

Item No. 11.1.6

Halifax Regional Council

July 5, 2011

August 2, 2011

September 13, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

Original signed by



SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed by



Mike Labrecque, Deputy Chief Administrative Officer, Operations

DATE: May 5, 2011

SUBJECT: Mount Hope Avenue Extension – Formal Street Acceptance and Local Improvement Charges

ORIGIN

Halifax Regional Council Recommendation Report – November 2, 2010, Item 11.1.4 – Construction and Subdivision Agreements – Mount Hope Avenue Extension

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Accept ownership of the new Mount Hope Avenue Extension as described on Attachment C, subject to acceptance of the municipal service systems by the Municipal Engineer, Halifax Water, Heritage Gas, and the Province of Nova Scotia;
2. Approve in principle the adoption of Local Improvement By-law L-134, Respecting Charges for Local Improvement Projects attached hereto as Attachment “A”, to set charges for the recovery of a portion of the capital cost of the Mount Hope Avenue/Highway 111 Interchange, to be recovered from the owners of properties depicted on the attached schematic plan (Attachment “B”), and also give notice of motion to begin the formal adoption process; and
3. Approve a change to the funding source for Project No. CTU00530 – Highway 111/Mount Hope Avenue Interchange in the amount of \$483,328 from Capital Cost Contribution revenue to Local Improvement Charge revenue.

BACKGROUND

On November 2, 2010, Regional Council approved a Construction Agreement between HRM, the Province of Nova Scotia, and the Nova Scotia Innovation Corporation (Innovacorp) for the Mount Hope Avenue Extension Project. Under the terms of this agreement:

- all parties agreed to a cost sharing formula;
- Innovacorp agreed to convey land to HRM for the public road allowance; and
- both the Province and the HRM agreed to own and maintain their respective sections of the new street.

Prior to the construction agreement being drafted, Regional Council agreed to a funding plan for the project on July 6, 2010. The report indicated that a portion of the capital cost of the Mount Hope Interchange may be recovered through a development based charge once the Innovacorp land is developed.

DISCUSSION

Resolution to Accept Street Ownership:

As previously indicated, HRM has agreed to build and own a section of the Mount Hope Avenue Extension. Notwithstanding, a motion of Council is required to formally accept ownership. The purpose of this report is to request a formal resolution that Regional Council accepts ownership of the new Mount Hope Avenue Extension as described on Attachment C, subject to acceptance of the municipal service systems by the Municipal Engineer, Halifax Water, Heritage Gas, and the Province of Nova Scotia.

Local Improvement Charges:

The Mount Hope Avenue Extension will provide new street frontage to currently undeveloped land which is adjacent to the Mount Hope/Highway 111 interchange. This undeveloped land is identified as Parcels A, B, C, and D on attachment "B", and will receive a direct benefit from the interchange. As previously indicated, it is appropriate to collect a capital cost contribution.

Typically, an area based capital cost contribution is collected at the time of subdivision approval. In this case, although it is likely that most of the parcels will subdivide prior to development occurring, subdivision is not required on any of the parcels due to the new street frontage. In order to collect a development based charge, a Local Improvement Charge will be required which will come into effect either at subdivision approval or when access is granted to the new street, whichever occurs first.

The total cost of the Mount Hope Avenue/Highway 111 interchange project, including engineering and land acquisition, was \$11,494,136. Cost sharing for the project was based on a traffic study completed for the Morris-Russell Lake Area Capital Contribution Analysis report (CBCL 2005). This study estimated that approximately 14.5% of the total traffic using the Mount

Hope Avenue/Highway 111 interchange would originate from the Woodside Industrial Park. The traffic study did not provide a percentage breakdown between new growth and existing businesses within the Industrial Park.

The breakdown between new growth and existing businesses can be based on land area. Parcels A, B, C, and D represent approximately 29% of the total land within the Woodside Industrial Park. This equates to 4.205% of the total traffic using the Mount Hope Avenue/Highway 111 interchange, broken down as follows:

Local Improvement Charges Undeveloped Lands – Woodside Industrial Park			
Parcel	Owner	Area (Acres)	LIC
A	Nova Scotia Innovation Corporation	2.72	\$13,899
B	Ocean Nutrition Limited	3.27	\$16,732
C	Nova Scotia Innovation Corporation	56.65	\$289,968
D	Nova Scotia Innovation Corporation	31.79	\$162,729
TOTALS		94.43	\$483,328

It is proposed to collect the LICs prior to subdivision approval, or prior to issuing an access permit in the event that the lands are developed without a subdivision approval.

