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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
September 4, 2007

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, Chief Administrative Officer

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

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: August 20, 2007

SUBJECT: Edith Hope Estates, Boscobel Road

ORIGIN

Subdivision application for the lands of Edith Hope Estates, Boscobel Road (PID 00271692)

RECOMMENDATION

It is recommended that Regional Council authorize staff to pay the owner of the property (PID 0027162) \$92,070 (net HST included) to satisfy the terms of the agreement attached as Schedule A. Funding to be provided as per the Budget Implications section of this report.

BACKGROUND

In 1989, the former City of Halifax installed sanitary sewer service along Purcell's Cove Road. As part of the work, a sanitary sewer lateral was installed to all lots. The lands of Edith Hope Estate fronted the portion of Purcell's Cove Road which received services. Local Improvement Charges were collected from the lands for the installation of the services.

Due to the fact the lands in question were proposed to be subdivided at the time but a lot layout had not been determined and the fact that there was a large wetland over the property, the City of Halifax agreed to not install the services for these lands at the time of the work, but rather, committed to installation of the services at the time of subdivision. This commitment was valid for a 20 year period. A subdivision application has been received for these lands and the applicant has requested fulfilment of this commitment.

DISCUSSION

The subdivision application consists of nine proposed lots. Due to topographical constraints and the wetland on the lots adjacent to Purcell's Cove Road frontage, the applicant proposes to service the lots from a new main rather than directly from Purcell's Cove Road. Staff have reviewed the application and agree that it is a preferred design as it will reduce construction on Purcell's Cove Road and limit impact on the wetland. This new design incorporates all infrastructure in a compact arrangement.

This compact design was not considered in 1989, when the agreement was struck. Therefore, the original intention had been to install the laterals directly from Purcell's Cove Road. With the new design, it is appropriate for all services to be installed at one time and by one contractor. Therefore, staff recommend providing the developer with the equivalent value of the installation of the laterals rather than HRM installing them.

Staff have determined the equivalent cost for the installation of nine laterals would be \$92,070 inclusive of HST. This cost was determined using HRM average unit costs for tender projects and the site conditions.

This proposal is beneficial to HRM in that the developer would be responsible for any cost overruns associated with the installation of the laterals. With construction costs continually increasing, there is risk the actual cost to install the laterals may be more than the estimate.

BUDGET IMPLICATIONS

The payment of \$92,070 is to be funded from the balance sheet account 2089 - a general provision account used to recognize any prior year obligation or benefit. There are outstanding taxes associated with this property which increase daily. The payment will be reduced by the amount of outstanding taxes accrued at the time of issuance.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation. This report does not comply with HRM's Approved Operating Budget and therefore, if approved, will increase the 2007/08 Approved Operating Budget.

ALTERNATIVES

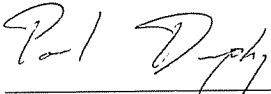
1. Council could approve the recommendation. This is the recommended course of action for the reasons outlined in the discussion section of this report.
2. Council could deny the recommendation. This is not recommended as HRM would then be responsible to install the laterals. In this case, HRM would be responsible for all construction and reinstatement costs which may more expensive.


ATTACHMENTS

Schedule A: 1989 Agreement: Edith Hope Estates

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: Denise Schofield, P.Eng, A/Manager, Development Engineering, 490-6252

Report Approved by: 
Paul Dunphy, Director, Community Development

Financial Approval by: 
Cathie O'Toole, CGA - A/Director of Finance 490- 6308

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P.O. Box 1749
HALIFAX, NOVA SCOTIA
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Registered Mail

18 July 1989

Mr. M.G. Oddy, Trust Officer
Canada Trust
1718 Argyle Street
P.O. Box 340
Halifax, Nova Scotia

Dear Mr. Oddy:

Re: Edith Hope Estate/436-73876

This is in reply to your letter of 14 June 1989 addressed to Mr. A. Weinert, Project Manager, Purcell's Cove Road, water and sewer project, regarding the deferral of installation of sewer and water lateral to your client's property.

Please consider this letter as an undertaking on behalf of the City, that the City shall install sewer and water service laterals from the mains to the street line at a later time, if and when your client is ready to subdivide and develop the residential lots along Purcell's Cove Road. These laterals will be installed at every 50 - 60 feet for each lot, with the number of lots created depending upon the proposed lot frontage at the time of subdivision. However, the maximum number shall be limited to 15 single family lots.

This undertaking is only applicable to single family lots fronting the Purcell's Cove Road, and covers the installation of a 5" dia. sanitary lateral and a 3/4" water service from the main lines in the street to the property boundary for each lot. Should there be a zoning change in the future, which may require larger size services or street rider mains (both water and sewer), the owner of the property shall be responsible for the installation of larger size services and/or rider mains to satisfy the needs for such changes.

The undertaking does not cover the costs of any applicable permit fees for both water and sewer services and a \$200 capital contribution for each water service required by the Halifax Water Commission. The property owner shall be responsible for all permit fees, and a capital contribution required by the Halifax Water Commission in the future.

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It should be noted that this undertaking is only valid for a period of 20 years from the date of billing of the local improvement charges for the frontage served by the current project. If for any reason your client is unable to develop the lots before or prior to the expiry of this 20 year period, the City shall no longer be responsible for the installation of required sewer laterals.

This undertaking is transferable to the new owners of the property should your client decide to sell and not to develop.

Trusting the above is satisfactory and acceptable.

If so, would you please confirm by signing one copy of this letter and return it to the undersigned.

Yours very truly,

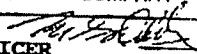

P.A. SULLIVAN, P.ENG.,
CHIEF ENGINEER

IST/krr

We have carefully read the above and agree to the conditions as outlined.


WITNESS

THE CANADA TRUST COMPANY

M.G. ODDY 
TRUST OFFICER

TRUST OFFICER

DATE

July 25, 1989

cc K. Szeto, P.Eng., Chief Engineer
Halifax Water Commission