

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original signed by 

Richard Butts, Chief Administrative Officer

Original Signed

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: December 18, 2014

SUBJECT: **Chebucto Head Road – Duncan’s Cove**

ORIGIN

Halifax Regional Council – March 4, 2014, Item 11.1.4, “MOVED by Councillor Adams, seconded by Councillor Rankin that Halifax Regional Council direct staff to negotiate an exchange of a remnant equal to the length of Chebucto Head Road, from Duncan’s Cove Road (approximately 600 metres) to the gate as per Option 2 contained in the January 29, 2014 staff report and authorize the CAO to accept the remnant.”

LEGISLATIVE AUTHORITY

HRM Charter:

s. 318(3) No road, or allowance for a road, becomes a street until the Council formally accepts the road or allowance, or the road or allowance is vested in the Municipality according to law.

s. 61 (5) The municipality may

- (a) acquire property,....., that the Municipality requires for its purposes or for the use of the public;
- (b) sell property at market value when the property is no longer required for purposes of the Municipality;

Administrative Order 50 s.4 (3): extraordinary properties may be exempted from the policy. Extraordinary properties include street properties.

The proposed exchange contained in this report requires that HRM accept ownership of a Provincial road or highway. Accordingly, the selected Provincial road requires the approval of Council to accept the conveyance, and, as an HRM street. As the selected road is physically longer than the section of Chebucto Head Road being transferred from the Government of Canada to the Nova Scotia Department of Transportation and Infrastructure Renewal, and as a consequence of that three short HRM streets are to be transferred to the Province to set-off the difference, then those transfers require Council approval of the disposition to the Province of these HRM streets. None of the title transfers require road or street closures as there is no intent to close the road or streets to public use.

RECOMMENDATION

It is recommended that Regional Council accepts transfer of road ownership with the Nova Scotia Department of Transportation and Infrastructure Renewal as described in Table No.1 of this report.

BACKGROUND

As outlined in the March 4, 2014 Council report a portion of Chebucto Head Road is owned by the Government of Canada which provides access to a lighthouse as well as several residential properties. The condition of the road from Duncan’s Cove Road to the gate (refer to Plan No. 1) is poor; however, federal government staff has indicated the road was not intended for public access, and as a result, it is considered a low priority in department budgeting. They have indicated they are not prepared to upgrade it, but have suggested a willingness to divest their ownership interest.

The March 4, 2014 Council Report outlined a number of scenarios for consideration, and Council approved the following option:

“Option No. 2 – Road exchange between HRM and the Province - The Province has recently expressed interest in support of a joint solution with HRM. The Province no longer accepts ownership of local roads pursuant to the Provincial-Municipal Service Exchange agreement. This practice was discontinued in 1995 as it was the Province’s intention to no longer assume ownership of new local roads. However, they are willing to accept ownership of the portion of Chebucto Head Road (from Duncan’s Cove Road to the gate) from the Government of Canada provided the Municipality assumes ownership of a remnant section of road that is currently owned by the Province. This would result in no net gain to the Province’s road inventory. The remnant section of road would be equal in length to Chebucto Head Road and would require no immediate capital upgrade. The Province would then accept title of the road and full responsibility of the maintenance and capital requirements subject to approvals from Regional Council, the Provincial NSTIR Minister and the Government of Canada.

Under this option, staff would present the remnant road to Council at a later date for approval.”

DISCUSSION

Pursuant to the direction contained in Option No. 2, the respective staffs of HRM and NSTIR have reviewed remnant sections of roads based on a net gain to HRM of approximately 0.63 kms, as prescribed in the March 4, 2014 Council report. The following Table No. 1 provides details of the proposed ownership exchanges with NSTIR in order to achieve the desired outcome:

TABLE NO.1

Road Name	District	Transfer to	Length (kilometers)
Abilene Avenue	1	HRM	1.06
Russell Drive	2	NSTIR	0.15
Earl Court	2	NSTIR	0.22
Evergreen Crescent	2	NSTIR	0.05

Note: Refer to the attached Plan Nos. 2-5 for more detailed information regarding each road.

