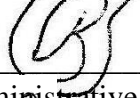


Item No. 11.1.2
Halifax Regional Council
March 20, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: February 21, 2012

SUBJECT: **Proposed Burnside/Sackville Expressway, 107 Bypass -Provincial
Request to Purchase Lands at Burnside Industrial Park**

ORIGIN

This report originates with the unsolicited offer from the Province of Nova Scotia to acquire the required right-of-way for the proposed Burnside Sackville Expressway, 107 Bypass.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Province of Nova Scotia for the subject land as per the terms and conditions outlined in Table 1 of the Confidential Information Report dated March 20, 201; and
2. Authorize the Mayor and Municipal Clerk to enter into a Memorandum of Understanding (MOU) with the Province of Nova Scotia, for the extension of Akerley Boulevard across the Highway 107 corridor.

BACKGROUND

The lands requested for purchase have been jointly planned/reserved as right-of-way by the Municipality and the Province going back as far as the City of Dartmouth administration, in anticipation of the long planned Highway 107 Extension, commonly referred to as the “Burnside Sackville Expressway”.

DISCUSSION

The requested land is comprised of approximately 168 gross acres of land and is illustrated on Attachment 1 of this report for the 107 bypass. The first phase of the Burnside Sackville Expressway will be the direct extension of Burnside Drive to connect with Bedford/Sackville. The Province has indicated there will be a longer timeframe for the completion of the Highway 107 bypass and associated interchange on the subject lands.

The Province made an unsolicited offer to the Municipality based on their full estimated market value appraisal of the requested lands as completed by the Altus Group. The Municipality undertook its own appraisal completed by Atlantic Realty Advisors with the market value of the property as of October 29, 2011. HRM staff is satisfied with the overall market value estimate.

Burnside Park Implications

MOU – Access to Remaining Municipally Owned Lands of Phase 13 Burnside

Phase 13 of Burnside will ultimately be accessed through the future highway 107 bypass interchange. However, the first phase of construction of the Burnside/Sackville expressway will be the completion of the main extension from Burnside Drive to Sackville and not include the highway 107 bypass/interchange.

In consideration of the uncommitted timing for the full completion of the Highway 107 Bypass and interchange and as part of this Agreement, the Province and Municipality will enter into a MOU agreeing to a temporary access design and construction commitment that will allow HRM to develop its remaining industrial park lands. This MOU is at the request of, and benefit to, HRM in ensuring a timely connection to the Phase 13 expansion lands of Burnside Industrial Park.

As illustrated in attachment 2 of this report, the Municipality will be responsible for the full cost and construction undertaking for the temporary roadways, shaded dark on the attached. The Province will be responsible for the full cost and construction undertaking of the permanent street infrastructure shaded light, as well as all future costs and construction for the full build-out of the interchange. The Agreement will require the province to complete its first phase (as shaded orange) of this infrastructure on or before December 31, 2014.

The draft MOU is provided as Attachment 3 of this report.

TABLE 1: GENERAL TERMS AND CONDITIONS OF ACQUISITION

See the Confidential Information Report dated March 20, 2012.

BUDGET IMPLICATIONS

The net proceeds from the sale shall be credited to the **Business Park Capital Reserve Account Q121**. Applicable adjustments to the purchase price include, but are not limited to, vendor appraisal, survey, legal, marketing and administrative costs.

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.

ALTERNATIVES

There are no recommended alternatives.

COMMUNITY ENGAGEMENT

Community Engagement was not deemed to be necessary as these lands have been jointly planned/reserved by the former City of Dartmouth and the Province for the planned Burnside Sackville Expressway.

ATTACHMENTS

Attachment 1 – Property Map
Attachment 2 – Phase 13 Access
Attachment 3 – Draft memorandum of Understanding

Proposed Burnside/Sackville Expressway - 4 -
Provincial Request to Purchase
Lands at Burnside Industrial Park

