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Halifax Regional Council
October 31, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: October 30, 2006

SUBJECT: Construction Agreement for Paving of O'Connell Drive - East Region;
Construction Agreement No. 2006-022

ORIGIN

This report originates from staff.

RECOMMENDATIONS

It is recommended by staff:

1. that His Worship the Mayor and the Municipal Clerk be authorized, by resolution of Regional Council, to sign on behalf of Halifax Regional Municipality, Construction Agreement No. 2006-022 between HRM and the Nova Scotia Department of Transportation and Public Works (NSDOT&PW) to pave O'Connell Drive - East Region, as outlined in the Discussion section of this report;
2. to increase the Approved 2006/07 Capital Budget in Account No. CXU00715, New Paving of Subdivision Streets Inside the Core Area in the amount of \$230,000 to cover the costs for the paving of the HRM owned portion of O'Connell Drive (from school entrance to end) with no net cost to HRM as per Budget Implications section of this report.

BACKGROUND

Each year HRM submits a prioritized list of gravel streets outside the core area to the NSDOT&PW for cost sharing for paving under the Aid-to-Municipalities Program. The Provincially owned portion of O'Connell Drive (Trunk 7 to the school entrance) was a local gravel road and not included on this list; however, the paving of O'Connell Drive was included in a recent Provincial tender and the paving has been completed.

The HRM owned portion of O'Connell Drive is a local gravel road and is approximately 630 m in length from the school entrance to the end. At the Halifax Regional Council meeting of October 24, 2006, the following motion (item 11.2) was passed.

"It is recommended that Council:

1. extend the limits of paving on O'Connell Drive to include the HRM owned portion from the school entrance to the end;
2. include the paving of O'Connell Drive (Trunk 7 to the end) in the proposed 2007/08 Aid-to-Municipalities Program;
3. waive the right to petition;
4. approve the recovery of Local Improvement Charges for the new paving of O'Connell Drive by levy of frontage charges."

DISCUSSION

On October 30, 2006, HRM received the proposed Construction Agreement No. 2006-022 from the NSDOT&PW, which provides for the Province to pave O'Connell Drive from the school entrance to the end and to recover 100% of the costs from HRM at an estimated total cost of \$230,000.

O'Connell Drive was not successfully petitioned; however, Councillor Hendsbee has requested that the right to petition be waived in order to allow the paving to proceed.

The installation of new paving is subject to Local Improvement Charges (LIC). On April 25, 2006, Halifax Regional Council approved a blended actual costs approach in determining the rate of Local Improvement Charges. The LIC rate will be calculated based on all inside the core HRM new paving tenders once the work has been completed and the final costs determined.

BUDGET IMPLICATIONS

There will be an increase to the Approved 2006/07 Capital Budget in Account No. CXU00715, New Paving of Subdivision Streets Inside the Core Area at an estimated amount of \$230,000. Upon further review of recommendation no. 2 (under the Background section of this report), the paving work is being completed in 2006 provided Council approve the construction agreement. As well, this portion of road is owned by HRM; therefore, staff recommend the funding be covered under this account.

There is no net cost to HRM since 100% of the \$230,000 cost will be recovered on the entire length of O'Connell Drive (from Trunk 7 to the end) through the blended actual costs approach.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation. If approved this project will increase the Capital budget for 2006/07.

ALTERNATIVES

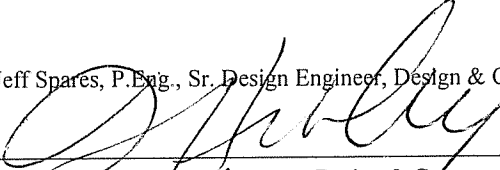
Council could choose not to approve the construction agreement. If this occurs the portion of O'Connell Drive that is owned by HRM will remain unpaved. Staff do not recommend this alternative.