The proposed transfers will result in HRM acquiring 1.06 km, and NSTIR acquiring 0.42 km of road, with a net difference of 0.64 km (1.06 - 0.42 = 0.64). This is within 0.01 km (10 metres) of the target length. As well the average asphalt condition of the 1.06 km section of Abilene Avenue was rated by HRM staff on July 31, 2014 at a surface distress index (SDI) of 8.91. HRM’s Pavement Management System applies the surface distress index (SDI) as a measure of the condition of the pavement. The range of the SDI rating system is from 0 (worst condition) to 10 (best condition). The SDI has been traditionally utilized as one of the key parameters in prioritizing and developing the annual capital street and road pavement

programs. Pavements considered for a capital upgrade are rated below 7.5; therefore, based on the current rating Abilene Avenue will not require an immediate capital upgrade.

Staff also reviewed the winter maintenance impacts of acquiring Abilene Avenue, and transferring the other three street sections to NSTIR. Currently NSTIR is responsible for the winter maintenance of Highway No. 2, Abilene Avenue, Dakota Drive and Calderwood Drive. Pursuant to the HRM/NSTIR winter service exchange agreement, NSTIR will continue with the winter maintenance responsibilities of these streets for 2014/15. It is also expected that in 2014/15 NSTIR will maintain Earl Court and Evergreen Crescent, with HRM being responsible for Russell Drive.

If the road transfers as described in Table No. 1 are accepted by Regional Council, the road and street parcels would be conveyed through the formal survey process, after the section of the Chebucto Head Road is transferred from the Government of Canada to NSTIR. On November 25, 2014 NSTIR provided notification to HRM that the portion of Chebucto Head Road (from Duncan’s Cove Road to the gate) as described on the attached Map 1 was transferred from the Government of Canada to the Province.

FINANCIAL IMPLICATIONS

There are no immediate budget implications with respect to the proposed acquisition of the provincially owned section of Abilene Avenue. Abilene Avenue will be added to HRM’s pavement management system, and will be considered for future maintenance and capital improvements as part of the normal budget process.

COMMUNITY ENGAGEMENT

Property owners on Chebucto Head Road have discussed the issue of the condition of the road and what steps can be done to mitigate this situation with the District Councillor and HRM staff.

ENVIRONMENTAL IMPLICATIONS

There are no known environmental implications at this time, and staff are not recommending any environmental assessments be undertaken prior to acceptance or transfer.

ALTERNATIVES

Alternative 1 - Council could direct staff to review and negotiate other road remnants to compensate for NSTIR acquiring Chebucto Head Road. However, staff does not recommend this alternative as the above is an acceptable proposal and sufficiently meets the target length.

ATTACHMENTS

- A1 – Plan No. 1 Chebucto Head Road
- A2 – Plan No. 2 Abilene Avenue
- A3 – Plan No. 3 Russell Drive
- A4 – Plan No. 4 Earl Court
- A5 – Plan No. 5 Evergreen Crescent

