



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.7

Halifax Regional Council
December 9, 2008
January 20, 2009

TO: Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in dark ink, appearing to read "Dan English".

SUBMITTED BY:

Dan English, Chief Administrative Officer

A handwritten signature in dark ink, appearing to read "Wayne Anstey".

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: November 18, 2008

SUBJECT: **By-Law S-426, An Amendment To By-Law S-400, Respecting Charges For Street Improvements, New Paving Projects Outside the Core Area - 2007**

ORIGIN

This report originates from staff.

RECOMMENDATION

It is recommended that Council approve in principle By-Law S-426, an amendment to By-Law S-400, Respecting Charges for Street Improvements, New Paving Projects Outside the Core Area, in order to provide the funding necessary to recover HRM's share of the Aid-to-Municipalities Program with the Nova Scotia Department of Transportation and Infrastructure Renewal in the amount of \$600,802.36 (net HST included), and begin the formal process for the adoption of the By-Law.

BACKGROUND

Each year, HRM submits a prioritized list of gravel roads outside the core area to the Nova Scotia Department of Transportation and Infrastructure Renewal (NSDTIR) for consideration of paving under the Aid-to-Municipalities Program. The New Paving Projects of Subdivision Streets Outside the Core Area - 2007 were approved by Council in the 2007/08 Capital Budget. These projects are subject to Local Improvement Charges (LIC's).

Halifax Regional Municipality received an invoice from Nova Scotia Department of Transportation and Infrastructure Renewal on March 26, 2008 and payment of \$600,802.36 (net HST included) was made.

DISCUSSION

The following projects were approved by Council on June 19, 2007, under the Aid-to-Municipalities Program. Under this program, 50% of the cost will be shared by NSDTIR and 50% by HRM. The total HRM share is recovered by levying LIC's to abutting properties on these streets on a frontage basis. The approved estimated amount identified in the above noted Council Report was \$1,844,500 and included the following streets:

Lynwood Drive - Brookside - District 22
Ben Court - Brookside - District 22
West Avenue - Beaverbank - District 2
Osprey Way - Lawrencetown - District 3
Kerry Drive - Lawrencetown - District 3
Keltic Drive - Lawrencetown - District 3
Killarney Crescent - Lawrencetown - District 3
Kensington Court - Lawrencetown - District 3
Cambridge Drive - Lawrencetown - District 3

With a total project cost of \$1,201,604.71 (net HST included), HRM's share of the paving project is \$600,802.36. The total recoverable frontage is 25,740.16 feet. Therefore, the proposed frontage rate of \$23.34 per foot will provide the necessary funding to recover HRM's contribution of the project cost.

Pursuant To Administrative Order 32, a public hearing is not required on the enactment or amendment of a By-Law unless specifically directed by Council. In this case, the abutters would have been notified of the project and the anticipated amount of the LIC before the project was commenced. Initially the residents were surveyed at \$19 per foot of frontage. Due to the length of time and increase in construction materials, the residents were notified a second time that the estimated cost could be \$30 per foot.

In the end, the total cost of the project and the proposed LIC is less than \$30 per foot. Since the

recovery is in accordance with Council policy, it is staff's opinion that a public hearing in this instance would accomplish no useful purpose and might lead the abutters to the expectation that Council might reduce the amount of the LIC.

BUDGET IMPLICATIONS

Paving projects were approved under Capital Account No. CXU00585, New Paving of Subdivision Streets Outside the Core Area. HRM's share of the total project cost is \$600,802.36 (50%) (net HST included). HRM has reimbursed the Province its share as they were responsible for completing the work. HRM's cost is fully recoverable through Local Improvement Charges at the frontage rate of \$23.34 per foot. As cost recoveries were budgeted there is no change to the capital project budget.

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

There are no recommended alternatives to this course of action.