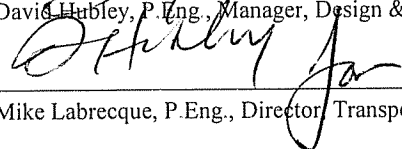
ATTACHMENTS

- Construction Agreement No. 2006-022 (copy)
- Resolution of Council (copy)
- Map of O'Connell Drive

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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: Jeff Spares, P.Eng., Sr. Design Engineer, Design & Construction Services at 490-6820

Business Unit Review: 
David Hubley, P.Eng., Manager, Design & Construction Services at 490-4845

Report Approved by: 
Mike Labrecque, P.Eng., Director, Transportation and Public Works at 490-4855

Financial Review: Kathy Smith
Kathy Smith, Financial Consultant at 490-6153

Report Approved by: Catherine Sanderson
Catherine Sanderson, Senior Manager, Financial Services at 490-1562



NOVA SCOTIA
**Transportation and
Public Works**

CONSTRUCTION AGREEMENT NO. 2006-022

THIS AGREEMENT made this 30th day of October A.D., 2006.

BETWEEN: THE HONOURABLE ANGUS MacISAAC, as Minister of Transportation and Public Works for the Province of Nova Scotia, hereinafter called the "Minister",
OF THE ONE PART

-and-

The HALIFAX REGIONAL MUNICIPALITY, a body corporate, hereinafter called the "Municipality".

OF THE OTHER PART

WHEREAS the Municipality has requested that the Minister pave certain streets owned by the Municipality;

AND WHEREAS the Minister is paving certain streets owned by the Province in the area of the streets owned by the Municipality;

NOW THIS AGREEMENT WITNESSETH that in consideration of covenants, promises and agreements herein contained to be by them observed, performed and paid, the parties mutually agree as follows:

1. INTERPRETATION:

In this Agreement, "Paving" means the work of completion of grading, gravelling and asphalt concrete paving of the streets listed below and shall also include pre-engineering, and/or design costs, on site engineering supervision and inspection and incidental costs from the edge of the existing paved roadway to the limit of the right of way.

2. CONSTRUCTION:

a) The Minister agrees to carry out work on the following streets in the Municipality:

<u>Name</u>	<u>Length</u>	<u>Cost</u>
O'Connell Drive	630 m	\$230,000

The work consists of grading, gravelling, and asphalt concrete paving. The work is estimated to cost \$ 230,000 and will be fully paid for by the Municipality.

b) The Municipality shall acquire at its own expense all land required for the construction of the streets and shall bear the cost of any and all land claims for damage or alterations to property or otherwise arising out of or connected with the construction of the streets.

d) The Municipality shall pay to the Minister within 60 days of submission of accounts, one hundred percent (100%) of the cost of all construction completed in accordance with the provisions.

IN WITNESS WHEREOF the Minister has hereunto subscribed his hand and affixed his seal and the Municipality has set and affixed its corporate seal authenticated by the signatures of the Mayor and the Municipal Clerk hereunto duly authorized.

SIGNED, SEALED AND DELIVERED

in the presence of

Witness

Minister of Transportation & Public Works
Province of Nova Scotia

Witness

Mayor

Witness

Municipal Clerk

RESOLUTION OF COUNCIL

The following Resolution was passed at a meeting of the Council of the Halifax Regional Municipality of on the ____ day of _____ A.D., 2006.

Moved by

Seconded by

"That the Mayor and myself be authorized to sign Construction Agreement No.2006-022 for the paving of the following street owned by Halifax Regional Municipality :

