



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Halifax Regional Council**  
**June 22, 2004**

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

**SUBMITTED BY:**

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

Dan English, Acting Chief Administrative Officer

**DATE:** June 15, 2004

**SUBJECT:** **Proposed First Reading of By-Law S-415, An Amendment to By-Law S-400, Respecting Charges for Street Improvements, New Sidewalk Main Street - Dartmouth**

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**ORIGIN**

This report arises from the Regional Council Meeting of June 15th, 2004 and relating to an amendment proposed by Councillor Warshick to By-Law S-400, the Street Improvement Bylaw and applicable to proposed new concrete curbing and sidewalk for the south side of Main Street in Dartmouth between Ridgecrest Drive and Forest Hills Parkway.

**RECOMMENDATION**

It is staff's recommendation that LIC charges be applied to the new curb and sidewalk for the subject project and that the proposed By-Law amendment S-415 not be approved.

## BACKGROUND

In 1998, HRM received a comprehensive report from Beasy-Nicoll Engineering Ltd which outlined a series of phased improvements to that section of Main Street in Dartmouth between Ridgcrest Drive and the Salmon River Bridge. One phase of those recommended improvements included the upgrading of Main Street - Ridgcrest Drive to Forest Hills Parkway with funding included in the 2003 Traffic Improvements Budget. The scope of works encompassed the widening of Main Street to five lanes by the addition of a centre two-way left turn lane, extending the right turn lane approach to the Forest Hills Parkway and new concrete curbing and sidewalk along the south side of Main Street between Ridgcrest and Forest Hills Parkway. LIC charges for the new curb and sidewalk were to be applied in the normal manner at approved rates stipulated in By-Law S-400, the Street Improvement By-Law.

The project has been designed, tendered and is now awaiting award.

## DISCUSSION

During the course of the design of this project, questions were raised by both Councillors Warshick and Sarto regarding the LIC charges that would apply to the new concrete curb and sidewalk due to the unusual circumstances relating to this project. Main Street in this area actually divides Districts 6 and 7 and for District 6, the closest residential property is some considerable distance away and for District 7, the new sidewalk will abut the back of residential properties that have their frontage on Langdon Drive. For these reasons, both Councillors are questioning the fairness and applicability of the LIC charges - thus the reason for the proposed By-Law amendment as put forth by Councillor Warshick.

Councillor Sarto had also referenced a former City of Dartmouth By-Law or Policy that exempted LIC charges that back on streets where improvements are being undertaken and whose frontages were on another street. Staff has undertaken research in an attempt to identify the existence of such a By-Law or Policy. None was found and apparently any decision not to apply LIC charges was a staffing decision based on site specific circumstances.

**Should LIC charges apply to the subject project:** Staff has examined in detail the various Clauses in By-Law S-400 and as a result of that review, remain of the opinion that LIC charges should apply. This opinion is rendered in keeping with the manner in which we now universally apply the Street Improvement By-Law but specifically based on the premise that a new sidewalk in any location or neighborhood is indeed a tangible benefit to that area. There is one Clause - 3(b) that states "Where due to a physical barrier it is not practical to gain access from a property to a street on which a project is undertaken, the charge may be reduced to zero." A portion of the sidewalk in question is separated from the properties in District 7 by a low wet area and ditch. However, it is questionable whether or not that would be considered a sufficient enough physical barrier to bring into play the above-referenced Clause 3(b).

### **BUDGET IMPLICATIONS**

The LIC recovery for the new curb and sidewalk in question has been calculated at \$58,000 which would be a revenue recovery loss to HRM should these LIC charges be waived.

### **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**

For the reasons as mentioned in this report, no alternatives are recommended.

### **ATTACHMENT**

1. Proposed By-Law S-415, Respecting Charges for Street Improvements
2. Schedule "F"
3. Plan Showing Main Street Sidewalk

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: Rick Paynter, P.Eng., Director, Public Works & Transportation Services at 490-4855

**HALIFAX REGIONAL MUNICIPALITY**

**BY-LAW S-415**

**RESPECTING CHARGES FOR STREET IMPROVEMENTS**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that By-Law S-400 Respecting Charges for Street Improvements be amended as follows:

1. Section 2 of By-law S-400 is amended by adding immediately following subsection (7) thereof the following clause:
  - (7) Notwithstanding subsections (1), (2) and (3), a charge is hereby imposed on those areas listed in Schedule "F" attached hereto, as is more particularly set out in that Schedule.

## SCHEDULE "F"

- (1) The Local Improvement Charge for properties fronting or abutting in whole or in part along the portion of Main Street, Dartmouth as identified on the "Plan Showing Main Street, Plan No.1, dated June 16, 2004" attached hereto, shall be *reduced to zero.*

FOREST HILLS EXT.

C/M/C  
575

*Irving*  
STREET

18

C/M/C  
575

DRIVE

GOLF VIEW DRIVE

C/M/C  
575

C/M/C  
509

C/M/C  
501

MAIN STREET

19

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23

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25

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LANGDON DRIVE

RIDGECREST DRIVE

PLAN SHOWING  
MAIN STREET  
NEW SIDEWALK



PROPOSED SIDEWALK

DATE: MAY 4, 2004

NTS

PLAN 1