Council could collect an assessment based LIC from existing development within the Woodside Industrial Park. This is similar to the charge that has been established on private property surrounding the Mic Mac Blvd/Highway 111 interchange, to pay a portion of the capital cost of upgrading the interchange. Since there are a number of properties within the Woodside Industrial Park that are provincially owned and thereby exempt from LICs, this would create an inequity among developed property owners. For this reason, it is proposed that this charge not be collected from owners of developed properties.

It is important to note that when the funding plan for the interchange was approved by Council, there was no expectation that a portion of the capital costs would be recovered from businesses within the Woodside Industrial Park. The current charge arises because HRM has invested in a connector road to the interchange across undeveloped land, on the basis that the land should contribute a portion of the capital cost of the interchange similar to undeveloped land in the Morris-Russell Lake CCC Area.

BUDGET IMPLICATIONS

The budget availability has been confirmed by Financial Services.

Up to \$483,328 in LIC revenue would be available to fund Project No. CTU00530 – Highway 111/Mount Hope Avenue Interchange, subject to the land with frontage on Mount Hope Avenue

Extension being developed. The LIC revenue would replace up to \$483,328 of CCC funding for this project.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

N/A

ALTERNATIVES

1. Council could agree to not collect the LICs from undeveloped land. This is not recommended for the reasons outlined in the report.
2. Council could agree to LICs from all developed and undeveloped properties within the Woodside Industrial Park. This is not recommended for the reasons outlined in the report.

ATTACHMENTS

Attachment A - By-Law L-134 Respecting Charges for Local Improvement Projects
Attachment B - Mount Hope Avenue Extension and LIC Areas
Attachment C - Legal Description, Mount Hope Avenue Parcels MH-3 and MH-4

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: Paul V. Burgess, M.Eng., P.Eng., Program Engineer, 490-5578

Report Approved by: _____
Peter Duncan, P.Eng., Manager Infrastructure Planning Office, 490-5449

Financial Approval by: _____
Bruce Fisher, MPA, CMAA, A, Director of Finance/CFO, 490-6308

Report Approved by: _____
Phillip Townsend, Director, Infrastructure and Asset Management

Attachment A

HALIFAX REGIONAL MUNICIPALITY BY-LAW L-134 RESPECTING CHARGES FOR LOCAL IMPROVEMENT PROJECTS

Be It Enacted that Council for the Halifax Regional Municipality that the By-law L-100, the Local Improvement By-law, be amended as follows:

1. Schedule "A" of By-law L-100 is amended by adding the following:
 - (a) The Mount Hope Avenue Extension Project is a project to provide access to Highway 111 byway of the Highway 111/Mount Hope Avenue Interchange as shown in the attached Map A.
 - (b) Upon completion, the extension of Mount Hope Avenue will permit the development of several lots in the Woodside Industrial Park. On this basis, a proportional amount of the Highway 111/Mount Hope Avenue Interchange project cost should be allocated to those lots at the time they are developed.
 - (c) The final cost of this Project was \$11,494,136. Based on an estimate of 14.5% of the total traffic utilizing the Interchange originating from the Industrial Park, and a total of 325.43 acres of the land in the Industrial Park, a local improvement charge of \$5,119 per acre be imposed on the lands contained in the following parcels in the amounts shown:

<u>Parcel Description</u>	<u>PID#</u>	<u>Amount</u>
A	PID# to be assigned upon subdivision	\$13,899
B	Portion of PID# 41188780	\$16,732
C	Portion of PID#40771198	\$289,968
D	Portion of PID# 41208729	\$162,729

- (d) The charge shall become in effect and be due and payable on a property upon application for the issuance of a permit for access to the street, or upon application for approval of a subdivision of the parcel of land, whichever occurs first.

Done and passed By Council on this day of , 2011.

MAYOR

MUNICIPAL CLERK

I, _____, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above noted By-law was passed at a meeting of Halifax Regional Council held on _____, 2011.

