

10.1.16



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

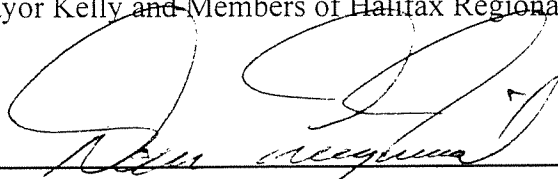
Halifax Regional Council

July 8, 2003

July 15, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Acting Chief Administrative Officer

DATE: July 2, 2003

SUBJECT: Kings Road (Private Road) Bridge - Wellington

ORIGIN

Residents living on Kings Road in Wellington have approached HRM Councillor Gary Hines and staff for assistance in financing a new bridge thereby allowing for the reestablishment of full service by Fire Services permitting the use of heavier fire fighting vehicles and equipment.

RECOMMENDATIONS

It is recommended that:

1. staff be directed to provide assistance to the residents for the construction of a one-lane bridge on Kings Road, a private road, such assistance not to exceed \$140,000,
2. the bridge be attached to land for which clear title has been acquired,
3. upon completion of the bridge, title and responsibility of the bridge be transferred to an official registered body created by the residents,
4. approve in principle and begin the formal process for the adoption of By-Law Number L-116, Respecting Charges to Provide for the Constructing of a One-Lane Bridge on Kings Road, a Private Road, Thereby Allowing for the Reestablishment of Full Fire Service, attached hereto and the assignment of Local Improvement Charges for full recovery of HRM's financial assistance.

BACKGROUND

Early in 2002, residents of Kings Road were advised that the single access bridge, which provides access to approximately 90 properties, had deteriorated to a point where Fire Services could no longer allow its heavier fire fighting vehicles and equipment to cross. This bridge crosses the Rawdon River which flows into Grand Lake. There are no readily available alternate access roads.

Fire Services met with residents and provided its best advice on how residents could, in the interim, protect against any loss from fire.

As a result, residents approached the HRM Councillor and staff requesting assistance.

DISCUSSION

Rationale

The Halifax Regional Municipality is not responsible for private roads. Therefore, under normal circumstances any request from residents for assistance would be denied until such time as Council has reviewed its existing policy, which allows for the assumption only after the road has been upgraded to the HRM standards at full cost to the abutters and ownership transferred to HRM.

The Private Roads Committee has made certain recommendations to Regional Council regarding the continued creation of new private roads. Regional Council is awaiting a staff report in this regard.

Due to the nature of the motivation around this particular request, the restoration of full fire services, staff reviewed the Municipal Government Act under the Fire Service section. Within that section, 296(2)(e) states that Council may (make):

“ Policies for fire departments and emergency service providers may include such other matters as are necessary and expedient for the provision of emergency services in the municipality.”

Staff consider the provision of fire services an essential one where all matters thereto are worthy of serious consideration.

This is a rather unique situation where a new bridge is required to reestablish full fire service. This is not to say that a similar situation may occur elsewhere within the HRM. If this does arise, that situation would be assessed on its own merits.

Estimated Costs

The total capital cost to construct a new bridge has been estimated at \$140,000. Removal of the existing bridge will result in temporary alternative arrangements for access. This bridge is over the Rawdon River which feeds into Grand Lake. Both the Province and Federal Departments of Environment will be involved.

Community Participation

On Monday, October 28, 2002, the Councillor for the area and staff meet with the residents at the Wellington Fire Hall. Although there was not a 100% representation of residents, there was a significant attendance. The history of cooperation on Kings Road has been somewhat checkered. What is worthy of notice at this meeting was the keen desire for any assistance that HRM could provide in addressing the fire service problem, hence the bridge.

As a result, the residents asked staff to issue a petition, a copy of which is attached.

Being a private road, there was some discussion with the owners of the road to which the bridge would attach and the compensation plan to these owners was included in the petition. The compensation plan exempted those properties from any charge and accordingly, are not shaded, in the attached map.

