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**North West Community Council**  
**October 25, 2012**

**TO:** Chair and Members of North West Community Council

**SUBMITTED BY:**

  
Ken Reashor, P.Eng., Director, Transportation and Public Works

**DATE:** August 30, 2012

**SUBJECT:** Private and Non-Accepted Streets in District 21

**INFORMATION REPORT**

**ORIGIN**

This report originates from the following motion passed during the August 9, 2012, North West Community Council meeting:

**MOVED** by Councillor Harvey, seconded by Councillor Johns that North West Community Council request a staff report outlining the definition of difference between “private” and “non-accepted”, a list of the roads in District 21, the reason(s) why they are private or non-accepted, and an overview of the process for converting them to “public” roads should their residents want to initiate this process. **MOTION PUT AND PASSED.**

## **BACKGROUND**

Roads can be categorized by type of ownership, and whether they are open to public use or not. In some cases there could be overlapping categories.

### **HRM Roads:**

These roads are owned, maintained and serviced by the municipality. Halifax Regional Municipality (HRM) has accepted ownership of them, whether by deed or established usage by predecessor municipality or through the acceptance of official street lines.

### **Non-Accepted Roads:**

Non-Accepted roads are "public", having been used and driven on by the public for many years. However, there appears to be no party claiming title to these roads even though some level of municipal funds have been expended over the years. These non-accepted roads have never been deeded to HRM and true title can be obscure. These roads generally do not meet HRM standards with some locations receiving limited services (i.e., snow/garbage removal and limited maintenance).

### **Private Roads:**

Private roads are roads that are owned and maintained by an individual, group, organization, association or company. Access to properties along these roads is generally by deeded or established right of way. Title to private roads can be traced to a particular party. Private roads are known to be not owned by HRM. These roads generally do not meet HRM standards with some locations receiving very limited services (i.e., snow removal).

## **DISCUSSION**

### **Non-accepted streets in District 21 as of August 30, 2012**

#### **List copied from HRM Street Maintenance Directory**

<b>Street Name ▲</b>	<b>Community</b>	<b>Owned By</b>	<b>Winter Maintenance</b>	<b>District</b>
Barrens St	Bedford	NA	CENTRAL 1	21
Smiths Rd	Bedford	NA	CENTRAL 1	21

Legend:

NA – Non Accepted

Generally speaking, non-accepted streets were constructed as narrow streets (some with widths

as narrow as 3.0 meters). The dimensions, and type and amount of construction material varies from street to street, and are substandard relative to today's requirements. Many cannot be constructed to the current standard widths due to physical constraints, thus making it impossible to widen to the current standard of 9.0 metres (for local streets), add new sidewalks, medians, curb, gutters and the standard cul-de-sac. As well, storm drainage systems vary from street to street with some areas having no system at all.

Some of the non-accepted streets are serviced with water and wastewater. Although a review has not been done at this time, Halifax Water has been maintaining water and wastewater systems in some of these streets. A thorough review is required to be more certain as to which of the non-accepted streets have water and wastewater, and which may require easements to provide Halifax Water with more certain authority with respect to operation and maintenance of these services.

Some non-accepted streets have storm water systems but many do not. The Transfer Agreement between HRM and Halifax Water transferred responsibility for storm water systems located within municipal rights-of-way to Halifax Water. Because non-accepted streets have no municipal right-of-way, the wording of the Transfer Agreement indicates that Halifax Water is not responsible for storm water systems in these streets.

Presently, the minimum maintenance standards for non-accepted streets are as follows: On gravel roads, service is limited to fall road base preparation for winter snow and ice control, and a road base clean up in the spring to repair any plowing damage from the previous winter. Other periodic maintenance is limited to spot repair of deep potholes that would jeopardize safe vehicular passage. On paved, microsealed or chip sealed roads, maintenance is limited to potholes and maintaining the surface treatment with either a micro, chipseal or slurry treatment through the budget process.

