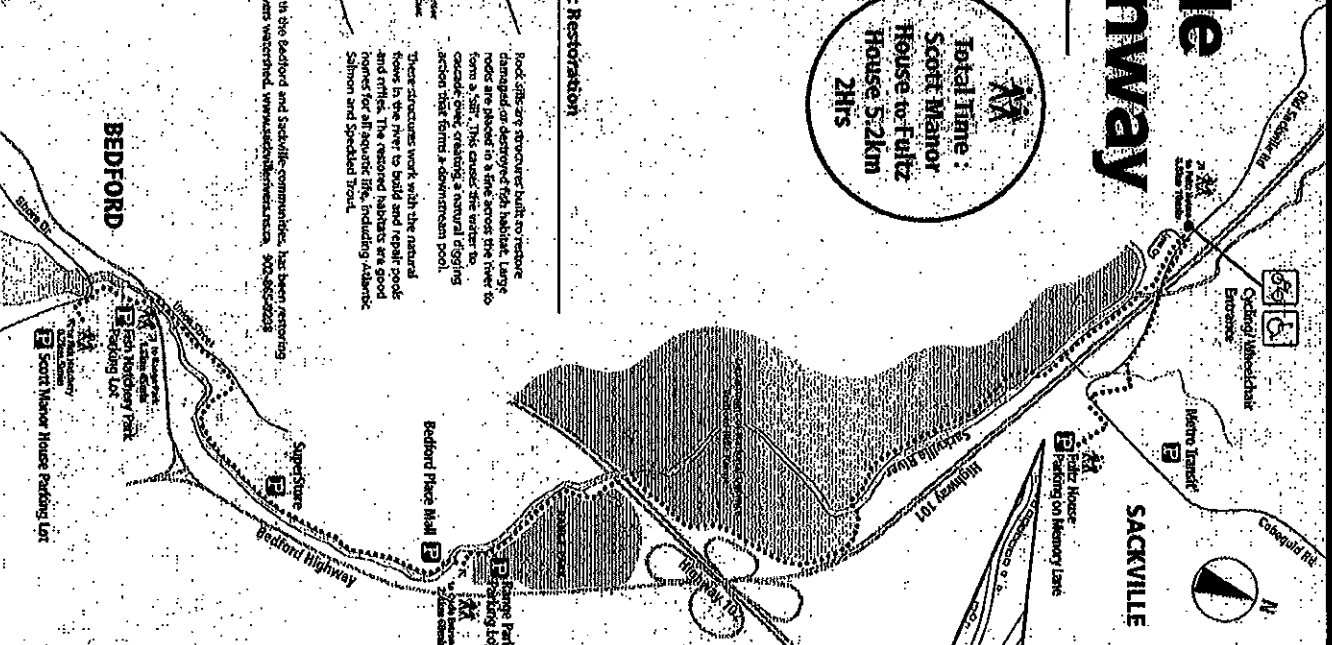
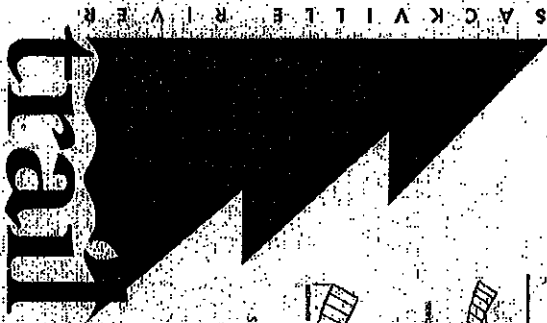
**AA**  
Total Time:  
Scott Manor  
House to Fultz  
House: 5.2km  
2Hrs

### Aquatic Habitat Restoration



Rock structures (structure bank) to reduce damaged or destroyed fish habitat. Large rocks are placed in a line across the river to form a 'riff'. This causes the water to cascade over, creating a natural riffing action that forms a downstream pool. These structures work with the natural flows in the river to build and repair pools and riffles. The restored habitats are good homes for all aquatic life, including Atlantic Salmon and Spotted Trout.

Since the 1990's the Sackville Rivers Association, with the Bedford and Sackville communities, has been restoring and maintaining the health of the Sackville Rivers watershed. [www.sackvillerivers.ca](http://www.sackvillerivers.ca), 902-865-0225



**Fultz House**  
The Fultz House is a fine example of a well-preserved historic building. It is a two-story, brick building with a gabled roof and a central chimney. The house is located on the east side of the Sackville River, just north of the Bedford Highway. It is a good example of the architecture of the early 20th century.