ATTACHMENTS

By-Law S-426

Plan No. 1 - Lynwood Drive and Ben Court

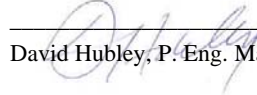
Plan No. 2 - West Avenue

Plan No. 3 - Keltic Drive, Cambridge Drive, Killarney Court, Kensington Court Osprey Way and Kerry Drive


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 at 490-4208.

Report Prepared by: Ann Reid, LIC Technician, Design & Construction Services at 490-6849

Report Approved by:


David Hubley, P. Eng. Manager, Design & Construction Services at 490-4845

Report Approved by:


Cathie O'Toole, Director, Infrastructure and Asset Management at 490-4825

HALIFAX REGIONAL MUNICIPALITY
By-law Number S-426
Respecting Charges for Street Improvements, New Paving Projects

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-Law Number S-400, the By-Law Respecting Charges for Street Improvements, Section 2 is hereby amended as follows:

1. Section 2 of By-Law S-400 is amended by adding as Subsection (15) the following:

"Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule " M" as is more particularly set out in that Schedule."

SCHEDULE "M"

2. The Local Improvement Charges for properties fronting or abutting in whole or in part, Lynwood Drive and Bens Court in the area identified on the "Plan Showing Lynwood Drive & Bens Court Plan No. 1, dated April 16, 2008," attached hereto, shall be \$23.34 per foot.
3. The Local Improvement Charges for properties fronting or abutting in whole or in part, on West Avenue in the area identified on the "Plan Showing West Avenue Plan No. 2, dated April 16, 2008," attached hereto, shall be \$23.34 per foot.
4. The Local Improvement Charges for properties fronting or abutting in whole or in part, on Osprey Way ,Kerry Drive, Keltic Drive, Killarney Crescent, Kensington Court and Cambridge Drive , "Plan No. 3, dated April 16, 2008," attached hereto, shall be \$23.34 per foot.
5. The Local Improvement Charges imposed under this Schedule may be paid over a 10-year period with interest. Notwithstanding Section 4 of By-Law Number S-400, the unpaid balance is subject to an interest rate based on the maximum of the prime rate as set by the Royal Bank of Canada plus 2% at time of notification.

Done and passed by Council this

Mayor

Acting Municipal Clerk

I, Julia Horncastle, Acting Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on ,2008.

Julia Horncastle
Acting Municipal Clerk

Notice of Motion:

First Reading:

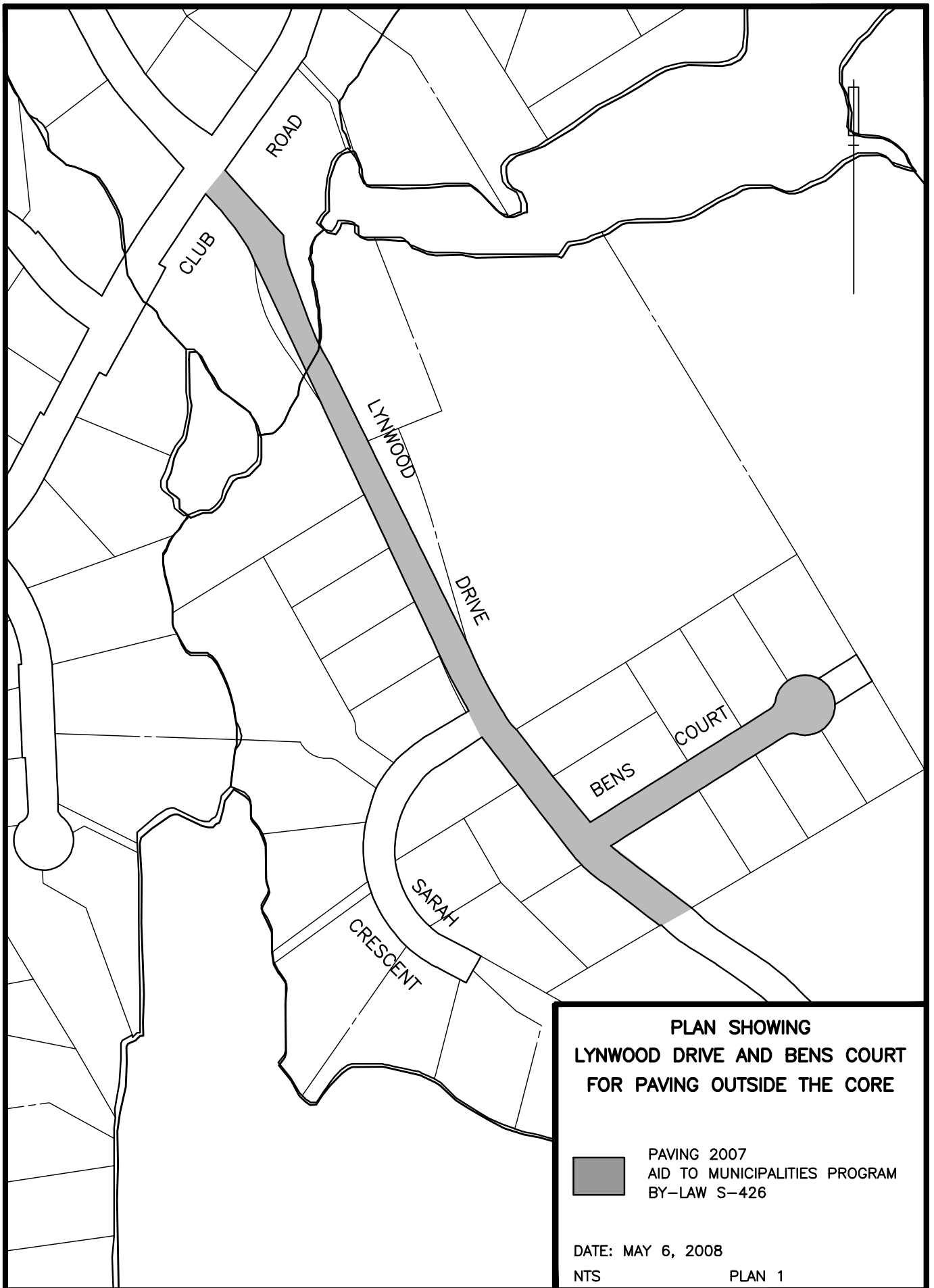
Notice of Public Hearing Publication:

Second Reading:

Approval of Service Nova Scotia and Municipal Relations:

Effective Date:

C:\Documents and Settings\user\Local Settings\Temporary Internet
Files\Content.IE5\CNA72RIL\First_Reading_By%2DLaw_S%2D426_%2D_Respecting_Charges_for_Street_Impr
ovements_%2D_New_Paving_Projects_Outside_the_Core_Area_2007_%2D_Bylaw[1].wpd



