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Item No. 11.1.2
Halifax Regional Council
October 28, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: September 19, 2014

SUBJECT: Grant of Easements - Chain of Lakes Trail Project

ORIGIN

On July 30, 2013, Regional Council approved a motion to endorse the use of the Chain of Lake Trail as the preferred corridor for a wastewater conveyance system from Lakeside Park Drive to the Trail's termination on Joseph Howe Drive.

LEGISLATIVE AUTHORITY

HRM Charter Section 61(5). Powers of Municipality regarding property The Municipality may (a) acquire property, including property outside the Municipality, that the Municipality requires for its purposes or for the use of the public; (b) sell property at market value when the property is no longer required for the purposes of the Municipality; (c) lease property owned by the Municipality at market value; (d) sell deeds for cemetery lots and certificates of perpetual care.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize the Mayor and Municipal Clerk to enter into an easement agreement with the Halifax Regional Water Commission inclusive of a freshwater water main, to be installed alongside the wastewater main, on the section of the trail from Ashburn Golf Club driveway, to the intersection of Highway 102 and Joseph Howe Drive; and
2. Authorize the Mayor and Municipal Clerk to enter into an easement agreement with the Halifax Regional Water Commission for a section of fencing along the trail abutting First and Second Chain Lakes.

BACKGROUND

On July 30, 2013, Regional Council approved a motion to endorse the use of the Chain of Lake Trail as the preferred corridor for a wastewater conveyance system from Lakeside Park Drive to the Trail's termination on Joseph Howe Drive.

The report refers to the infrastructure as a 'wastewater conveyance system' and a 'sewer system', and did not mention a fresh water component to the project. Nor was there any mention of proposed fencing in the original report.

DISCUSSION

Watermain Easement

When Council endorsed the use of the Chain of Lakes Trail by Halifax Water as the preferred corridor it was for a "wastewater conveyance system", and was understood that it was to redirect wastewater flow from the Beechville Lakeside Timberlea Wastewater Treatment facility sewershed to the Halifax sewershed.

During the preparation of the required easement documentation, and review of detailed designs, it was discovered that it was Halifax Water's intent to install a watermain (fresh water) along the section of trail from the Ashburn Golf Course driveway to the intersection of Highway 102 and Joseph Howe Drive. This 110 metre (approx.) section of watermain was being placed alongside the wastewater main in the same trench. The reason for the new watermain was to replace an existing watermain that ran under the Ashburn driveway/Old Dutch Village Road alignment that needed to be replaced due to its age and condition.

The 'watermain' (fresh water) was not part of the presently approved 'wastewater conveyance system' and therefore, would require a separate easement document, or be included in the easement document for the wastewater main. Since the freshwater main is in the same trench and easement as the wastewater main, no further compensation will be required.

Fencing

At the meeting of May 13, 2014, Council passed a motion requesting the Mayor, in conjunction with HRM's Right-of-Way Engineer, write a letter to Halifax Water reiterating that the Lakeside Diversion Project must be implemented as presented and approved by Regional Council in July 2013 and, furthermore, any changes to the original plan must be presented and approved by appropriate HRM staff. (Agenda Item 11.6.1)

The fencing was not in the plans approved by Council in July 2013, nor was it presented to the general public in October 2013. It is neither considered a re-instatement (which Halifax Water is responsible for, as there is currently no fencing along this section of the trail) nor an improvement.

Staff met on site to review the matter and have agreed to the placement of 220 metres of six foot high chain link fence in the easement ROW on HRM property. This section of fence connects with the existing fence at Chain Lake Dam and proceeds north along the trail. Its primary purpose is to restrict informal recreational water access to First Lake. The fence will be constructed and maintained by Halifax Water at no cost to HRM.

The fence must be placed in the easement at this location because of physical restrictions. The elevated rail bed forms the lake shore of First Chain Lake and provides no environmentally acceptable alternative. As soon as physically possible, the fence will be routed away from the HRM property containing the easement and onto Halifax Water land, into the wooded area between the trail and the lake. Project staff

are not recommending Halifax Water be charged an additional easement fee for the placement of the fence (220m) on the HRM land, as it will be within the easement for the sewer pipe, and Halifax Water is already compensating HRM for the sewer pipe easement. The inclusion of the fencing within the existing easement at this location is requested by Halifax Water due to the significant additional cost of installing the fence off the easement in the wooded watershed area due to the challenging topography. The fence will be fully maintained by Halifax Water.