**Range Park**  
Range Park is a beautiful park located on the east side of the Sackville River. It features a large, open grassy area, a playground, and a picnic shelter. The park is a great place to enjoy the outdoors and the view of the river.

**Scott Manor House**  
The Scott Manor House is a fine example of a well-preserved historic building. It is a two-story, brick building with a gabled roof and a central chimney. The house is located on the east side of the Sackville River, just north of the Bedford Highway. It is a good example of the architecture of the early 20th century.

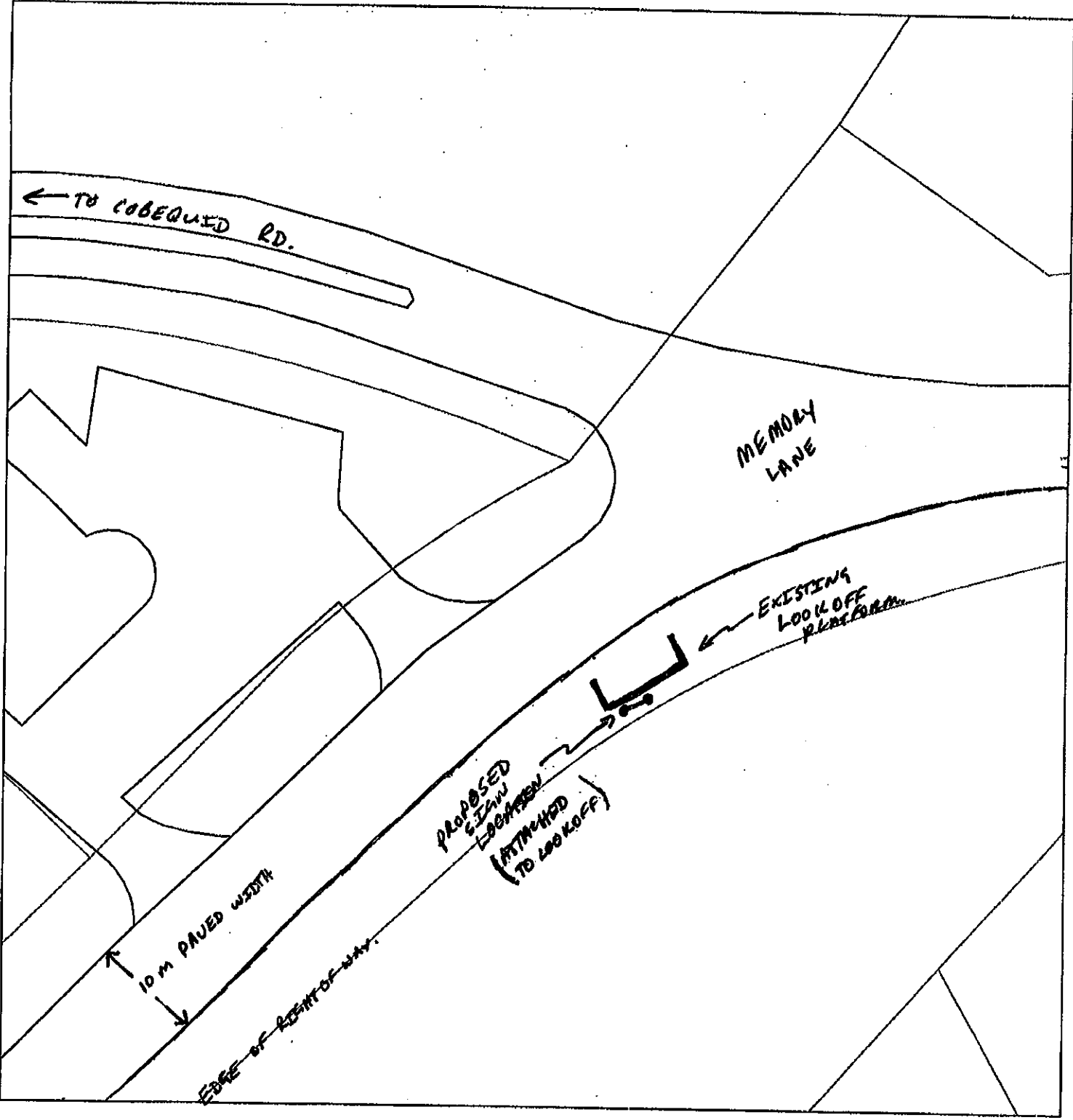
**Bedford Place Mall**  
Bedford Place Mall is a shopping and dining area located on the east side of the Sackville River. It features a variety of shops and restaurants, making it a popular destination for residents and visitors alike.