March 20, 2012

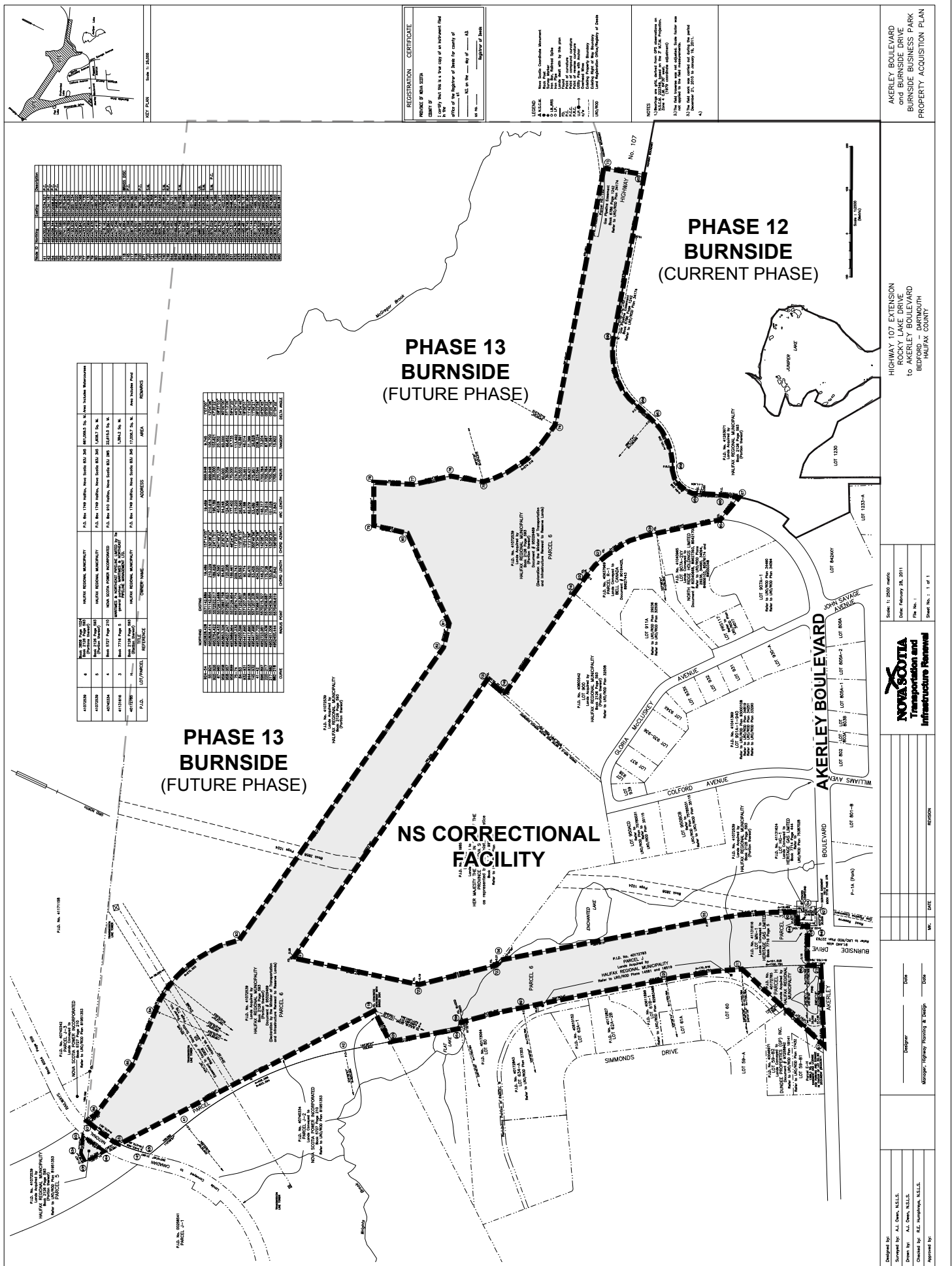
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

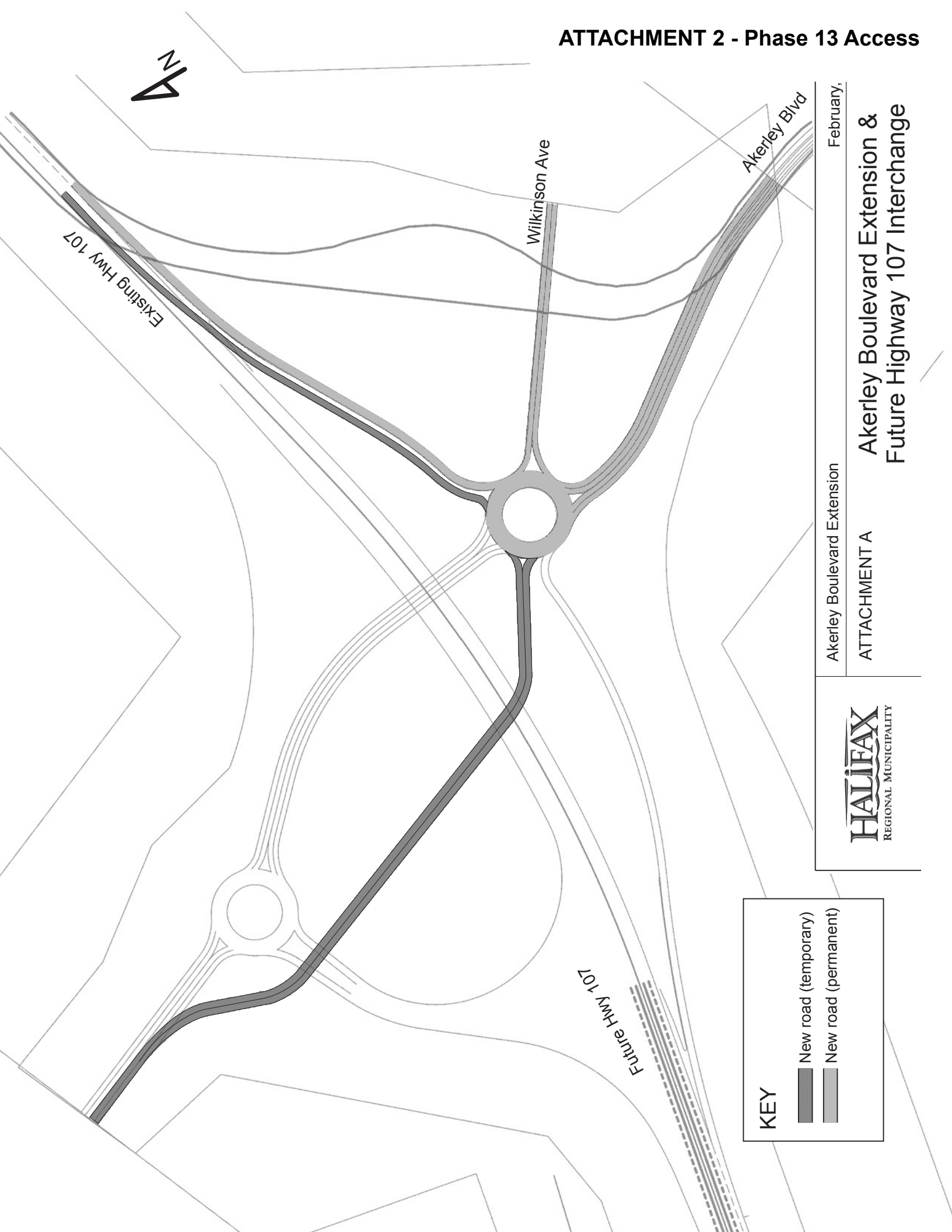
Report Prepared by: Michael Wile, Business Parks Manager, Planning & Infrastructure, 490-5521