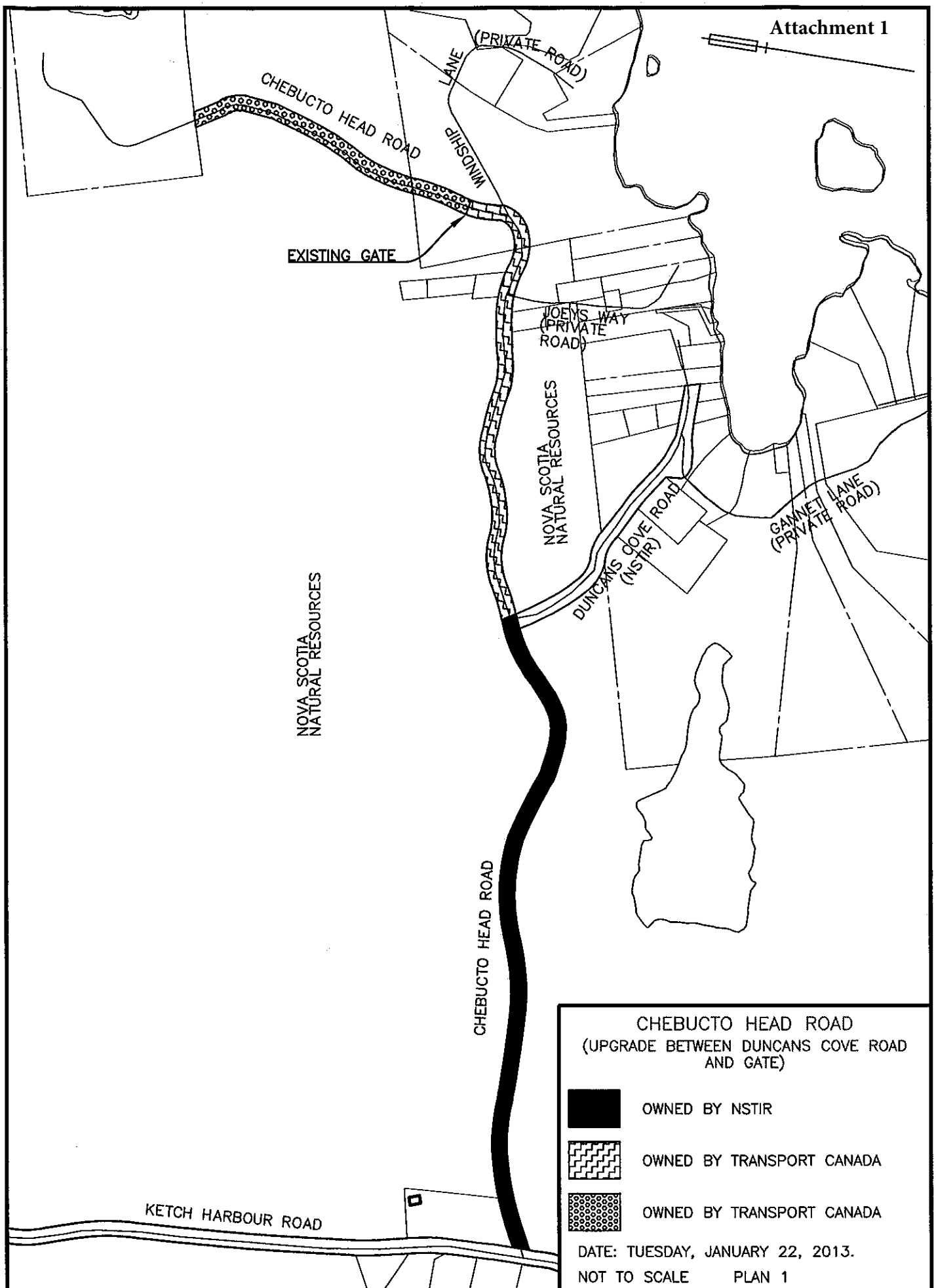
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared/Approved by:

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Report Approved by:

Mike Labrecque, P.Eng., DCAO, A/Director, Transportation and Public Works, 490-4630



EXISTING GATE

NOVA SCOTIA
NATURAL RESOURCES

NOVA SCOTIA
NATURAL RESOURCES




DUNCANS COVE ROAD
(NSTIR)

GANNET LANE
(PRIVATE ROAD)