A PROJECT OF THE SACKVILLE RIVERS ASSOCIATION

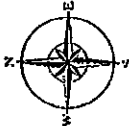


FUNDING PARTNERS:





# Memory Lane



1:500

User: davisc  
 Print Date: Mar 27, 2008

This map was produced for the internal use of Halifax Regional Municipality (HRM). HRM takes no responsibility for errors or omissions.

For further information on civic address, street, street name or community (CSA) data please contact HRM Civic Addressing at 490-5347 or email [civicsd@halifax.ca](mailto:civicsd@halifax.ca).

For further information on sewer infrastructure please contact HRM Environmental Engineering Services at 490-5549 or email [sewerinfo@halifax.ca](mailto:sewerinfo@halifax.ca).

For further information on zoning data please contact HRM Planning & Development Services at 490-4494 or email [zoninginquiries@halifax.ca](mailto:zoninginquiries@halifax.ca).

For further information regarding any other aspect of this plot, please contact HRM Geographic Information Systems & Services at 490-6568 or email [geoinfo@halifax.ca](mailto:geoinfo@halifax.ca).

Date of map is not indicative of the date of data creation. Scale of map is valid only if printed at 11x8.5 inches.

Projection is Modified Transverse Mercator Zone 5.

# PHOTO OF PROPOSED SIGN AREA



This Encroachment License Agreement made this \_\_\_ day of \_\_\_\_\_, 2008

BETWEEN:

**HALIFAX REGIONAL MUNICIPALITY**

Of the One Part

and

**Sackville Rivers Association**

Of the Other Part

**Recitals**

1. (1) Whereas Sackville Rivers Association wishes to construct sign on Memory Lane, south of the Fultz House Museum;

(2) And Whereas by resolution of the Halifax Regional Municipal Council on \_\_\_\_\_, 2008, the Halifax Regional Municipality agreed to give the Sackville Rivers Association an encroachment license in accordance with the terms and conditions set out in Halifax Regional Municipality Bylaw E-200, being the Encroachment Bylaw, and as contained in this license agreement.

**Definitions**

2. In this agreement, unless the context otherwise requires:

(a) "HRM" means the Halifax Regional Municipality established by S.N.S., 1995, c.3 succeeding and incorporating the former municipal units of the Town of Bedford, the City of Dartmouth, the City of Halifax and the Halifax County Municipality;

(b) "Engineer" means the Engineer as defined by the Halifax Regional Municipality Act.

(c) "SRA" means Sackville Rivers Association

**License**

3 Subject to the terms of this encroachment license agreement, HRM hereby grants to SRA the non-exclusive right by its officers, servants, agents and contractors at all times to enter on, over and under that portion Memory Lane, Lower Sackville, identified on Schedule "A" to install and maintain a 'Bedford Sackville Connector Greenway' sign structure as shown on drawing number 1.

**Relocation**

4 If necessary for municipal purposes, the sign must be relocated within the street if requested by HRM, which relocation will be at the expense of SRA. Should SRA wish to relocate the sign, such shall be done only upon receipt of the written consent of HRM, which consent shall not be unreasonably withheld and said relocation shall be at the expense of SRA.

**Permits**

5 (1) SRA agrees to comply with all municipal bylaws including the Streets bylaw, S-300 for the original construction of the works and all subsequent work which involves the excavation of the street.

(2) The application for Streets & Services permit shall include a plan of the proposed sign.

(3) The final location of the sign shall be subject to the approval of the Engineer.

(4) For the purposes of the construction of the original works, Dalhousie agrees to arrange a preconstruction meeting with HRM staff.

(5) In addition to meeting the requirement of Streets Bylaw S-300, for the purposes of the construction of the original works; SRA agrees to deposit with HRM, performance security, acceptable to the Engineer, in the estimated amount of the cost of restoring the municipal infrastructure affected by the project, which security shall be released upon acceptance of the works by the Engineer and deposit of a maintenance security in the amount of 10% of said costs, or in the minimum amount of \$1000., to be valid for a period of one year from the date of the acceptance of said works.

**Record Drawings**

6. SRA shall provide a copy of the record drawings immediately upon completion of said project, and immediately upon completion of any relocation, both in hard copy and electronic format.

**Indemnity**

7. SRA agrees to indemnify and save HRM harmless from all claims, liabilities and expenses of any kind in any way related to or connected with the grants of the rights set forth in this license agreement or from the existence or operation of the sign however caused, except to the extent that the loss arises out of the gross negligence of HRM.