FINANCIAL IMPLICATIONS

None, as the freshwater main and fencing will be in the existing easement corridor.

COMMUNITY ENGAGEMENT

Stakeholder meetings with Chain of Lakes Trail Association and Beechville/Lakeside/Timberlea Trail Association, adjacent landowners, trail user groups and the public were held as part of the public review process for Halifax Water's Lakeside Diversion Project and served to highlight and identify enhancements and deficiencies with the Chain of Lakes AT Greenway.

The Lakeside Diversion Project including the reinstatement of the Chain of Lakes AT Greenway, involved the community during the planning and design phases, and continues to involve the community during the construction and implementation phases. Substantial efforts have been made to accommodate and respond to all questions and concerns from adjacent landowners over the entire 7.2 km of the construction route.

ENVIRONMENTAL IMPLICATIONS

Completion of this regional integrated utility corridor, including sewer and active transportation trail infrastructure, will have significant environmental implications for the west mainland portion of the Halifax Municipality. In addition to expanded land use planning densities associated with the Beechville/Lakeside/Timberlea watershed, the greenway will provide a high quality main spine corridor connection to Peninsula Halifax. This active transportation corridor will reduce automobile trips, reduce Greenhouse gas emissions and increase overall mobility and quality of life in western HRM. Greater residential densities, in association with improved mobility, will enhance environmental implications generally.

ALTERNATIVES

Regional Council may choose not to authorize the addition of the freshwater main and fencing to the easement. This is not recommended as the freshwater main is in need of replacement and this is an opportunity to do it now as opposed to later, which would be another disruption to area residents. With respect to the fencing, it provides environmental protection for the municipal water supply and has been diligently located.

ATTACHMENTS

Attachment 'A' – Plan of Freshwater Main
Attachment 'B' – Plan of Fencing

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> 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: Tom Crouse, Acquisition & Disposal Manager, Operations Support, 490-5931
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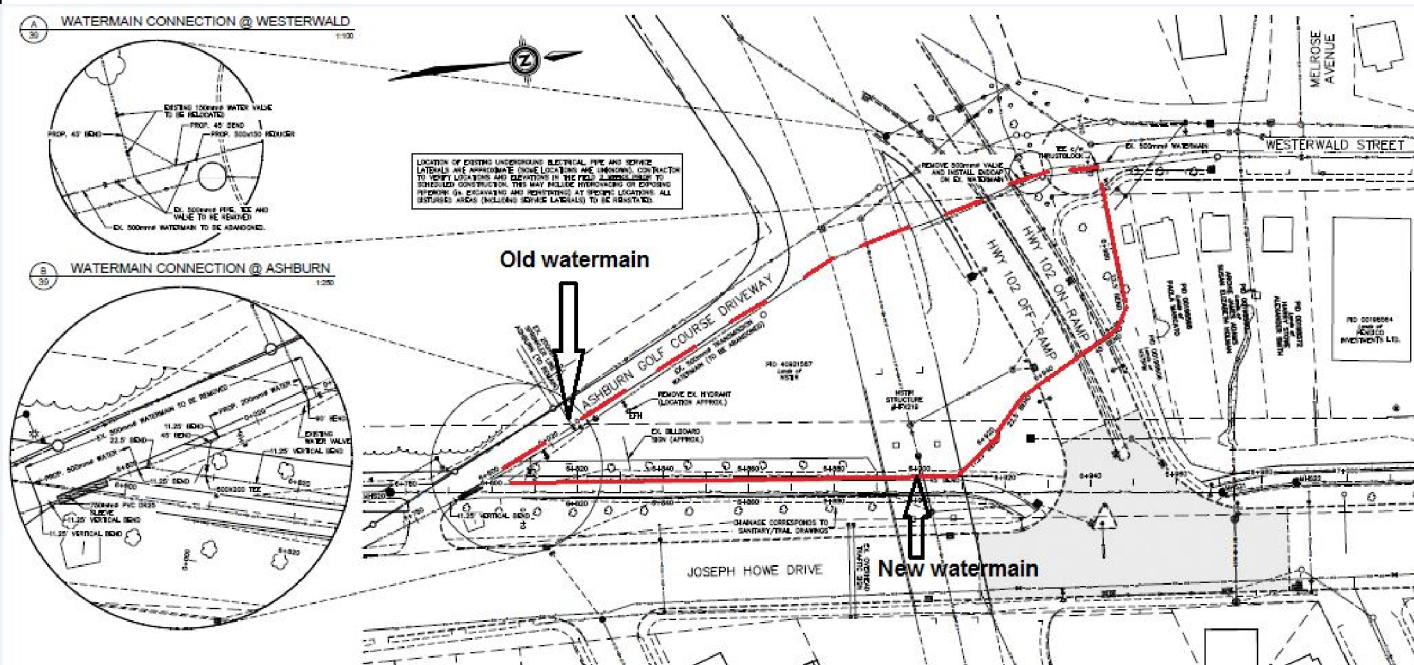
Report Approved by: _____
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Report Approved by: _____
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ATTACHMENT "A"

