



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.1.4

**Halifax Regional Council
December 11, 2007**

TO: Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in cursive script, likely belonging to Dan English.

SUBMITTED BY:

Dan English, Chief Administrative Officer

A handwritten signature in cursive script, likely belonging to Wayne Anstey.

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: November 26, 2007

SUBJECT: Request for Permanent Encroachment - Dead End at Kenwood Drive

ORIGIN

Request for encroachment on public right of way on Kenwood Drive.

RECOMMENDATION

It is recommended that Halifax Regional Council **approve** the application for permanent encroachment of a retaining wall with railing on Kenwood Drive, and to formalize this approval with an encroachment agreement with the owner.

BACKGROUND

As part of a recent property improvement project, modifications were made to the parking lot at an apartment building located at 30 Springhill Drive in Dartmouth. The modifications included the construction of two retaining walls (completed June 7, 2007) at the back of the property, facing Kenwood Drive. Both walls and a gravel path encroach on HRM right of way on Kenwood Drive. All work was performed without the required Streets and Services permits from HRM Right of Way.

DISCUSSION

Copies of the site plan and photos showing the two encroaching walls are attached. The wall which runs parallel to Kenwood Drive encroaches into the HRM right of way by approximately 4 metres (13 feet), and parallels the street for approximately 9.2 metres (30 feet), and is approximately 1.5 metres (5 feet) tall (see photo #1). This wall is a relatively large encroachment, and staff has many concerns with this wall including safety, winter snow removal, and future maintenance. Staff has already directed the property owner to remove this wall, and removal commenced in late November 2007.

The gravel path is located between the two walls (see photo #2). This path is steep and not hard surfaced. The gravel once on the path is currently washing out onto Kenwood Drive. Due to a concern about the safety and future maintenance of this path, staff has also requested this path be removed. Removal of the path is being executed concurrent to the removal of the above-mentioned wall.

The wall located at the end of Kenwood Drive, behind the guardrail, is also encroaching (see photo #3). This wall is not as tall as the above-mentioned wall, and the encroachment is much less severe. Also noteworthy, the wall is located behind an existing HRM guard rail. The encroaching wall should not interfere with Municipal operations at this location. In staff's view, this wall encroachment is acceptable with one condition - a railing be installed on the edge of the wall to address safety concerns. This railing shall be installed by the owner and at the owner's cost, and shall comply with the Municipal Service Systems Standard Detail "Railing", Figure No. MISC.05500.03.

BUDGET IMPLICATIONS

If approved, the applicant is required to pay a one-time licence fee of \$125.00 and an annual encroachment fee of approximately \$50.00.

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.

ALTERNATIVES

Council could choose to deny the Encroachment Agreement.

ATTACHMENTS

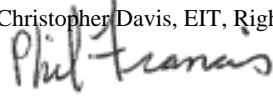
SLC No. 65207 - Survey Plan for DD 30 Springhill Ltd.

MISC.05500.03 - Standard Detail Railing

Site Photos (3)

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.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: Christopher Davis, EIT, Right of Way Engineer, 490-7462



Report Approved by:

Phil Francis, P.Eng., Manager, Right of Way, 490-6219



Report Approved by:

Ken Reashor, P.Eng., Manager, Traffic & Right of Way, 490-6637



Report Approved by:

Catherine Santer, Senior Manager, Financial Services, 490-1562



Report Approved by:

Mike Labrecque, P.Eng., Director, Transportation & Public Works, 490-4855

Photo # 1

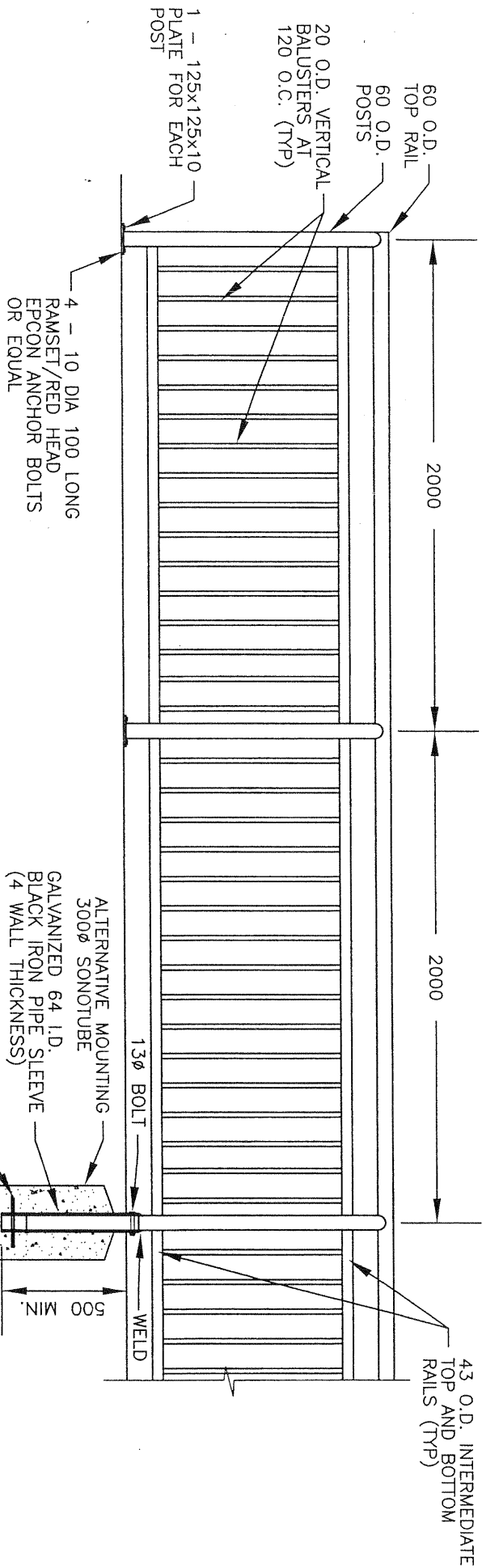


Photo #2

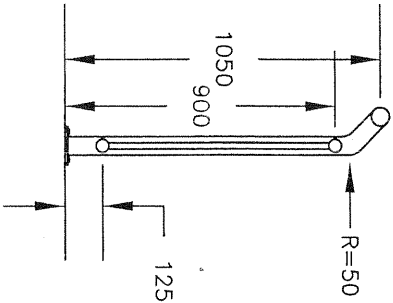


Photo #3





FRONT VIEW



SIDE VIEW

NOTE: RAILING SYSTEM TO BE HOT DIPPED GALVANIZED AFTER FABRICATION, FIELD WELDS, IF NECESSARY SHALL BE PROTECTED WITH COLD GALVANIZING.