**Fees**

8. SRA shall be exempt from the fees set out in Encroachment Bylaw E-200. There will be no annual charge for this encroachment due to the nature of the sign and its benefit to the public. It is agreed that the space occupied by the sign is 0.225 square metres.

**Occupational Health & Safety Act**

9. SRA agrees to comply with the requirements of the Occupational Health & Safety Act and all regulations enacted pursuant thereto. Specifically SRA agrees to exercise the due diligence required by the Act in ensuring that to the extent possible the requirements of the Occupational Health & Safety Act and its regulations are followed by its contractors or agents.

**Termination**

10. (1) Either party may terminate this license agreement at any time.
- (2) Upon termination of the license agreement, SRA shall at HRM's option either:
- (a) remove the sign and restore the surface of Memory Lane
  - (b) abandon all claim to title in the sign to HRM.

**Notices**

11. Any written notice or communication relating to the administration of this agreement to be given or delivered by one party to the other shall be deemed to be duly given or delivered by hand, by fax or by courier to the following addresses or such other address that may subsequently be provided:

Halifax Regional Municipality  
Director of Engineering & Transportation  
21 Mount Hope Avenue  
Halifax, N.S. B3J 3A5

and

Sackville Rivers Association  
PO Box 45071  
Sackville, N.S. B4E 2Z6

Legal notices in respect of HRM must given in compliance with the Halifax Regional Municipality Act.

12. This agreement shall enure to the benefit of and be binding upon the parties hereto, their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this License agreement as of the day and year first above written.

