



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 5**

**Halifax Regional Council  
October 20, 2009**

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

**SUBMITTED BY:**   
Phillip Townsend, Director, Infrastructure and Asset Management

**DATE:** October 6, 2009

**SUBJECT:** Petition Regarding the Paving of Carter Road - Porter's Lake

## INFORMATION REPORT

### ORIGIN

Halifax Regional Council meeting of Sept 22, 2009, Item 9.9.2 - Petition from Deputy Mayor Hendsbee regarding the paving of Carter Road, Porter's Lake - District 3.

### BACKGROUND

At the Sept 22, 2009 Halifax Regional Council meeting, Deputy Mayor Hendsbee served a petition on behalf of the residents of Carter Road regarding the paving of Carter Road.

## **DISCUSSION**

On February 9, 2009, Halifax Regional Council approved the Nova Scotia Transportation and Infrastructure Renewal Construction (NSTIR) Aid-to-Municipality Agreement 2009/12. This three year cost sharing agreement is between NSTIR and other Nova Scotia municipalities (including HRM), and its purpose is to upgrade provincially owned and maintained "J" class subdivision gravel roads to asphalt. HRM's role is to identify the streets to be paved, and to facilitate the Local Improvement Charge (LIC) process. Prior to a street being considered for paving, property owners may be surveyed, or the District Councillor may waive the survey process. The property owners are notified in writing as to the result of the survey or the Councillor's decision regarding future paving considerations.

On January 29, 2009, HRM submitted a list of streets to be paved under the 2009 Aid program to NSTIR. Twenty-seven of the thirty-four streets submitted to NSTIR, at this time, were prioritized under the HRM rating system and represented the remaining streets on the HRM list. The other seven locations are located within the Porters Lake area and were added prior to conducting a survey. The gravel roads within Porterfield subdivision (Porterfield Avenue, Davlin Drive, Hill Top Drive, Candlewood Drive and Ritchey Drive) along with Cheviot Hill Road, were successfully surveyed by the residents in May 2009.

Carter Road is one of the seven streets selected in the Porters Lake area, and is approximately 260 meters in length. Deputy Mayor Hendsbee conducted a door-to-door survey to ascertain the level of interest for the paving of this street. Three of the seven property owners returned the survey in favour of the paving at the estimated rate of \$35.00 per linear foot. On July 7, 2009, a letter was delivered to the property owners informing them as to the result of the survey. The survey failed to exceed the required minimum 50% of the total recoverable frontage with 49% of the frontage being in favour and 51% against. It is noted that the survey failed to receive the required 50% by approximately 30 feet of recoverable frontage. There are three additional lots that have frontage on both Candlewood Drive and Carter Road. Candlewood Drive is paved and the cost for this work would have been included in the purchase price of these lots. Therefore, these lots are exempt from additional paving charges as per the requirements in the Bylaw and were not included in the Carter Road survey. Pursuant to the HRM Local Improvement Policy, Deputy Mayor Hendsbee made a decision to move forward with the paving of this street under the 2009 Aid program, and to recover the LIC portion as a lot charge. This was conveyed to the residents in a letter dated July 17, 2009. It was felt that a lot charge was a more fair and equitable approach given the lot configurations on this street. The lot frontage ranges from 77 feet to 384 feet.

HRM was notified by NSTIR on July 29, 2009, that the list submitted had been approved by the Province for paving which included Carter Road. NSTIR awarded the tender on Aug 25, 2009, to Dexter Construction and HRM staff were advised that the paving of Carter Road was to occur during the week of September 28, 2009. Deputy Mayor Hendsbee presented a petition to Regional Council on September 22, 2009, from the residents of Carter Road outlining their displeasure with

the decision to pave Carter Road. All seven property owners signed the petition suggesting that 100% of the property owners were now against the paving project. Carter Road has a problematic grade and it is HRM staff's understanding that there are road base stabilization issues. As a result Deputy Mayor Hendsbee has confirmed that he wishes to proceed with the paving of Carter Road.

### **BUDGET IMPLICATIONS**

There are no budget implications at this time.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

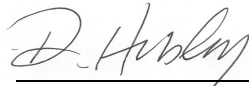
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ATTACHMENTS**

Letter to residents dated July 17, 2009  
Plan of Porterfield Subdivision

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 : Ann Reid , LIC Technician, Design & Construction Services 490-6849



Report Approved by: David Hubley, P.Eng., Manager, Design & Construction Services at 490-4845

AR/pm

July 17, 2009

Dear Sir/Madam:

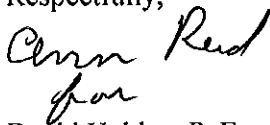
**Re: Paving - Carter Road - Porters Lake**

On March 3, Halifax Regional Council approved a three-year Construction Agreement 2009/012 between Nova Scotia Department Transportation Infrastructure Renewal (NSTIR) and Halifax Regional Municipality (HRM). This agreement is for the paving of "J" Class gravel roads under the Aid to Municipality Program. HRM has submitted a number of streets to NSTIR for consideration under the 2009 Aid Program. Included in the list is Carter Road, which was surveyed in 2009 at an estimated rate of \$35.00 per linear foot. The results failed to exceed the required minimum 50% total recoverable frontage (49% in favour). However pursuant to the HRM Local Improvement Policy, Deputy Mayor Hendsbee is recommending to have this street paved in the 2009 Aid to Municipality Program. Deputy Mayor Hendsbee has requested that the LIC be recovered on a per lot charge based on the estimated rate of \$35. This estimated lot charge would equate to \$5,868.20. The \$35 per linear foot rate is an estimate, and the actual rate will be determined once the final construction costs are known. The rate is calculated based on one half of the total cost of the paving tenders divided by the recoverable frontage. As a note the 2008 rate was \$27.21 which would equate to a lot charge of \$4,562.11.

