

Item No. 11.1.9

Halifax Regional Council

March 18, 2014

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by
Mike Labrecque, Acting Chief Administrative Officer

Original Signed by Director
Jane Fraser, Director, Planning and Infrastructure

DATE: February 3, 2014

SUBJECT: Requested Amendment to Conditions of Sale – Provincial Purchase of
Lands at Burnside for the Proposed Burnside/Sackville Expressway, 107
Bypass

ORIGIN

This report originates with:

1. Halifax Regional Council's authorization for 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, 2012;
2. Halifax Regional Council's authorization for 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; and
3. The request from the Province to extend the infrastructure construction completion date, as provided in the MOW dated March 20, 2012, between Halifax Regional Municipality and The Province of Nova Scotia.

LEGISLATIVE AUTHORITY

The recommended action complies with Charter Sections 61(5)(b), 71 and 79.

RECOMMENDATION ON NEXT PAGE

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Approve the Province of Nova Scotia's request to extend the infrastructure construction completion date, as provided in the MOU dated March 20, 2012, between the Halifax Regional Municipality and The Province of Nova Scotia, as per the terms and conditions outlined in Table 1 of this report; and
2. Authorize the Mayor and Municipal Clerk to enter into an amended Agreement of Purchase and Sale between the Halifax Regional Municipality and the Province of Nova Scotia, as per the terms and conditions outlined in Table 1 of this report.

BACKGROUND

On March 20, 2012, Halifax Regional Council approved the minimum terms and conditions for the requested Sale of Land to the Province as required right of way for the proposed Burnside/Sackville Expressway, Highway 107 Bypass at Burnside Industrial Park. One of the conditions of the Agreement was for HRM and the Province to enter into an MOU as part of the Agreement of Purchase and Sale, committing to the undertaking of construction, payment and timing to provide access to the remaining HRM owned industrial lands of Phase 13 Burnside by December 31, 2014.

The Province, through its staff at NSTIR, has requested an extension to the agreed timing set out in the MOU of December 31, 2015, for completion of the construction of the Highway 107 roundabout.

DISCUSSION

NSTIR has made a formal request to HRM's Regional Transportation Manager for additional time for completion of construction, as set out in the MOU.

The construction of infrastructure provided in the MOU is the required access point to the industrial lands for development in Phase 13 Burnside and, as such, the commitment and timing from the Province to complete this infrastructure is a critical component. HRM's current phased timing of construction would reasonably allow for the requested Provincial extension. HRM will look to complete Phases 12-5 and 12-6 in 2014 and 2015 respectively, which will provide a continued supply of new industrial lot inventory. Construction of HRM's related Phase 13 infrastructure is anticipated to begin in 2015, which will coincide with the requested Provincial extension.

In this instance, Staff is recommending an extension of the completion date for construction, subject to the Province committing to:

- 1) Undertaking the design of the infrastructure immediately, with a substantially completed design date of June 1, 2014. This is critical as HRM needs to match its design of streets and services to the Provincial design, the potential relocation of existing third party infrastructure and, as a condition of the original land sale, HRM has the right to repurchase any lands determined to reasonably not be required for the provincial ROW once the design is completed.
- 2) In the event that an extension of the timing for the Province to complete its construction may result in both the Province and HRM undertaking construction of their respective portions of the infrastructure contemplated under the MOU at the same time, HRM will require that the Province grant all reasonable accesses and permissions on and over the Provincial owned lands ROW so as not to impact the HRM construction in any manner, acting reasonably.
- 3) An extension for the completion of the Provincial portion to be fully constructed by December 31, 2015.

HRM Design & Construction Services and HRM Development Services have been consulted in preparation of this report to identify any potential impacts this extension may pose to HRM's own continued development plans, approvals and construction timings. There are no risks to the timing of HRM's other development plans, due to the requested extension and under the conditions provided herein.

TABLE 1: GENERAL TERMS AND CONDITIONS OF AMENDMENT TO THE APS

| | |
|--|---|
| <i>Infrastructure Completion Date</i> | <ul style="list-style-type: none">- The Portion of Roundabout and street infrastructure to be constructed by the Province as provided in the MOU shall be fully completed by December 31, 2015. |
| <i>Special Conditions</i> | <ul style="list-style-type: none">- The Province shall agree to have the detailed design plans for the infrastructure provided in the MOU substantially completed on or before June 1, 2014.- As an extension of the timing for the Province to complete its construction may result in HRM undertaking construction of its respective portions of the infrastructure contemplated under the MOU before or at the same time as the Province, HRM will require that the Province grant all reasonable access, permissions and approvals on and over the Provincial owned ROW so as not to impact the HRM construction in any manner, acting reasonably. |

FINANCIAL IMPLICATIONS

There are no financial implications identified at this time.

COMMUNITY ENGAGEMENT

There is no applicable community engagement associated with this recommendation.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this recommendation.