In addition, there has been discussions with the Residents Road Committee which has agreed to become a duly registered body to accept the bridge asset as well as the responsibility to maintain.

Petition Results

Based upon Eligible Properties
(excludes properties which would be exempt)

Question: Are you in favor of a new one-lane bridge?

Description	By One Reply Per Property
Affirmative Replies	50(61.0%)
Negative Replies	5 (6.1%)
Unreturned/ unmarked	27 (32.9%)
Total	82

Petition Results
Based upon Eligible Properties
(excludes properties which would be exempt)

Question: How are costs to be repaid?

Description	One Reply Per Property
By Assessment	7 (13.5%)
By Property	46 (82.7%)
No selection	2 (3.8%)
Total	55

Petition Results
Based upon Eligible Properties

Question: Should HRM take over the road?

Description	One Reply Per Property
Affirmative	33 (37.1%)
Negative	22 (24.7%)
Unreturned/ unmarked	34 (38.2%)
Total	89

Any takeover of a private road must comply with existing policy and is not being considered at this time. There is no compelling reason for HRM to pursue this road take over. Furthermore, as referred to earlier in this report, Council is awaiting a report from staff in respect to Private Roads.

Based upon the response it clearly shows that the residents prefer a per property charge. This charge is estimated at \$1707 per property for those owners who do not own a portion of the road to which the bridge must attach and \$0 for those properties identified by the owners of the road to which it would attach. The recommended By-Law Number L-116 incorporates this structure.

The costs associated with maintaining the structural integrity and the day- to-day maintenance costs of the bridge will be the responsibility of the Residents Road Committee.

BUDGET IMPLICATIONS

A property charge will be levied to recover the actual cost of the bridge installation. Therefore, the net cost to the Municipality will be zero and the costs to finance this undertaking will be borne directly by those being serviced.

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.

ALTERNATIVE

Council could reject the recommendation based upon the bridge being on a private road.

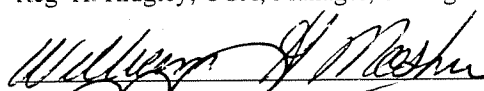
ATTACHMENTS

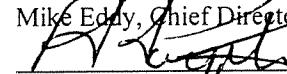
- 1) Map - Kings Road Bridge Service boundary.
- 2) Letter and petition to residents of June 2003.
- 3) By-Law Number L-116 Respecting Charges to Provide for the Constructing of a One-Lane Bridge on Kings Road, a Private Road, Thereby Allowing for the Reestablishment of Full Fire Service.

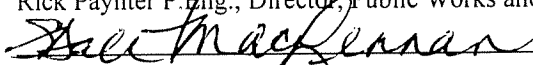
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