Grant of Easement - Chain of Lakes Trail Project

Plan of Freshwater Main



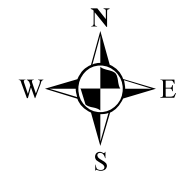
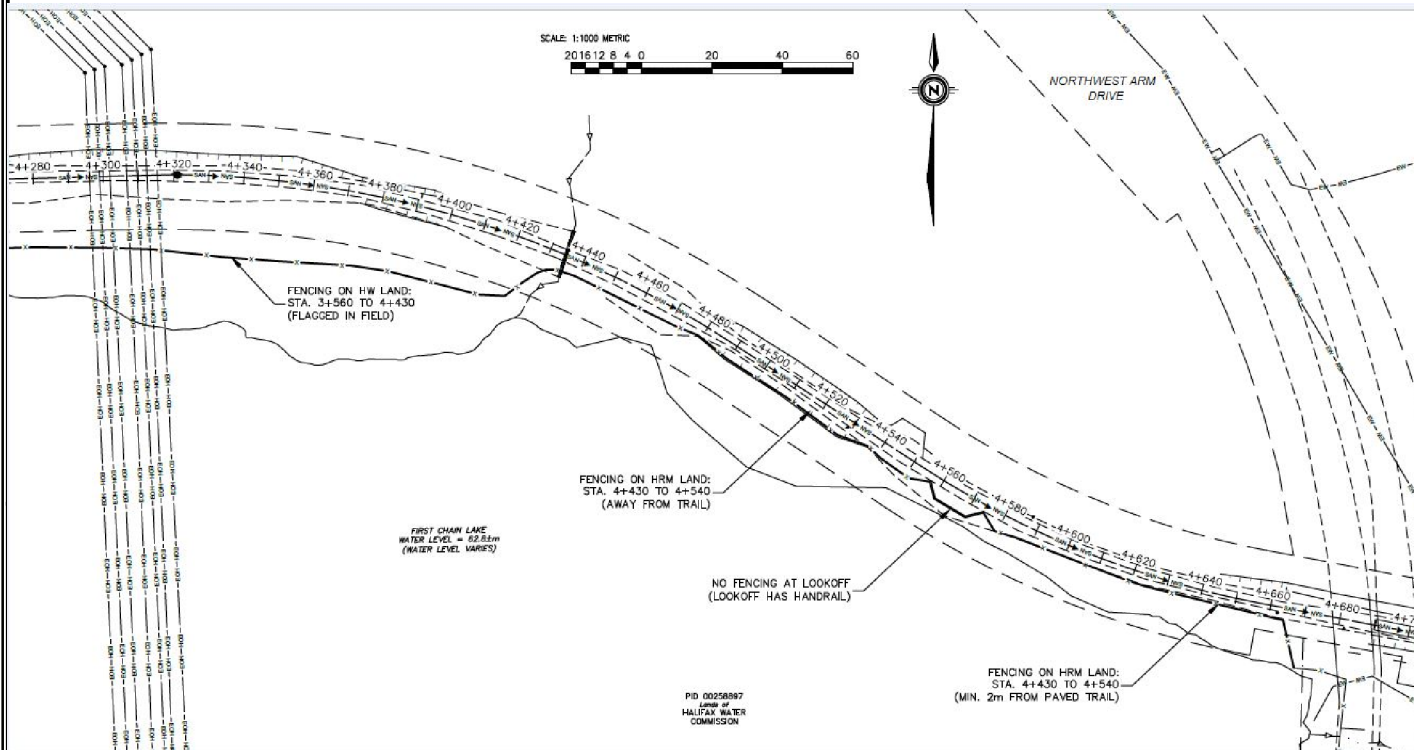
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Date: September 22, 2014
Prepared by: E. Wall

ATTACHMENT "B"

Grant of Easement - Chain of Lakes Trail Project

Plan of Fencing



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