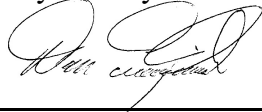
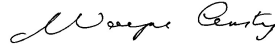


**TO:** Mayor Kelly and Members of Halifax Regional Council



**SUBMITTED BY:**

\_\_\_\_\_  
Dan English, Chief Administrative Officer



\_\_\_\_\_  
Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** April 30, 2009

**SUBJECT:** **Approval of By-Law S-428, an Amendment to By-Law S-400 by Resolution, Respecting Local Improvement Charges, New Paving Projects Outside the Core Area - 2008**

---

**ORIGIN**

This report originates from staff.

**RECOMMENDATION**

It is recommended that Council

- (1) Approve in principle the adoption of By-Law S-428, an amendment to By-Law S-400, Respecting Charges for Street Improvements, relating to New Paving of Subdivision Streets Outside the Core Area - 2008.
- (2) Direct staff to arrange for the formal introduction 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. These roads are owned and maintained by the Province; however, HRM facilitates the priority rating process and the recovery of the local improvement charges (LIC's). The New Paving Projects of Subdivision Streets Outside the Core Area - 2008, were approved by Council in the 2008/09 Capital Budget and are subject to LIC's.

## **DISCUSSION**

The following projects were approved by Council on August 5, 2008 under the Aid-to-Municipalities Program with NSDTIR. Under this program, the Province pays 50% of the total construction costs while HRM covers the remaining 50% of costs. However HRM's portion is recovered in its entirety from the residents by levying LIC's to abutting properties on the applicable streets. The approved total estimated amount identified in the Council Report for the following projects was \$1,800,000.00:

Parkcrest Drive, Lawrencetown, District 3  
Atlantic View Drive, Lawrencetown, District 3  
David Drive, Lawrencetown, District 3  
Russell Drive, Lawrencetown, District 3  
Colony Way, Lawrencetown, District 3  
Club Road, Lawrencetown, District 3  
Fiddle Parkway, Hatchet Lake, District 22  
Forest Glade Drive, Hatchet Lake, District 22

With an actual total project cost of \$1,397,845.16 (net HST included) HRM's share of the paving project is \$698,922.58 (net HST included). The total recoverable frontage is 25,686.82 feet. Therefore, the proposed frontage rate of \$27.21 per foot will provide the funding necessary to recover HRM's share 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 were notified of the respective paving projects and the anticipated amount of the LIC prior to commencement of the work. Initially all residents on the above noted streets were surveyed at \$19 per foot of frontage with the exception of Fiddle Parkway and Forest Glade Drive. Those two streets were surveyed at \$30.00 per foot of frontage. Due to the length of time and increase in construction materials, the residents on all streets were notified a second time that the estimated cost would be \$35 per foot. As identified above the actual frontage rate is \$27.21 per foot.

**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 \$698,922.58 (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 \$27.21 per foot. As cost recoveries were budgeted there is no change to the capital project budget.

The total estimated cost for these streets was \$1,844,500 (\$922,500 HRM estimated Portion).

Actual Cost Breakdown: 50% NSDTIR	\$ 698,922.58
50% Recoverable from LIC	\$ 698,922.58
<b>Net Cost to HRM</b>	<b>\$ 0.00</b>
Total Project Cost	\$1,397,845.16

**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.

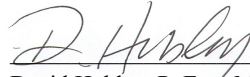
**ATTACHMENTS**

- By-Law S-428
- Map Plan #1
- Map Plan #2
- Map Plan #3

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 at 490-4208.

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

Report Approved by:



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

Financial Approval by:



Catherine Sanderson, Senior Manager, Financial Services at 490-1562

Report Approved by:



Phil Townsend, A/ Director, Infrastructure and Asset Management at 490-7166

HALIFAX REGIONAL MUNICIPALITY  
By-law Number S-428  
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 (17) the following:

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

**SCHEDULE "N"**

2. The Local Improvement Charges for properties fronting or abutting in whole or in part, Parkcrest Drive in the area identified on the " Plan No. 1, dated June 20, 2008," attached hereto, shall be \$27.21 per foot.
3. The Local Improvement Charges for properties fronting or abutting in whole or in part, on Atlantic View Drive, Colony Way, David Drive and Russell Drive in the area identified on the "Plan No. 2, dated June 20, 2008 ," attached hereto, shall be \$27.21 per foot.
4. The Local Improvement Charges for properties fronting or abutting in whole or in part, on Fiddle Parkway, Forest Glade Drive and Club Road , "Plan No. 3, dated June 20 , 2008," attached hereto, shall be \$27.21 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 ,2009.