CHEBUCTO HEAD ROAD

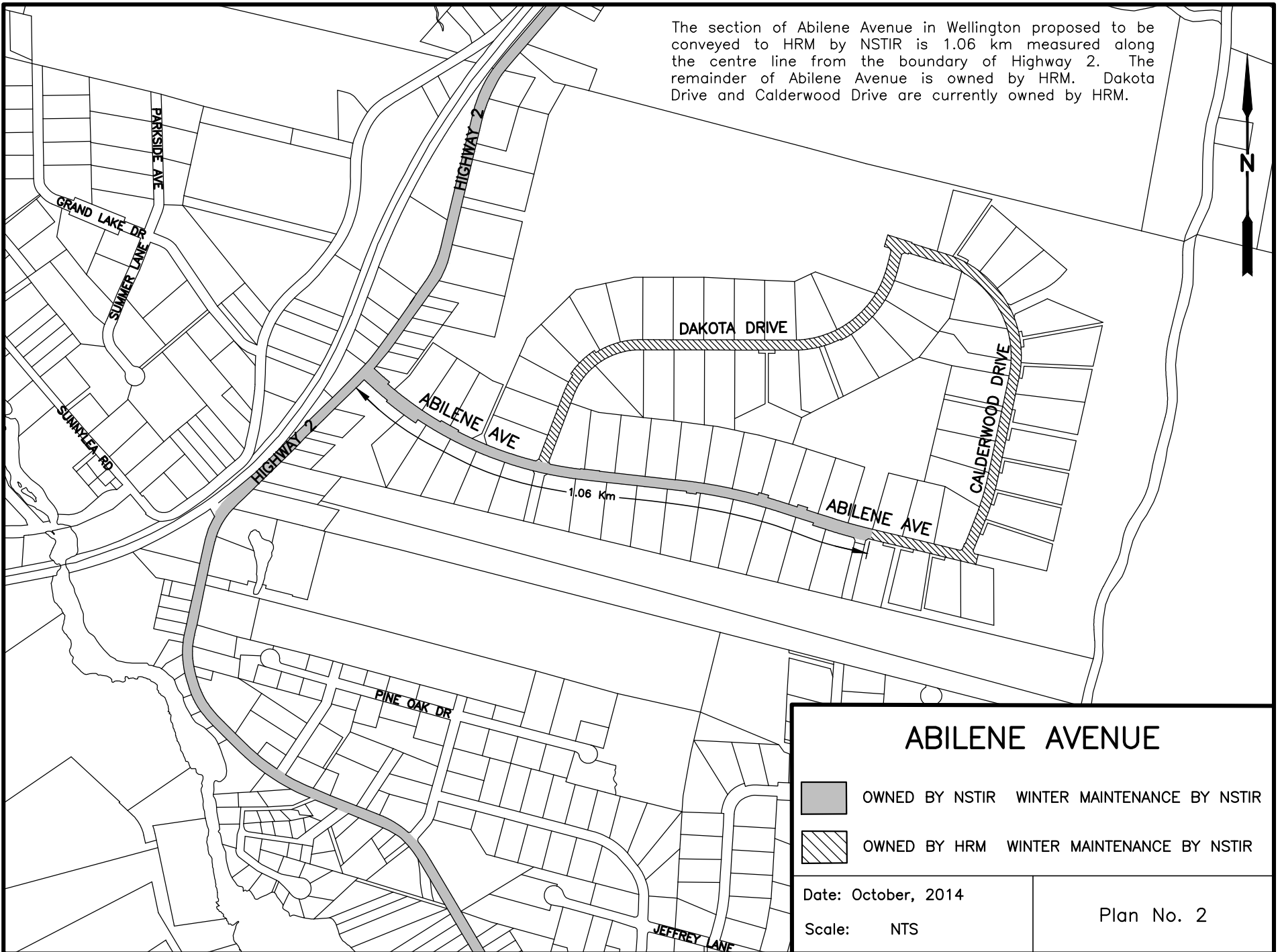
KETCH HARBOUR ROAD

CHEBUCTO HEAD ROAD
(UPGRADE BETWEEN DUNCANS COVE ROAD
AND GATE)

-  OWNED BY NSTIR
-  OWNED BY TRANSPORT CANADA
-  OWNED BY TRANSPORT CANADA

DATE: TUESDAY, JANUARY 22, 2013.
NOT TO SCALE PLAN 1

The section of Abilene Avenue in Wellington proposed to be conveyed to HRM by NSTIR is 1.06 km measured along the centre line from the boundary of Highway 2. The remainder of Abilene Avenue is owned by HRM. Dakota Drive and Calderwood Drive are currently owned by HRM.