Report Approved by: _____
David McCusker, P.Eng, Manager, Strategic Transportation Planning, 490-6696

Financial Approval by: _____
Greg Keefe, Acting Director of Finance/CFO, 490-6308

Report Approved by: _____
Peter Stickings, Acting Director, Planning & Infrastructure 490-7129





February,

Akerley Boulevard Extension

ATTACHMENT A
Akerley Boulevard Extension &
Future Highway 107 Interchange

HALIFAX
REGIONAL MUNICIPALITY

KEY

■ New road (temporary)

■ New road (permanent)



P.O. Box 1749
Halifax, NS
Canada B3J 3A5

MEMORANDUM OF UNDERSTANDING

BETWEEN: Halifax Regional Municipality and the Province of Nova Scotia

DATE: 2012 March 20

SUBJECT: EXTENSION OF AKERLEY BOULEVARD ACROSS THE HIGHWAY 107 CORRIDOR

Halifax Regional Municipality and the Province of Nova Scotia are entering into a Purchase and Sale Agreement involving lands owned by the Municipality and required for the right-of-way of a future Highway 107. This signed Memorandum of Understanding forms a Condition of Sale of that Agreement.

While agreement on the specifics of the roadway design, alignment and procurement may be reached at a later date, this Memorandum of Understanding makes clear the needs, timelines and responsibilities associated with the extension of Akerley Boulevard.

The following statements describe the understanding of both parties:

1. Akerley Boulevard requires extension northward across the proposed Highway 107 corridor to establish access to the Burnside Phase 13 Lands which are critical in providing economic development opportunities related to the Atlantic Gateway Initiative. This roadway must be built and operating by December 31, 2014.
2. Attachment "A" shows, at a functional level, the extent of the roadway required to be built to meet the need identified above. The layout shown aligns with some components of a future interchange as provided by Nova Scotia Transportation & Infrastructure Renewal. All roadways within the proposed Highway 107 corridor will be owned by the Province. Until the future interchange is constructed, the extension of Akerley Boulevard and Wilkinson Avenue will be maintained by the Municipality.
3. Furthermore, Attachment "A" distinguishes between the components of the required road layout which will form a permanent part of a future proposed interchange and those that will be removed as the future interchange is constructed. The cost of constructing the permanent components is the responsibility of the Province and the cost of constructing the temporary components is the responsibility of the Municipality.
4. The section of Akerley Boulevard deemed permanent will be four lanes divided and the section deemed temporary will be two lanes undivided. Provision will be made to allow for the temporary section to be widened to four lanes, at the cost of the Municipality, should the need to do so occur before the future interchange is constructed.

5. All components of a future interchange of Akerley Boulevard and Highway 107 are the cost and responsibility of the Province.

The undersigned are in agreement with the statements made above.

Dated March 21, 2012

FOR HALIFAX REGIONAL
MUNICIPALITY:

FOR THE PROVINCE OF NOVA SCOTIA:

Mayor

Minister, Transportation & Infrastructure Renewal

Clerk

Attachment: Attachment "A": Akerley Boulevard Extension and Future Highway 107 Interchange