ALTERNATIVES

The alternative is for Council to decline the requested modifications to the existing MOU. This alternative is not recommended by staff.

ATTACHMENTS

Attachment 1 - Original signed MOU between HRM and the Province

Attachment 2 – Location Map

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, Real Estate & Land Management, P&I 490-5521

Report Approved by: _____
Peter Stickings, Manager, Real Estate & Land Management, P&I 490-7129

Report Approved by: _____
Jane Fraser, Director, Planning & Infrastructure, 490-7166



P.O. Box 1749
Halifax, NS
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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:

Original Signed

Mayor Peter Kelly

Original Signed

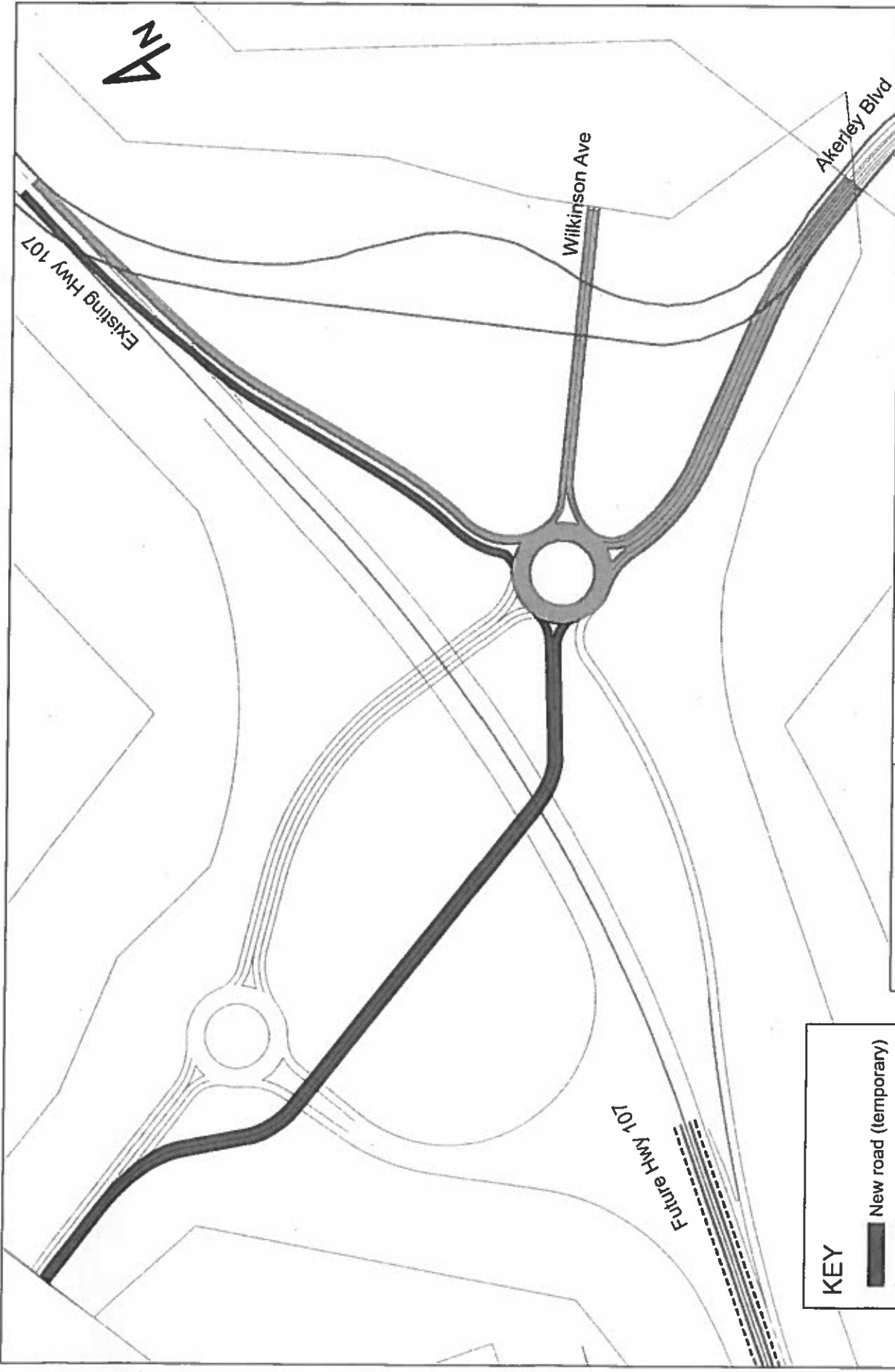
Clerk

FOR THE PROVINCE OF NOVA SCOTIA:



Original Signed

Minister, Transportation & Infrastructure Renewal

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



KEY

-  New road (temporary)
-  New road (permanent)

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|---|--|----------------|
|  | Akerley Boulevard Extension | February, 2012 |
| | ATTACHMENT A Akerley Boulevard Extension & Future Highway 107 Interchange | |

Attachment 2 – Location Map