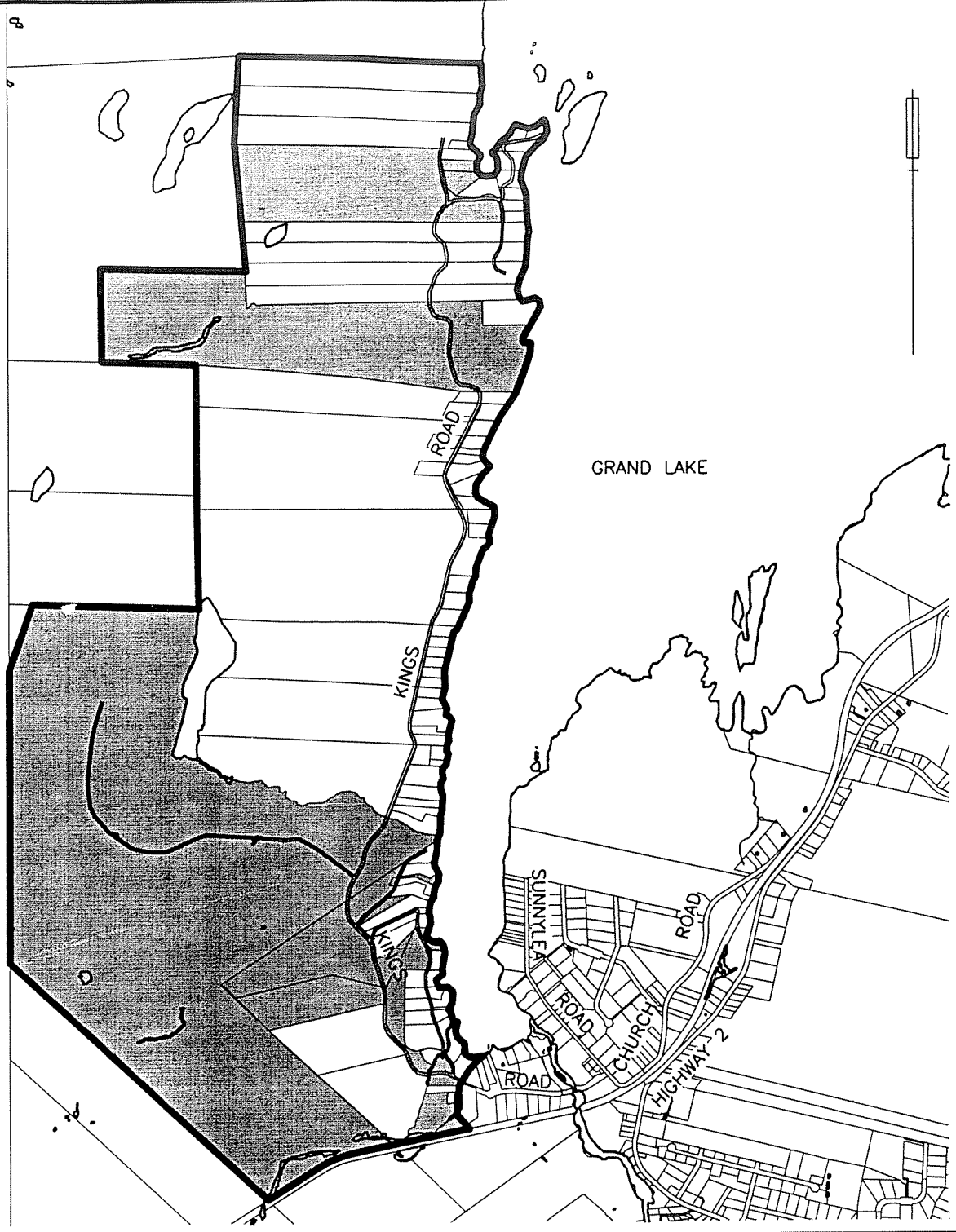
Report Prepared by: Reg H. Ridgley, CGA, Manager, Strategic Capital Project Support, 490-6475

Approved by :


Mike Eddy, Chief Director, Fire Services, 490-4238


Rick Paynter P.Eng., Director, Public Works and Transportation, 490-6855


Dale MacLennan, C.A., Director, Financial Services, 490-6308



**PLAN SHOWING
KINGS ROAD,
A PRIVATE ROAD, BYLAW L-116**

 PROPERTIES IDENTIFIED FOR LOCAL IMPROVEMENT CHARGES

DATE: JUNE 17, 2003

NTS

PLAN 1

To: All Residents of Kings Road Beyond First Bridge on Private Road

The general consensus to a well attended meeting on Monday, October 28, 2002 was positive to an offer by the Halifax Regional Municipality to assist in bridge construction.

It is staff's understanding that the residents agreed to the completion of a petition to obtain a preferred direction. The first communication advised of an estimated rate of \$0.1281 per \$100 of assessment for ten years. This was based upon an estimated cost of \$100,000.