HALIFAX
REGIONAL MUNICIPALITY
TRANSPORTATION AND PUBLIC WORKS
STANDARD DETAIL

RAILING

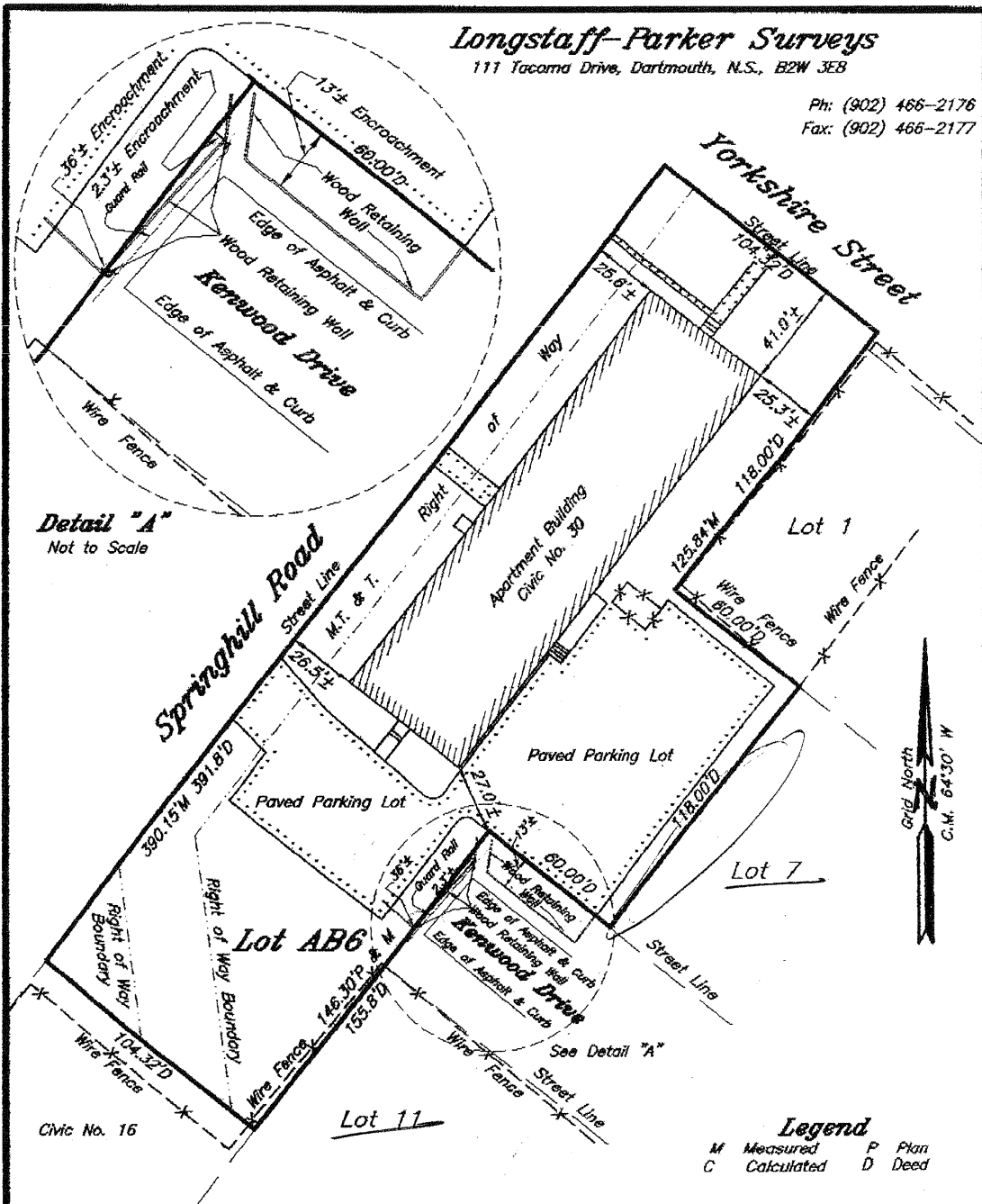
DATE: MAY 2005	REFERENCE	APPROVED
SCALE: NTS		FIG. NO. MSC.05500.03

Longstaff-Parker Surveys

111 Tacoma Drive, Dartmouth, N.S., B2W 3E8

Ph: (902) 466-2176

Fax: (902) 466-2177



Certified To: DD. 30 Springhill Ltd.

Plan Reference: Plan of Survey showing G.M.N. Construction Limited prepared by K.W. Robb & Associates Ltd., dated December 5, 1971.

RE: Location of Apartment Building constructed on Lot AB6
30 Springhill Road & Encroachments on Kenwood Drive,
Dartmouth, Nova Scotia.

To assure accuracy and original copies
this plan must bear an embossed stamp
by Frank Longstaff, N.S.L.S., #279

Surveyor's Location Certificate

I, Frank Longstaff, Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with Part VII of the Nova Scotia Land Surveyor's regulations made pursuant to Section 8 of the Land Surveyor's Act.

Dated: 2nd October, 2007 Date(s) of Field Survey: 19th September, 2007

Frank Longstaff, N.S.L.S.

Scale: 1 in = 50 ft. Dwg No.: 2007-113

This Surveyor's Location Certificate must not be used for boundary definition or as a reference document for the preparation of legal descriptions.

This plan is not a boundary survey and is not suitable for construction layouts, the location of boundaries, or, the determination of limits or status of title.

SLC No. 65207