**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_  
Regional Clerk

**Sackville Rivers Association**

\_\_\_\_\_  
\_\_\_\_\_

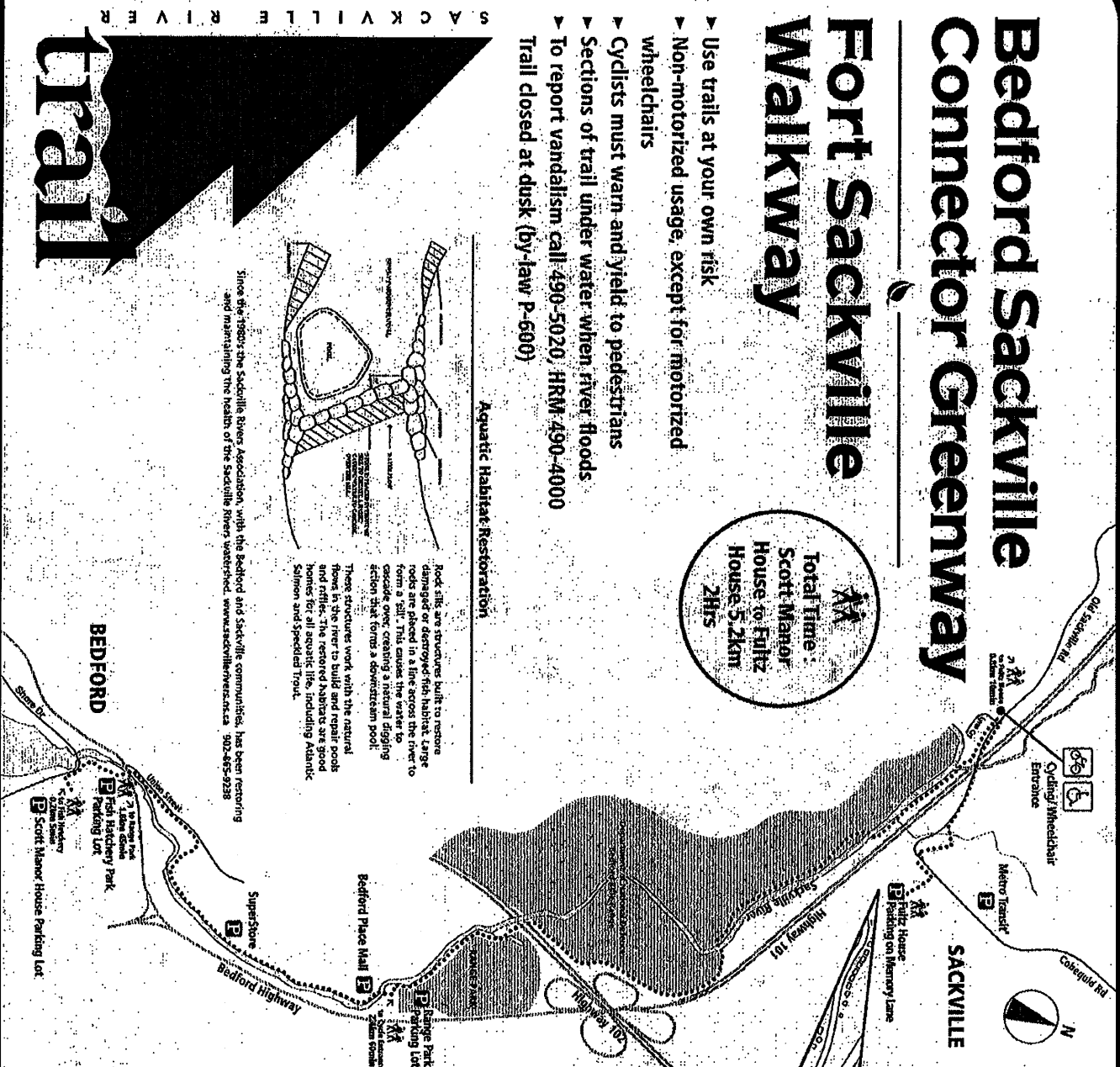
# DRAWING #1

## Bedford Sackville Connector Greenway

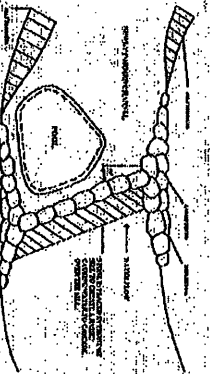
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**AA**  
Total Time:  
Scott Manor  
House to Fultz  
House: 5.2km  
2Hrs



### Aquatic Habitat Restoration



Since the 1980s the Sackville River Association, with the Bedford and Sackville communities, has been restoring and maintaining the health of the Sackville River watershed. [www.sackriver.org](http://www.sackriver.org) 902-665-9238

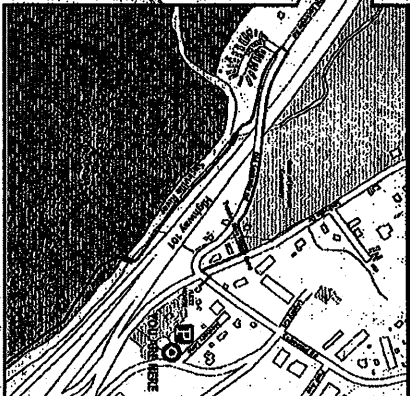
Rock fills are structures built to restore riparian habitat. They are made of large rocks and are placed in the river to create a barrier to silt. This barrier creates a natural filtering action that forms a sedimentation pool. These structures work with the natural flow in the river to build and repair pools and riffles. The restored habitats are good homes for all aquatic life, including Atlantic Salmon and Speckled Trout.

# Trail

**BEDFORD**

**SACKVILLE**

**Fultz House**  
The Fultz House is a fine example of early 19th-century architecture. It is a two-story house with a gambrel roof and a central chimney. The house is located on the east side of the Sackville River. It is a fine example of early 19th-century architecture. It is a two-story house with a gambrel roof and a central chimney. The house is located on the east side of the Sackville River.



**Beaige Park**  
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**Scott Manor House**  
The Scott Manor House is a fine example of early 19th-century architecture. It is a two-story house with a gambrel roof and a central chimney. The house is located on the east side of the Sackville River. It is a fine example of early 19th-century architecture. It is a two-story house with a gambrel roof and a central chimney. The house is located on the east side of the Sackville River.

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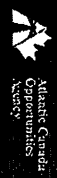


FUNDING PARTNERS:

NOVA SCOTIA  
Health Promotion  
and Protection

HAIFAX  
REGIONAL MUNICIPALITY

OHB  
OFFICE OF HERITAGE AND CULTURE



Atlantic Coastal  
Opportunities  
Agency of  
the Canadian Atlantic  
Canada

# PROPOSED SIGN FACE

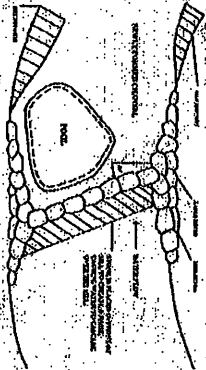
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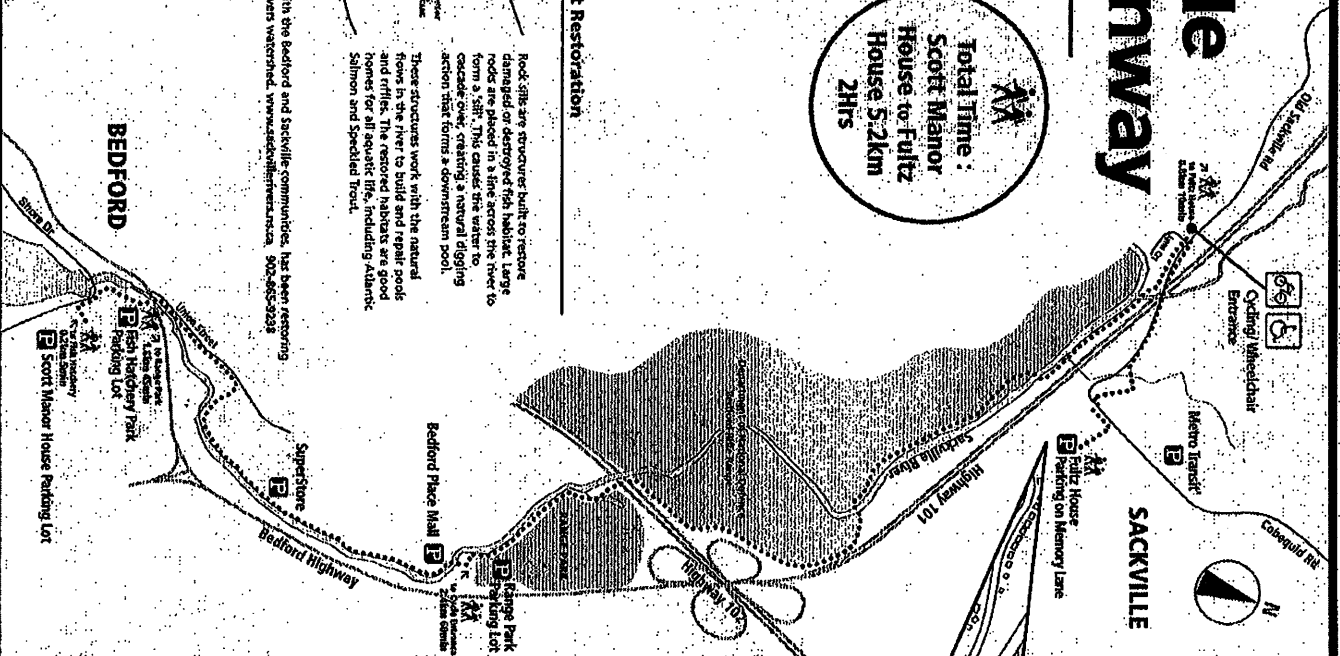
**Total Time:**  
Scott Manor  
House to Fultz  
House: 5.2km  
2Hrs

### Aquatic Habitat Restoration



Pool will be constructed to restore damaged or destroyed fish habitat. Large rocks are placed in a line across the river to form a spill. This causes the water to cascade over, creating a natural digging action that forms a downstream pool.

Since the 1980's the Sackville Rivers Association, with the Bedford and Sackville communities, has been restoring and maintaining the health of the Sackville rivers watershed. [www.sackvillerivers.ca](http://www.sackvillerivers.ca), 902-465-9238



**Fultz House**  
This little house is famous for being the site of the first meeting of the Sackville Rivers Association. It is a historic site and is open to the public. The house is located at the corner of Bedford Highway and Highway 101. It is a small, one-story house with a gabled roof. The house is surrounded by a large lawn and trees. The house is a good example of early 20th-century architecture.

Explore nature trails and see the Fultz House and the ponds at Memorial Park.

**Range Park**  
This is a beautiful park with a large lake and a playground. It is a great place to spend a day with the family. The park is located on the north side of Bedford Highway. It has a large lake with a sandy beach. There is a playground with many different slides and swings. There are also many trees and walking paths. The park is a great place to relax and enjoy nature.

**Scott Manor House**  
This is a beautiful historic house with a large garden. It is a great place to visit and see the history of the area. The house is located at the corner of Bedford Highway and Highway 101. It is a large, two-story house with a gabled roof. The house is surrounded by a large lawn and trees. The house is a good example of early 20th-century architecture.

A PROJECT OF THE SACKVILLE RIVERS ASSOCIATION



FUNDING PARTNERS:

NOVASCOTIA  
Health Promotion and Protection

HALIFAX  
REGIONAL MUNICIPALITY

CHHB

Atlantic Canada Opportunities Agency

Agence de Promotion économique du Canada atlantique  
Canada