In order to provide an estimated total cost, based upon conservative assumptions to the estimated cost of the bridge structure, a further amount of \$20,000 for environmental assistance and \$20,000 for other costs that may arise during actual construction, has been added for an estimated total of \$140,000.

Based upon the total estimated cost of \$140,000, an estimated charge of \$0.2171 per \$100 of assessment for ten years would be required. The interest rate charged would be 7.0%. The increase in the charge has arisen mainly as a result of the increased amount referred to above, the elimination of properties which do not require the bridge for access and the elimination of properties owned by those individuals who would grant permission, legally binding upon them, to allow attachment of the bridge to the road. The estimated cost for this permission is \$7,680.

At the October 28, 2002 meeting there appeared to be a keen desire to assess the costs on a per property basis. At an estimated cost of \$140,000 and with approximately 91 properties which require the bridge for access, the Crown owns 2 properties and the owners who have granted permission to attach the bridge to the road have 7 properties, leaving approximately 82 properties to which the charge would apply. This results in a per property charge estimated at \$ 1,707 which could be paid immediately or financed over ten years with interest at a rate of 7.0% . The charge can be paid at any time without penalty. The estimated cost for the permission to attach the bridge to the road is \$11,000.

An important component to any plan for assistance is the ability for the Halifax Regional Municipality to transfer the completed bridge to a registered body. To this end the Road Committee has agreed to pursue legal registration and is aware that any assistance contemplated by the HRM is contingent upon this registration and its entering into of a legal agreement with the HRM.

The window of opportunity to construct the bridge is very narrow being the period June 1 to September 30. Therefore an estimated time line to approve the project is as follows:

Report to Council:	June 17, 2003
First Reading of By-Law:	June 24, 2003
First Advertisement:	June 28, 2003
Second Advertisement:	July 5, 2003
Second Reading and Public Hearing:	July 15, 2003

This is a private road. Therefore it is very important that all residents reply. Please complete the attached response form and return it by mail before May 30, 2003. Any unreturned petitions will be considered a negative vote.

Please Note: Any plan contemplated must be approved by Halifax Regional Municipality Council.

Reg Ridgley
Manager, Strategic Capital
Project Support 490-6475

Rick Paynter, P.Eng.
Director, Public Works and
Transportation 490-4855

**KINGS ROAD PETITION
(A Private Road)**

**Please complete the following and return to Larry Mott, Design & Construction Services,
Halifax Regional Municipality, P. O. Box 1749, Halifax, NS B3J 3A5.**

1. Are you in favor of the construction of a new one lane bridge?
only) **Yes** **No**
(Circle one)

2. How should costs be repaid? **By Assessment** **By Property**
(Circle one only)

3. Are you in favor of the HRM taking over the complete road?
(Circle one only) **Yes** **No**
(Circle one only)

Name (Please Print)

Address (Please Print)

Signature/Signatures

Date

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER L- 116 RESPECTING CHARGES FOR LOCAL IMPROVEMENT PROJECTS

Be It Enacted by the Council for the Halifax Regional Municipality that By-Law L-100, the Local Improvement By-Law, be amended as follows:

1. Schedule "A" of By-Law L-100 is amended by adding the following:
 - (a) The project is a plan to provide for the constructing of a one-lane bridge on Kings Road, a private road, thereby allowing for the reestablishment of full fire service located within the boundaries identified on a plan entitled "Kings Road, a Private Road, By-Law L-116 dated June 17, 2003" as attached,
 - (b) The project will be funded by Local Improvement Charges based on the entire cost of the project,
 - (c) The Local Improvement Charge will be imposed at an interim rate of \$1707.00 per property for those identified in the attached plan,
 - (d) The interim Local Improvement Charge will be adjusted at the completion of the project, and will be calculated on the basis of the total actual cost of the project at the adjustment date.

Done and passed by Council this day of , 2003.

MAYOR

MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above noted By-Law was passed at a meeting of the Halifax Regional Council held on
2003.

Vi Carmichael, Municipal Clerk