The Local Improvement Charge amount payable may, at the option of the owner of the property, be paid in equal annual installments for a period not exceeding ten years. Installments are due on the anniversary date of the original billing, until the full debt is paid. This billing may also be paid in full at any time, without interest penalty, if the abutter so desires. 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.

If you have any question or concerns pertaining to this matter, please do not hesitate to call Ann Reid at 490-6849 or e-mail: [reida@halifax.ca](mailto:reida@halifax.ca).

Respectfully,

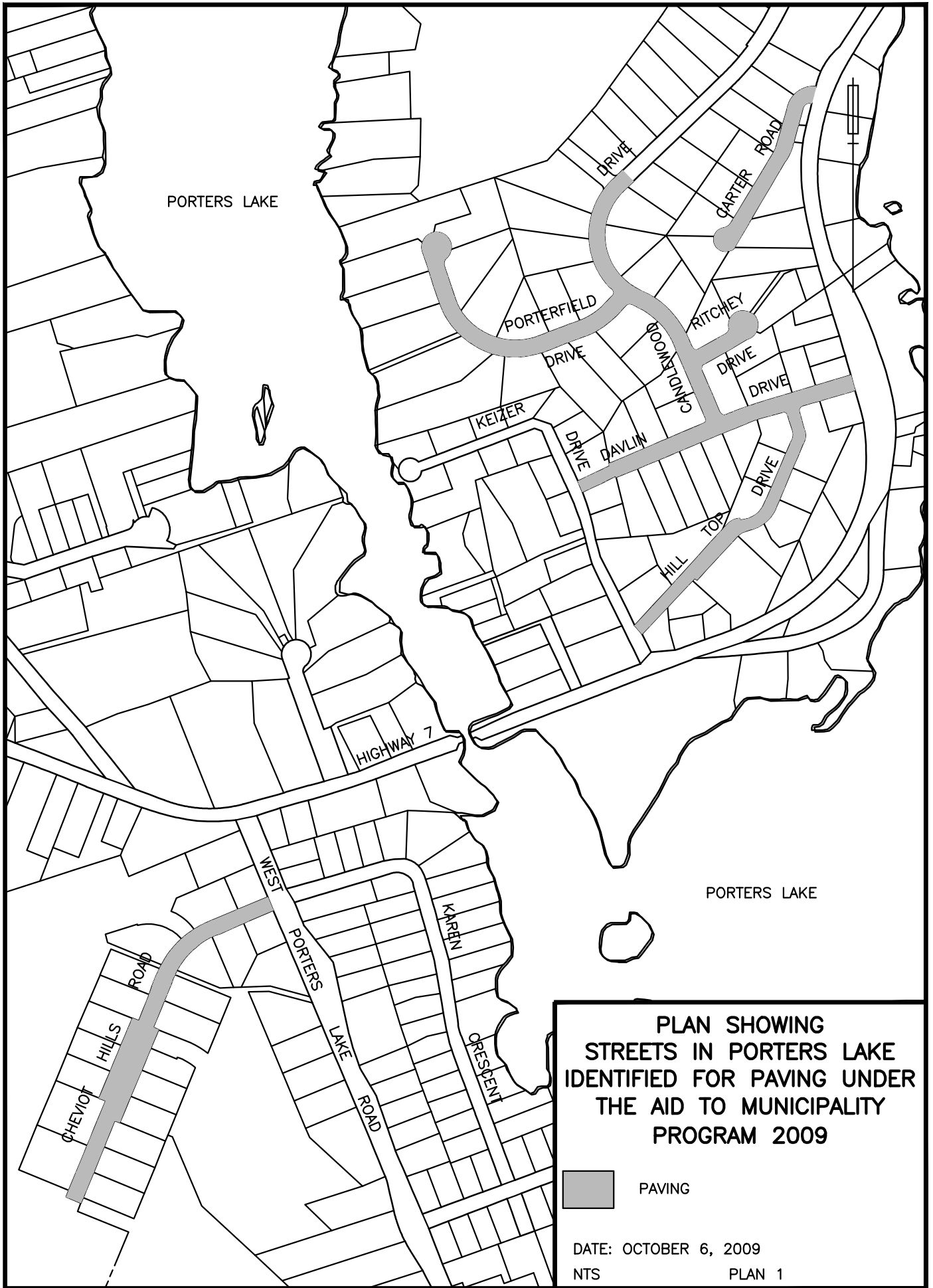


David Hubley, P. Eng.,  
Manager Design & Construction Services

AR/pm

cc: Deputy Mayor David Hendsbee, District 3  
Phil Townsend, Director Infrastructure & Asset Management

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PORTERS LAKE

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**PLAN SHOWING  
STREETS IN PORTERS LAKE  
IDENTIFIED FOR PAVING UNDER  
THE AID TO MUNICIPALITY  
PROGRAM 2009**

■ PAVING

DATE: OCTOBER 6, 2009  
NTS PLAN 1