---

Julia Horncastle  
Acting Municipal Clerk

Notice of Motion:

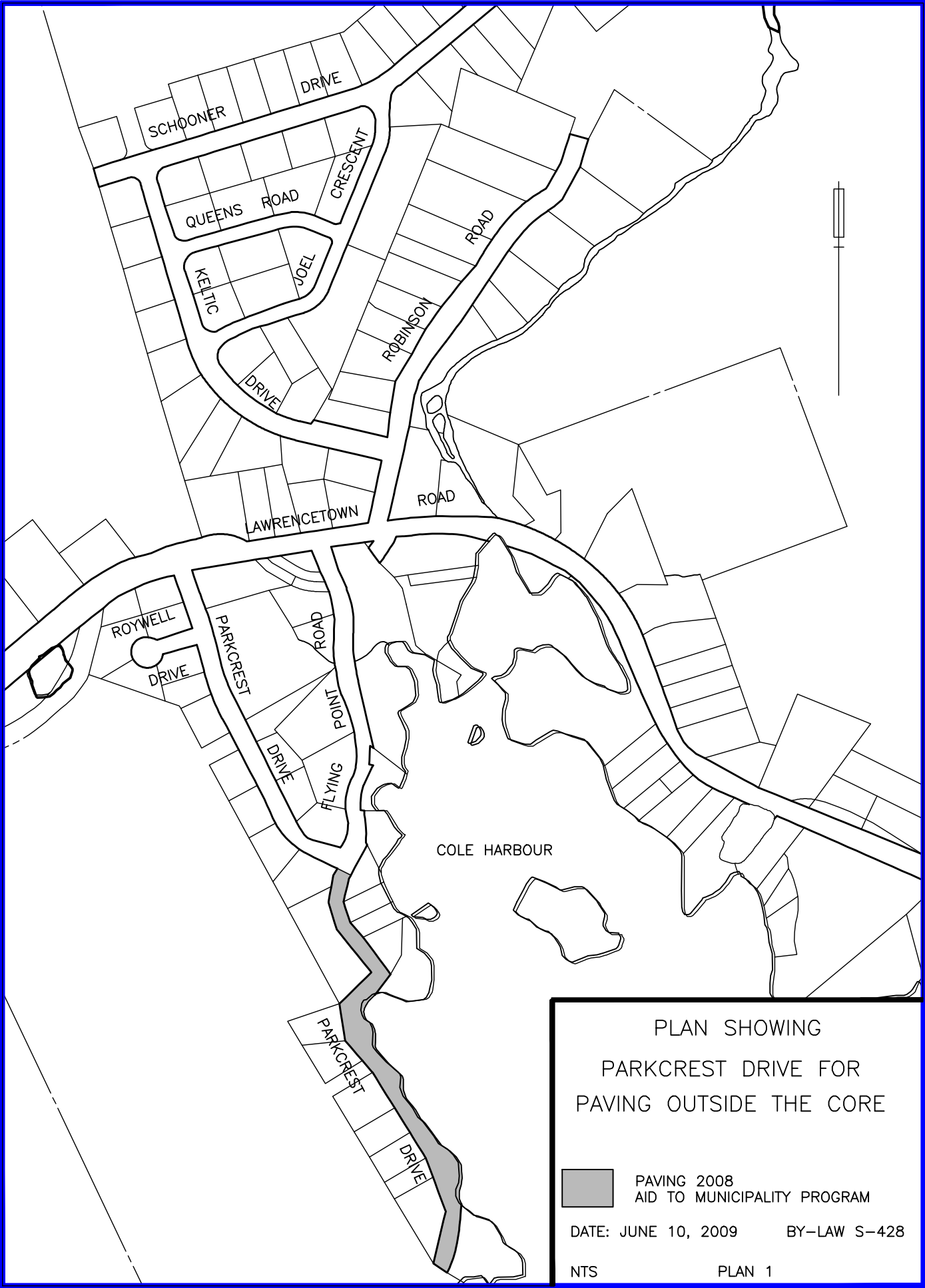
First Reading:

Notice of Public Hearing Publication:

Second Reading:

Approval of Service Nova Scotia and Municipal Relations:

Effective Date:

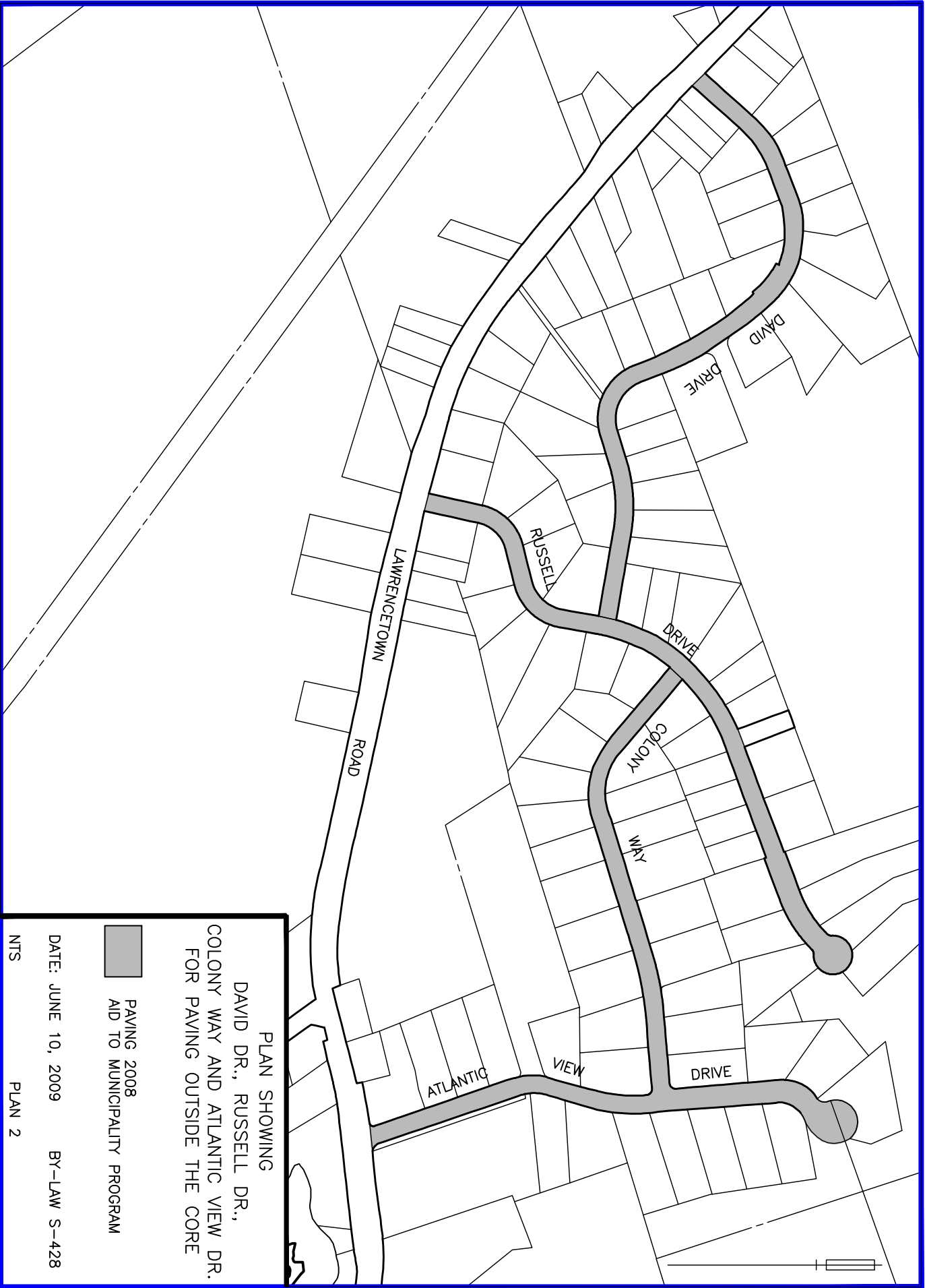


PLAN SHOWING  
PARKCREST DRIVE FOR  
PAVING OUTSIDE THE CORE

■ PAVING 2008  
AID TO MUNICIPALITY PROGRAM

DATE: JUNE 10, 2009 BY-LAW S-428

NTS PLAN 1

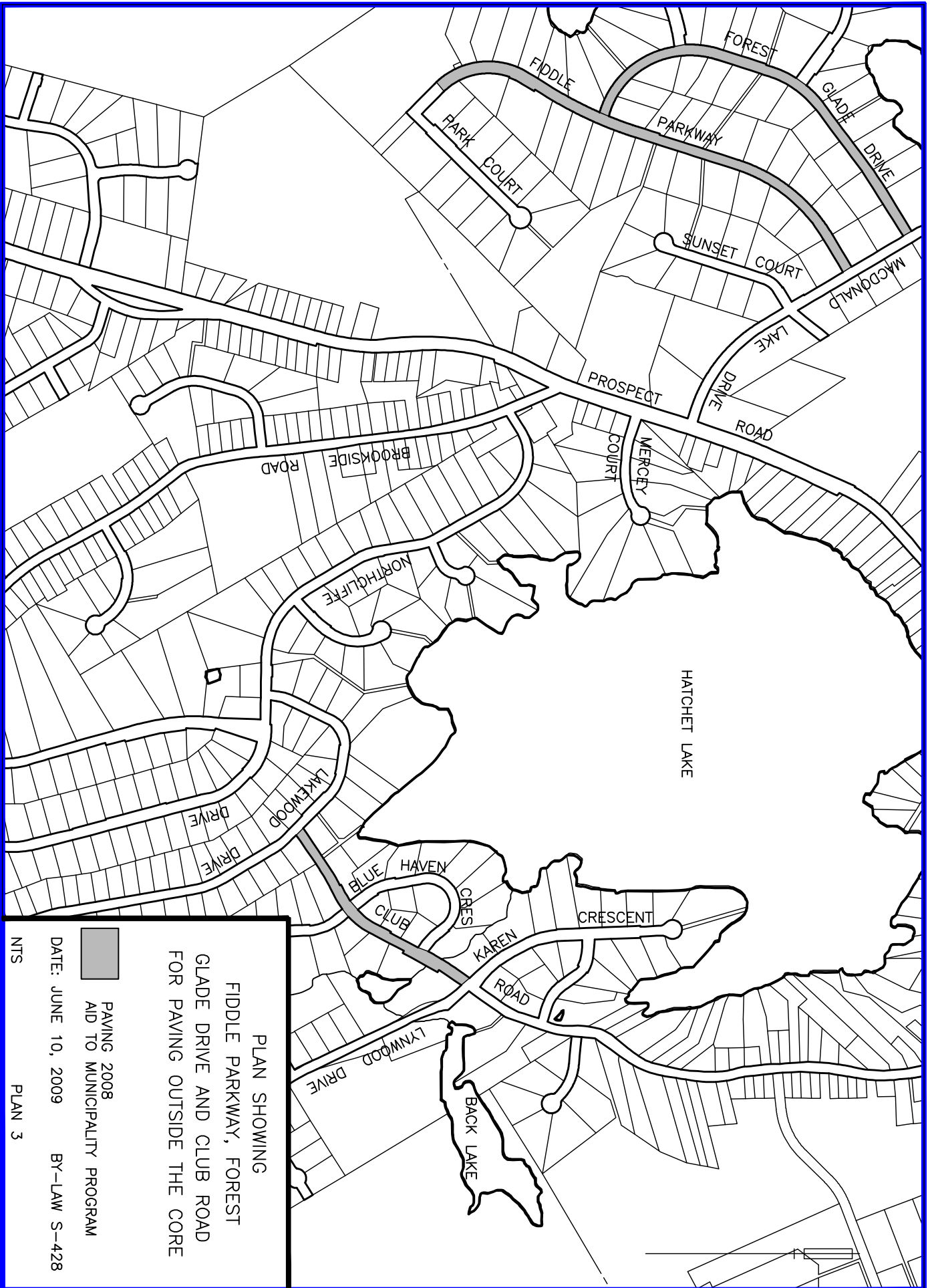


PLAN SHOWING  
DAVID DR., RUSSELL DR.,  
COLONY WAY AND ATLANTIC VIEW DR.  
FOR PAVING OUTSIDE THE CORE

PAVING 2008  
AID TO MUNICIPALITY PROGRAM

DATE: JUNE 10, 2009 BY-LAW S-428

NTS PLAN 2



PLAN SHOWING  
 FIDDLE PARKWAY, FOREST  
 GLADE DRIVE AND CLUB ROAD  
 FOR PAVING OUTSIDE THE CORE

PAVING 2008  
 AID TO MUNICIPALITY PROGRAM

DATE: JUNE 10, 2009 BY-LAW S-428

NTS PLAN 3