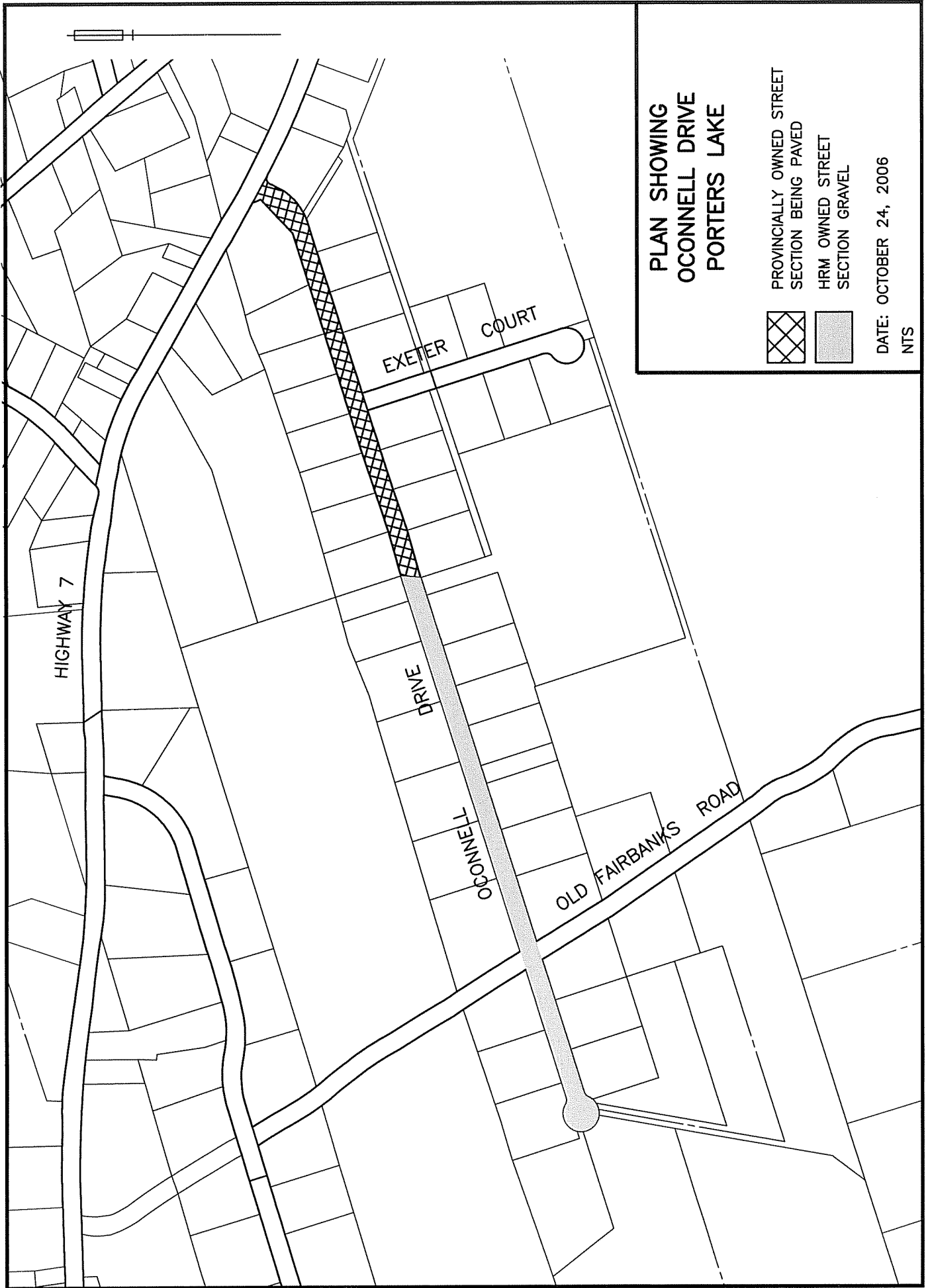
O'Connell Drive

dated the 30th day of October A.D., 2006."



Motion Carried.

I certify that the above Resolution was passed at a duly called meeting of the Halifax Regional Municipal Council on _____ A.D., 2006.

Municipal Clerk



**PLAN SHOWING
O'CONNELL DRIVE
PORTERS LAKE**

-  PROVINCIALY OWNED STREET SECTION BEING PAVED
-  HRM OWNED STREET SECTION GRAVEL

DATE: OCTOBER 24, 2006
NTS