As a note, a number of these non-accepted streets were not constructed with roadside drainage systems, and therefore maintenance efforts are further challenged by recurring drainage concerns which contribute to further road base deterioration as well as complaints from abutters of road runoff onto adjacent properties.

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**Private streets in District 21 as of August 30, 2012**

**List from HRM Street Maintenance Directory**

<b>Street Name ▲</b>	<b>Community</b>	<b>Owned By</b>	<b>District</b>
Borden St	Bedford	PRIV	21
Cadogan St	Bedford	PRIV	21
Castlestone Dr	Bedford	PRIV	21
Dellridge Lane	Bedford	PRIV	21
Division St	Bedford	PRIV	21
Farmers Dairy Lane	Bedford	PRIV	21
Frederick St	Bedford	PRIV	21
Gem Lane	Bedford	PRIV	21
Granter Rd	Bedford	PRIV	21
Green Lane	Bedford	PRIV	21
Holiday Lane	Bedford	PRIV	21
John Gorham Lane	Bedford	PRIV	21
Kirkwood Crt	Bedford	PRIV	21
Lauder Way	Bedford	PRIV	21
Mary Fenton Crt	Bedford	PRIV	21
Mcquillan Lane	Bedford	PRIV	21
Peakview Way	Halifax	PRIV	21
Peruz Crt	Bedford	PRIV	21
Redden Crt	Bedford	PRIV	21
River Lane	Bedford	PRIV	21

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Sarty Lane	Bedford	PRIV	21
Utopia Lane	Bedford	PRIV	21
Waltham Lane	Bedford	PRIV	21
Wyatt Rd	Bedford	PRIV	21

Legend:

PRIV – Private

As with the non-accepted roads, in most cases, private roads are not constructed to the current HRM standard, and to upgrade to an acceptable municipal standard in many situations would be cost prohibitive.

**OPTIONS**

HRM does have a private road takeover policy (Attachment A1). This policy enables private road owner(s) to apply for municipal takeover. The owner(s) must upgrade the road to the municipal standard (at their cost) prior to consideration.

The private road takeover policy (Attachment A1) procedures could also be used for “converting” non-accepted streets to HRM accepted. However the applicant must confirm ownership of the road right-of-way prior to proceeding as per the requirements under the policy.

**BUDGET IMPLICATIONS**

There are no financial implications at this time.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

**COMMUNITY ENGAGEMENT**

Community Engagement was not deemed applicable as this report is only providing information to Community Council.


**ATTACHMENT**

**Halifax Regional Municipality Public Works and Transportation Services – Design &  
Construction Services Procedure for Acceptance of Private Streets**

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

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ND/pm

**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC WORKS AND TRANSPORTATION SERVICES -**  
**DESIGN & CONSTRUCTION SERVICES**  
**PROCEDURE FOR ACCEPTANCE OF PRIVATE STREETS**

**INTENT**

This procedure sets out the requirements for the Halifax Regional Municipality (HRM) to accept private streets (roads), into the Municipality's infrastructure system. A private street is defined as an existing right-of-way with or without planned development which has not been vested in, or accepted by HRM.

**INTRODUCTION**

HRM's public street system generally conforms to accepted design standards. These standards provide for a level of servicing, operational and maintenance requirements that are functionally cost-effective to HRM. For a private street to be accepted into the public street system, HRM requires that the street meets or can be upgraded to accepted HRM design standards. The accepted street then meets requirements for servicing (Public access, Fire, Police, Refuse Collection, Water and Emergency vehicles), operations (winter snow-clearing, storm run-off, sanitary sewer, etc.) and maintenance (roadbed, asphalt surfacing, utilities, trees, etc.)