ABILENE AVENUE

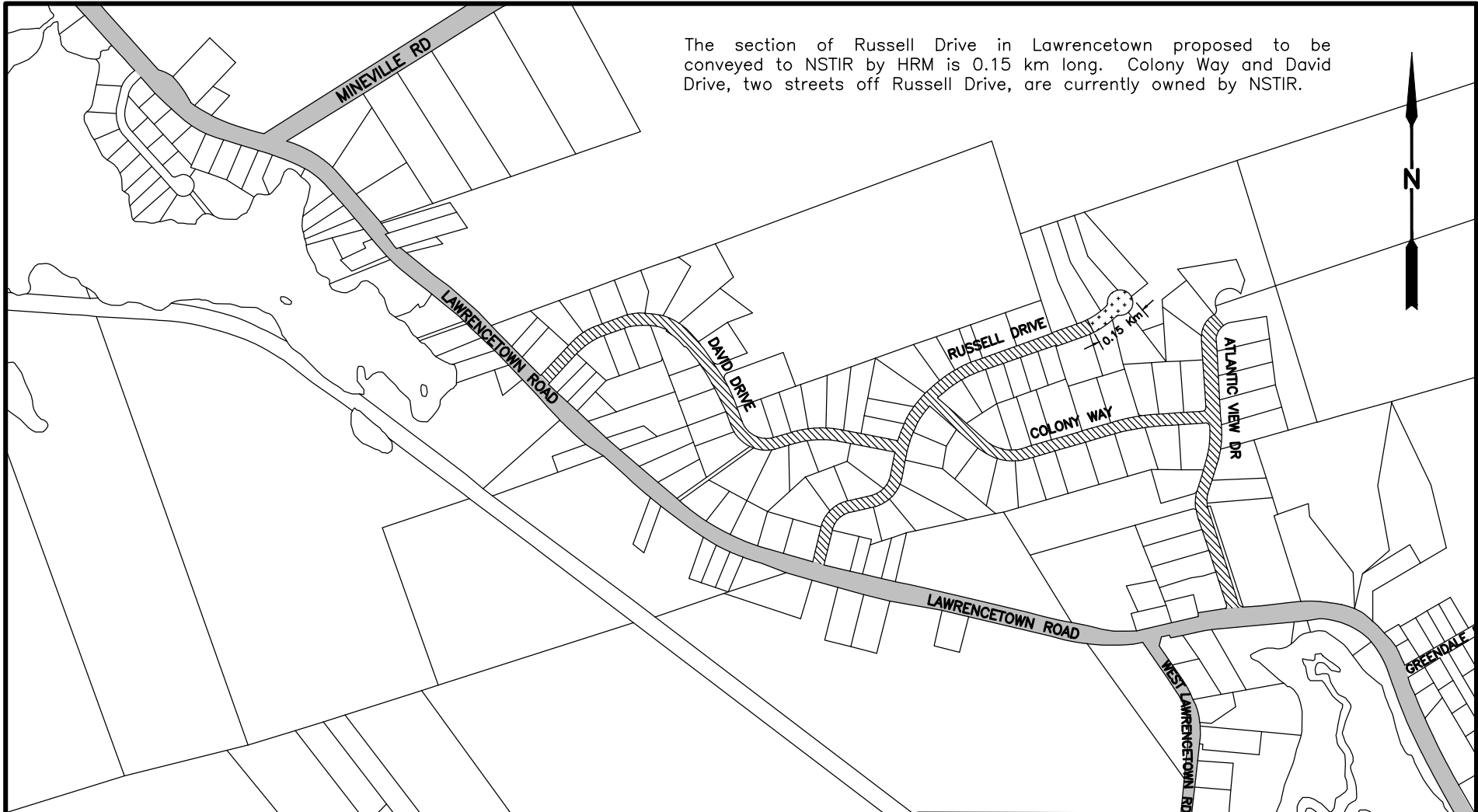
- OWNED BY NSTIR WINTER MAINTENANCE BY NSTIR
- OWNED BY HRM WINTER MAINTENANCE BY NSTIR

Date: October, 2014

Scale: NTS

Plan No. 2

The section of Russell Drive in Lawrencetown proposed to be conveyed to NSTIR by HRM is 0.15 km long. Colony Way and David Drive, two streets off Russell Drive, are currently owned by NSTIR.