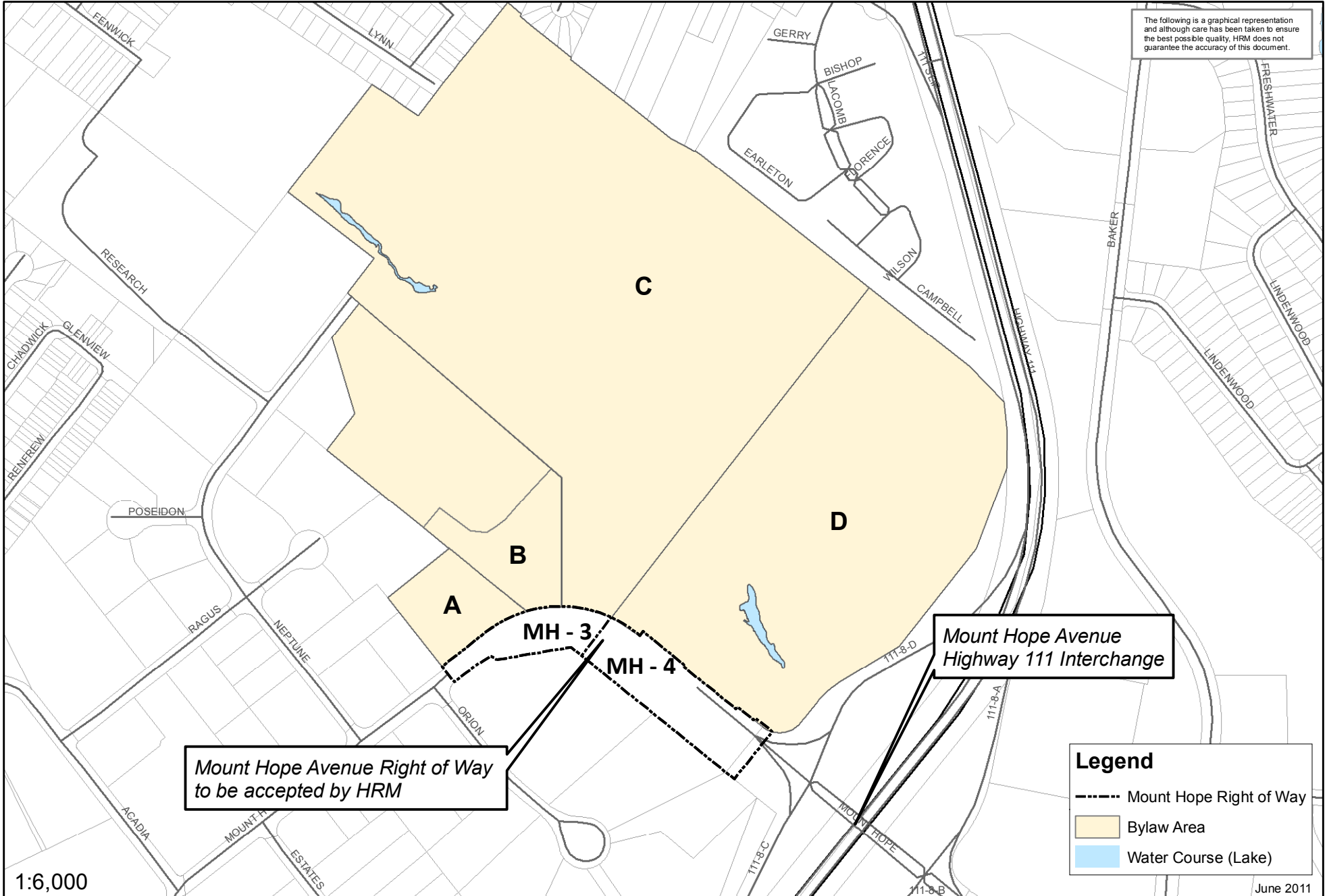
Municipal Clerk

Attachment B - Woodside Industrial Park

Mount Hope Avenue Extension and LIC Charge Areas



The following is a graphical representation and although care has been taken to ensure the best possible quality, HRM does not guarantee the accuracy of this document.



Mount Hope Avenue Right of Way
to be accepted by HRM

Mount Hope Avenue
Highway 111 Interchange

Legend

- Mount Hope Right of Way
- Bylaw Area
- Water Course (Lake)

1:6,000

June 2011

Attachment C

Legal Description
Parcel MH-3
Mount Hope Avenue,
Dartmouth

All that certain piece or parcel of land lying and being on Mount Hope Avenue, Dartmouth, Halifax County as shown on a plan of Survey of Lots R-100A-1, Q-BA and Parcels MH-3 & MH-4, A Subdivision and Consolidation of Lot Q-B and Lot C-100A, Lands of Nova Scotia Innovation Corporation dated October 20, 2008 and signed by Joseph R. Alcorn N.S.L.S. and is on file as Alderney Surveys Limited Plan Number 086584-1. Said Parcel MH-3 being more particularly described as follows:

Beginning at a point at in the southwestern boundary of Mount Hope Avenue at the northwest corner of Lot 306A (PID 40771180) as shown on the above-mentioned plan;

THENCE North 51 degrees 40 minutes 22 seconds East a distance of 17.185 metres along a northwestern boundary of said Lot 306-A to a point of curvature;