**PROCEDURES FOR ACCEPTANCE**

- A
1. To qualify for consideration of acceptance, it must be demonstrated by the applicant that the street will meet the following basic design standards:
    - i) In areas with a piped storm drainage system: 50 ft. Right-of-Way width; 30 ft. wide paved travelled way, concrete curb & gutter on both sides, concrete sidewalk on one side and a piped storm drainage system.
    - ii) In areas without a piped storm drainage system: 66 ft. Right-of-Way width\*; 22 ft. wide paved travelled way - 5 foot shoulder, drainage ditches on both sides accommodating all existing and future ultimate storm flows.
  2. The applicant must also demonstrate that they are prepared to convey the entire right-of-way to HRM at no cost and that they will bear the full costs of any required upgrading.

**\*66 ft. Right-of-Way**

*A reduced width may be considered if the drainage study indicates smaller than standard drainage ditches can be accommodated.*





B. If the requirements of A) have been met, the application for street acceptance will be made by the abutting property owners defined as applicants on the "street". The costs of the application will be borne by the applicants. The application will consist of:

- a) A Petition, signed by 2/3 of the persons assessed as owners of lands butting or fronting on that part of the street.
- b) Engineering Drawings, if available.
- c) Estimate of cost to upgrade for acceptance, if available.

If the engineering drawings and cost to upgrade are not available, the applicant may request HRM for assistance in the preparation of the cost estimate.

Depending on the number of applications received and the availability of resources, HRM Design staff may provide some assistance in the determination of the feasibility of the required upgrading and cost estimates.

1 The petition for street acceptance by HRM must be signed by at least 2/3 of the persons assessed as owners of land abutting or fronting on that part of the street proposed to be accepted and representing at least one-half in value of the properties as the same are valued on the last assessment roll. For the purpose of the petition, the value of the property will be based on the average depth of building lot on the respective side of the existing right-of-way.

2 The engineering drawings will consist of:

- a) a survey plan and topographic plan; and,
- b) Engineering Plan & Layout

2.2 The survey plan of the existing right-of-way will be certified by a Nova Scotia Land Surveyor, and prepared in accordance with HRM's latest procedure on surveying and drafting. This plan will show all property boundaries (or a minimum depth of lot 200 feet from the edge of the existing right-of-way) and include as well, the following existing field conditions:

- a) buildings,
- b) large trees,
- c) wells,
- d) septic tank and fields,
- e) natural water courses, and,
- f) primary services.

The topographic plan will show the existing field elevations at a suitable contour scale, as well as spot elevations of basements, foundations, stream beds and pipe inverts.



- 2.3 Engineering Plan & Layout. An engineered plan and profile drawing, certified by a Professional Engineer in Nova Scotia, showing existing and proposed grades, drainage arrangements to cater for all storm flows and sufficient road geometry information, including a certification that proper stopping distance for all lots shall be prepared for HRM design staff to assess that the street meets all required design standards.
3. A cost estimate of the proposed upgrading with a breakdown of pay items and unit prices for the main components of the work.
- C. When the complete engineered application is submitted, staff will review the application and determine if the location, width, profile and estimated cost of the proposed street right-of-way and pavement structure are acceptable.
- D. Where a suitable design has been determined, staff will prepare a report to Council detailing the estimated cost of the project and the amount of any additional land required. Council will, at this time, be asked to approve an agreement with the property owners for the upgrading of the street.
- E. Once the agreement has been executed, betterment charge notices will be sent to all property owners on the street. The amount of assessment will be based on street frontage with the property owners being responsible for the total cost of the project.
- F. The betterment charges shall be paid in accordance with the HRM Local Improvement Bylaw Policy and until payment is complete, shall constitute a lien against the property in respect of which the charge is levied as provided for in the Local Improvement By-Law.
- G. a) At this stage, the entire right-of-way shall be deeded to HRM with all associated land, legal and other costs paid by the applicants.
- b) Once the entire right-of-way has been deeded to HRM, staff will prepare all necessary tender documents, call tenders and award the tender for the upgrading work.
- H. HRM staff will layout the roadway, supervise and inspect the contract during construction to assure all the work is completed as per HRM design standards.
- I. On the completion of the project, staff will recommend to Council that the street be accepted and charges to be levied.

September 18, 1997

Revised September 2000