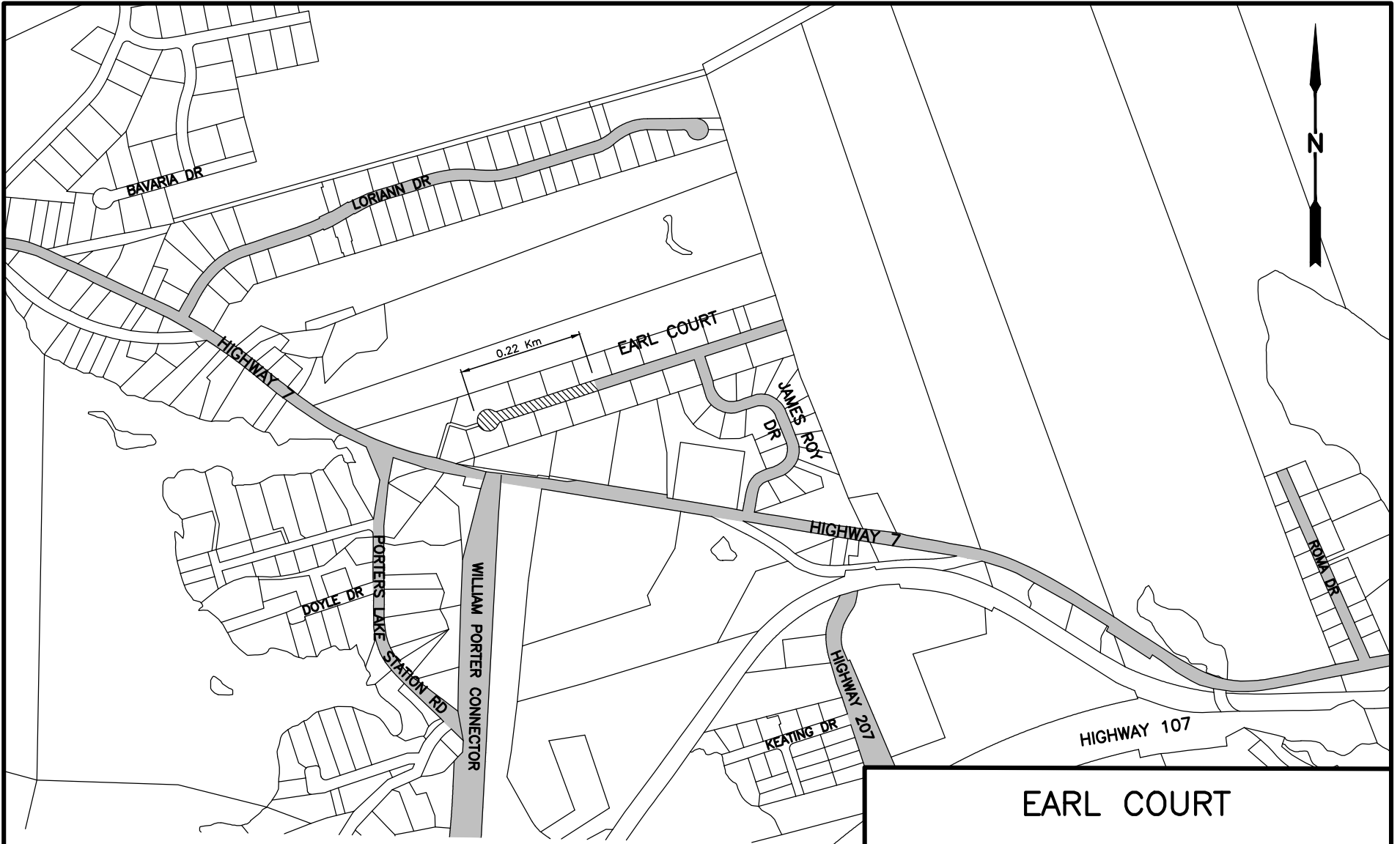
RUSSELL DRIVE

- OWNED BY NSTIR WINTER MAINTENANCE BY NSTIR
- OWNED BY NSTIR WINTER MAINTENANCE BY HRM
- OWNED BY HRM WINTER MAINTENANCE BY HRM