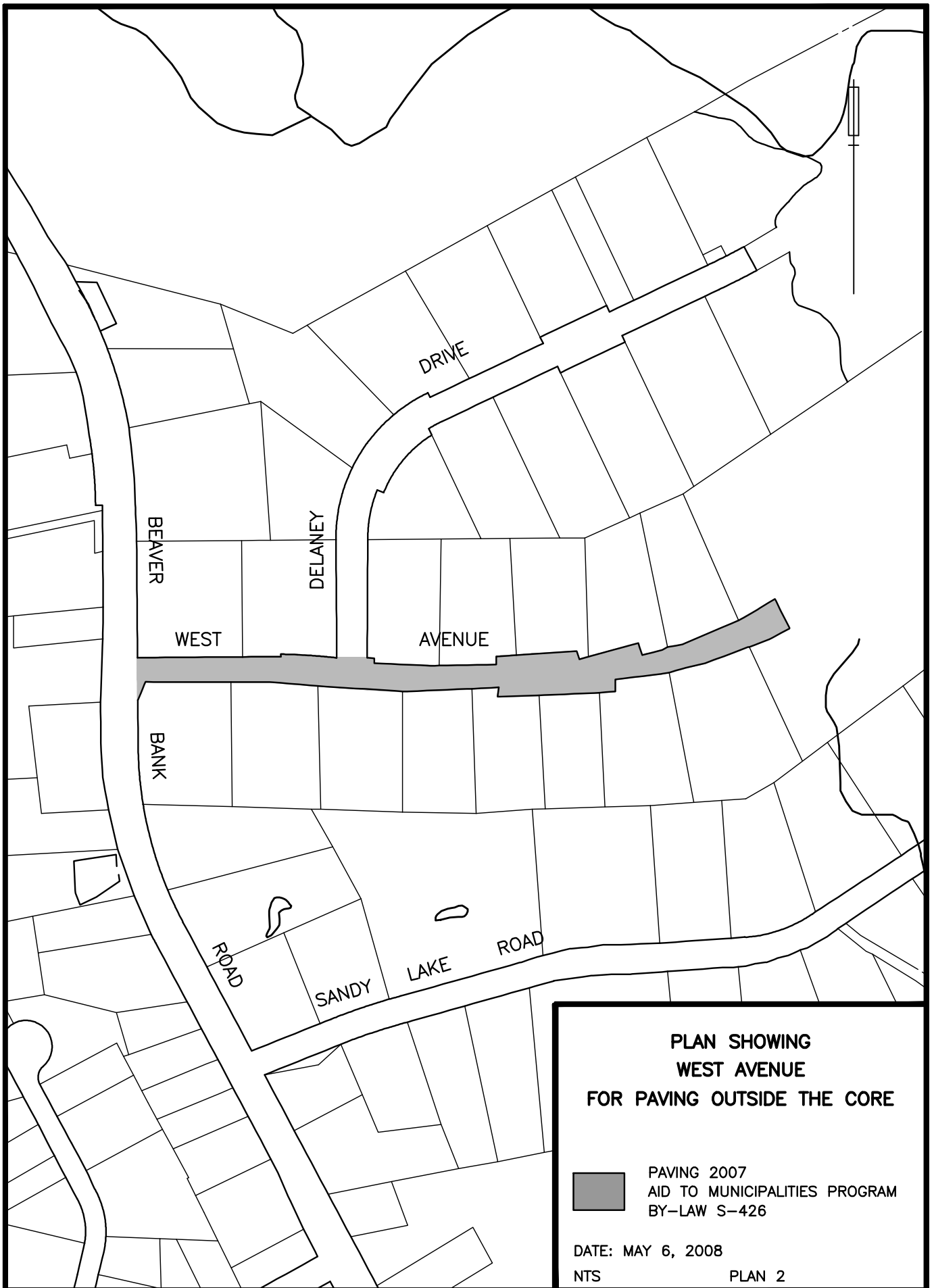
**PLAN SHOWING
LYNWOOD DRIVE AND BENS COURT
FOR PAVING OUTSIDE THE CORE**

 PAVING 2007
AID TO MUNICIPALITIES PROGRAM
BY-LAW S-426

DATE: MAY 6, 2008

NTS

PLAN 1



**PLAN SHOWING
WEST AVENUE
FOR PAVING OUTSIDE THE CORE**

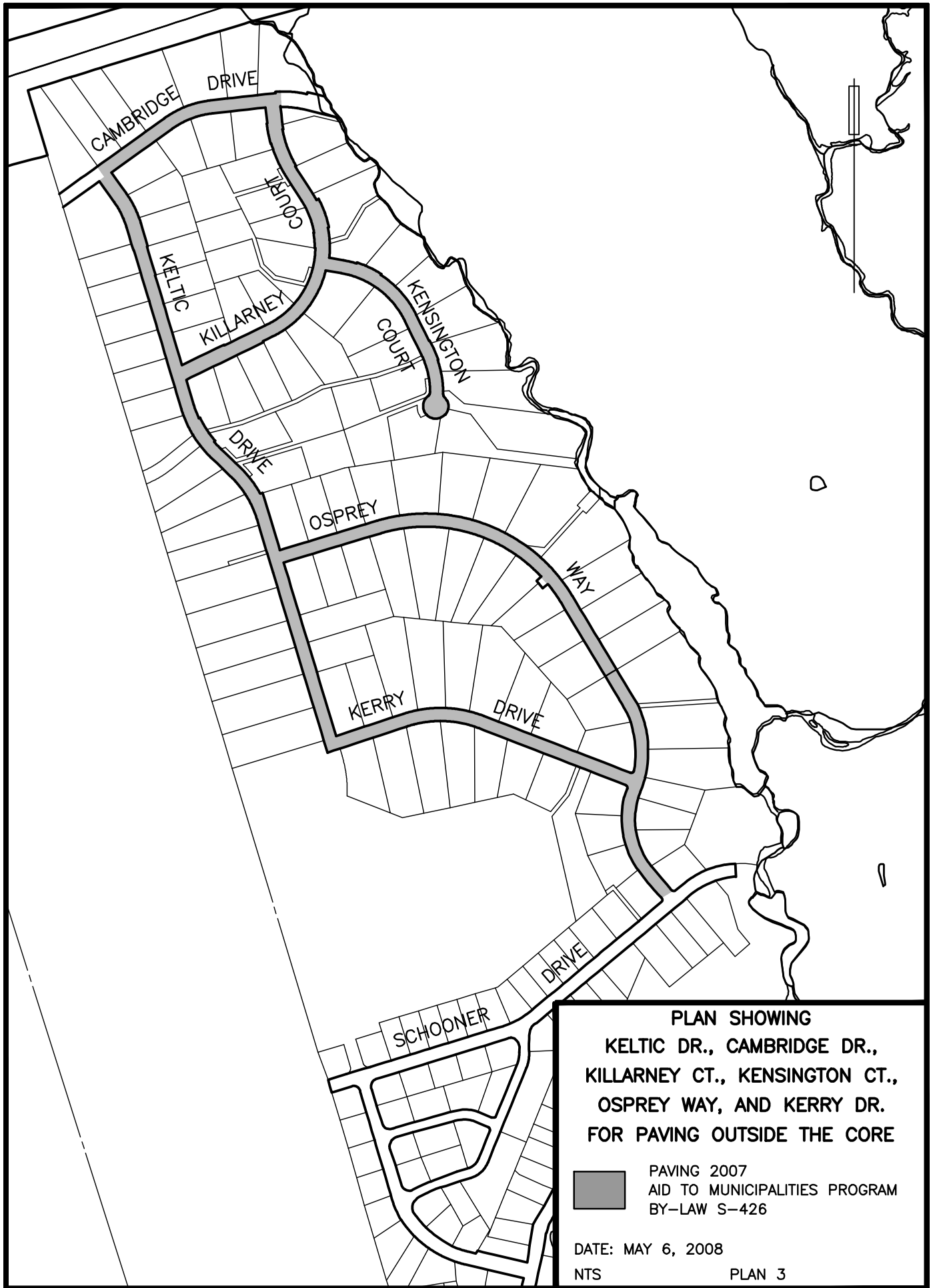


PAVING 2007
AID TO MUNICIPALITIES PROGRAM
BY-LAW S-426

DATE: MAY 6, 2008

NTS

PLAN 2



**PLAN SHOWING
KELTIC DR., CAMBRIDGE DR.,
KILLARNEY CT., KENSINGTON CT.,
OSPREY WAY, AND KERRY DR.
FOR PAVING OUTSIDE THE CORE**

 PAVING 2007
AID TO MUNICIPALITIES PROGRAM
BY-LAW S-426

DATE: MAY 6, 2008

NTS

PLAN 3