THENCE in an easterly direction along a curve to the right having a radius of 195.398 metres an arc distance of 36.329 metres along a northern boundary of said Lot 306-A to a point of curvature;

THENCE South 51 degrees 01 minutes 23 seconds East a distance of 7.010 metres to a point;

THENCE North 80 degrees 20 minutes 05 seconds East a distance of 89.337 metres to a point on a northeastern boundary of said Lot 306-A;

THENCE South 51 degrees 01 minutes 23 seconds East a distance of 58.235 metres along said northeastern boundary of said Lot 306-A to a point;

THENCE South 38 degrees 58 minutes 37 seconds West a distance of 67.377 metres to a point on the southwestern boundary of Lot R-100A-1;

THENCE North 51 degrees 01 minutes 23 seconds West a distance of 20.000 metres along a southwestern boundary of said Lot R-100A-1 to a point;

THENCE South 38 degrees 58 minutes 37 seconds West a distance of 5.986 metres along a southwestern boundary of said Lot R-100A-1 to a point;

THENCE North 51 degrees 01 minutes 23 seconds West a distance of 3.916 metres along a southwestern boundary of said Lot R-100A-1 to a point of curvature;

THENCE in a westerly direction along a curve to the left having a radius of 143.000 metres an arc distance of 192.937 metres along the southwestern boundaries of said Lot R- 100A-1, Lot Q-B1 (PID 41188780) and the southeastern boundary of Lot Q-BA to a point of curvature;

THENCE South 51 degrees 40 minutes 22 seconds West a distance of 64.616 metres to a point along the southeastern boundary of Lot Q-BA to a point in the south corner of said Lot Q-BA as shown the above mentioned plan;

THENCE South 38 degrees 19 minutes 38 seconds East a distance of 23.207 metres to the **Point of Beginning**. The above described parcel containing an area of 11,411.2 square metres

All bearings are based on 3-degree M.T.M. Grid North, Central Meridian 64 degrees 30 minutes West.

Attachment C

Legal Description
Parcel MH-4
Mount Hope Avenue,
Dartmouth

All that certain piece or parcel of land lying and being on Mount Hope Avenue, Dartmouth, Halifax County as shown on a plan of Survey of Lots R-100A-1, Q-BA and Parcels MH-3 & MH-4, A Subdivision and Consolidation of Lot Q-B and Lot C-100A, Lands of Nova Scotia Innovation Corporation dated October 20, 2008 and signed by Joseph R. Alcorn N.S.L.S. and is on file as Alderney Surveys Limited Plan Number 086584-1. Said Parcel MH-4 being more particularly described as follows:

Beginning at a point at in the southwestern boundary of Mount Hope Avenue at the north corner of Lot 302A (PID 41182429) as shown on the above-mentioned Plan;

THENCE North 38 degrees 57 minutes 23 seconds East a distance of 71.377 metres to a point along a northwestern boundary of Parcel B shown on the above mentioned plan;

THENCE North 51 degrees 01 minutes 23 seconds West a distance of 12.940 metres along a southwestern boundary of Lot R-100A-1 to a point;

THENCE South 38 degrees 58 minutes 37 seconds West a distance of 3.000 metres along a southwestern boundary of said Lot R-100A-1 to a point;

THENCE North 51 degrees 01 minutes 23 seconds West a distance of 24.369 metres along a southwestern boundary of said Lot R-100A-1 to a point;

THENCE South 38 degrees 58 minutes 37 seconds West a distance of 3.000 metres along a southwestern boundary of said Lot R-100A-1 to a point;

THENCE North 51 degrees 01 minutes 23 seconds West a distance of 79.998 metres along a southwestern boundary of said Lot R-100A-1 to a point;

THENCE North 38 degrees 58 minutes 37 seconds East a distance of 2.000 metres along a southwestern boundary of said Lot R-100A-1 to a point;

THENCE North 51 degrees 01 minutes 23 seconds West a distance of 42.102 metres along a southwestern boundary of said Lot R-100A-1 to a point;

THENCE South 38 degrees 58 minutes 37 seconds West a distance of 67.377 metres to a point on the northeastern boundary of Lot 306-A (PID 40771180);

THENCE South 51 degrees 01 minutes 23 East a distance of 159.432 metres along the northeastern boundaries of said Lot 306-A and Lot 303 (PID 00639021) to the **Point of Beginning**. The above described parcel containing an area of 10,657.4 square metres. All bearings are based on 3-degree M.T.M. Grid North, Central Meridian 64 degrees 30 minutes West.