Date: October, 2014

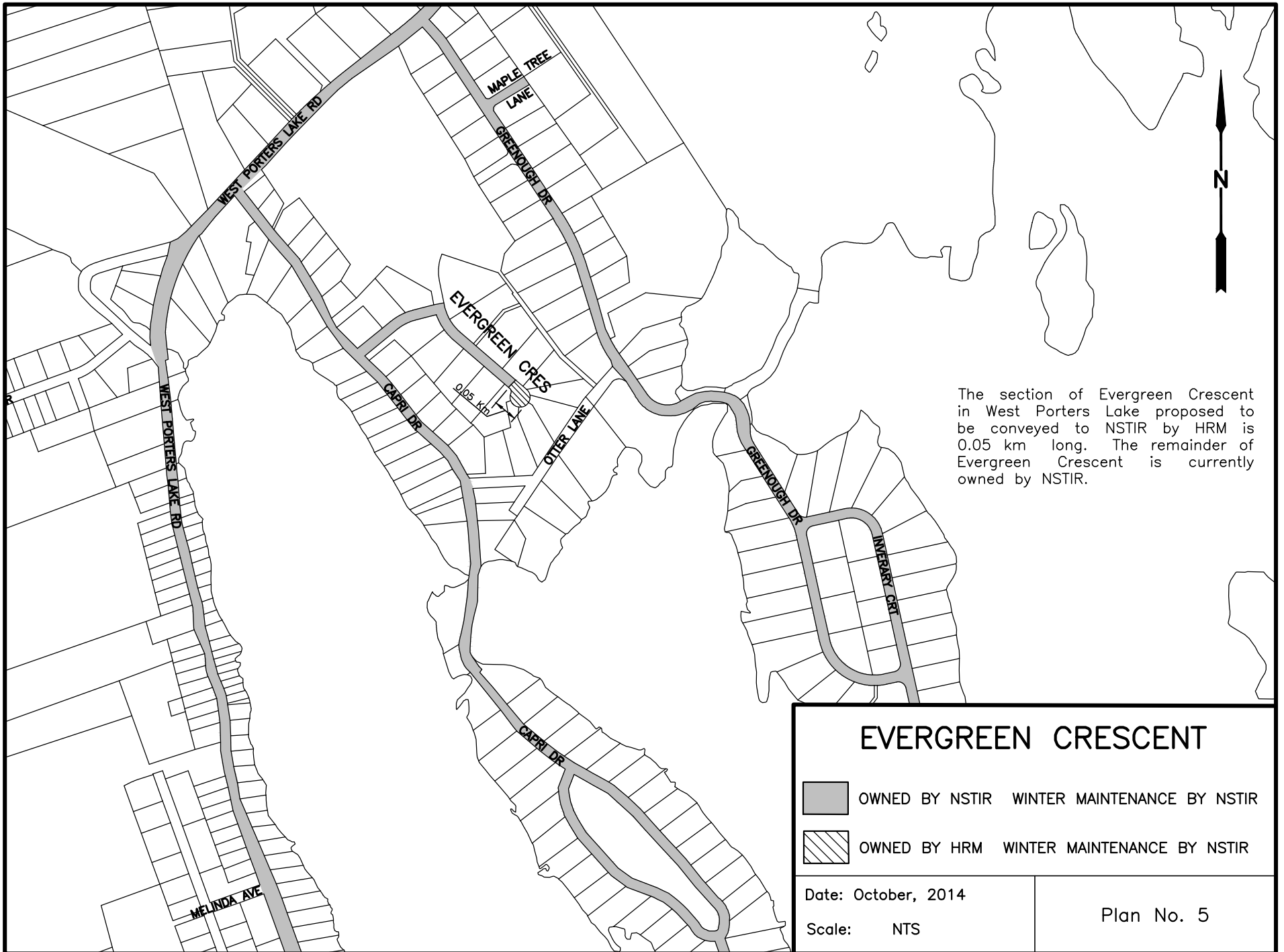
Scale: NTS


Plan No. 3



The section of Earl Court in Porters Lake proposed to be conveyed to NSTIR by HRM is 0.22 km long. The remainder of Earl Court is currently owned by NSTIR.

EARL COURT	
	OWNED BY NSTIR WINTER MAINTENANCE BY NSTIR
	OWNED BY HRM WINTER MAINTENANCE BY NSTIR
Date: October, 2014	
Scale: NTS	Plan No. 4



EVERGREEN CRESCENT	
	OWNED BY NSTIR WINTER MAINTENANCE BY NSTIR
	OWNED BY HRM WINTER MAINTENANCE BY NSTIR
Date: October, 2014	
Scale: NTS	Plan No. 5