




P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.1

**Halifax Regional Council
March 10, 2015**

March 31, 2015

TO: Mayor Savage 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

DATE: February 5, 2015

SUBJECT: **Proposed By-law S-439, an Amendment to By-law S-400 Respecting
Charges for Street Improvements**

ORIGIN

A by-law is required in order to recover local improvement charges for the paving of HRM owned gravel roads pursuant to By-law S-400 and the Local Improvement Policy – 1997.

LEGISLATIVE AUTHORITY

Section 104 of the *Halifax Regional Municipality Charter* allows Council to make “by-laws imposing, fixing and providing methods of enforcing payment of charges for by-laws... laying out, opening, constructing, repairing, improving and maintaining streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls....”.

The following report conforms to the above Policy and *HRM Charter*.

RECOMMENDATION

It is recommended that Halifax Regional Council,

1. Approve the 2013 Local Improvement Charges as outlined on the attached By-law S-439; and,
2. Adopt By-law S-439, amending By-law S-400, the *Street Improvement By-law*, as set out in Attachment 1.

BACKGROUND

By-law S-400, the *Street Improvement Bylaw*, deals with the recovery of costs where Council undertakes a project to construct new street paving, new sidewalks, and new concrete curb and gutter. This by-law provides the authority to impose a levy on property owners as described in By-law S-400 and the local improvement policy.

DISCUSSION

Local Improvement Charges (LIC) apply for gravel road paving as per By-law S-400 and HRM Local Improvement Policy 1997. As per the process, staff reviewed construction costs of the paving of gravel roads from the 2013/14 capital program (Haley Lane and Robert Lane – refer to attached maps) , and as a result have determined the charges for 2013 as outlined in attached Schedule A and By-law S-439 of this report. The proposed By-law S-439, Respecting Charges for Street Improvements, is an amendment of By-law S-400, the *Street Improvement By-law*, and will enable HRM to charge LICs for the paving of gravel road projects. As a note pursuant to Administrative Order 32 a public hearing is not required on the enactment or amendment of a Bylaw unless specifically directed by Council.

FINANCIAL IMPLICATIONS

Upon Council's approval of By-law S-439, the Local Improvement Charges for the applicable 2013/14 capital projects will be levied to the relevant property owners. By ensuring that the charges reflect the actual cost of the projects, the revenue collected will offset the cost of the projects so that there is no net impact on the Approved Operating and Project Budgets.

COMMUNITY ENGAGEMENT

Hayley Lane, Beaver Bank - successfully surveyed for paving, residents were notified in writing of the survey results (refer to attached letter).

Robert Lane, Westphal - successfully surveyed for paving, residents were notified in writing of the survey results (refer to attached letter).

ENVIRONMENTAL IMPLICATIONS

Not Applicable

ALTERNATIVES

Council may choose not to adopt the new charges for 2013/14; however, staff does not recommend this alternative as the previous rates would not represent the appropriate level of cost recovery.

ATTACHMENTS

Attachment 1 By-law S-439
Attachment 2 LIC Calculation for By-law S-439
Attachment 3 Maps By-law S-439
Attachment 4 Letter to Property Owners By-law S-439

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Ann Reid, LIC Technician Project Planning and Design Services 490-6849

Report Approved by: _____
David Hubley, P.Engs. Manager, Project Planning and Design Services at 490-4845

Legal Approval: _____
John Traves, Q.C., Director, Legal, Insurance & Risk Management Services 490-4219

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER S-439

RESPECTING CHARGES FOR STREET IMPROVEMENTS

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-Law Number S-400, The *Street Improvement By-Law*, is hereby further amended as follows:

1. Schedule “A” of By-Law Number S-400 is amended by adding the following:

For all projects approved and completed between January 1, 2013 to December 31, 2013, the charges shall be as follows:

For **new** asphalt paving on Hayley Lane and Robert Lane, the charge per foot of frontage to be applied to both sides of the street shall be \$41.23 plus \$2.06 for engineering fees plus \$0.39 for bridge financing for a total charge of \$43.68.

Done and passed by Council this **XX** day of **XXX**, A.D. 2015.

Mayor

I, Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on **XXXX**, 2015.

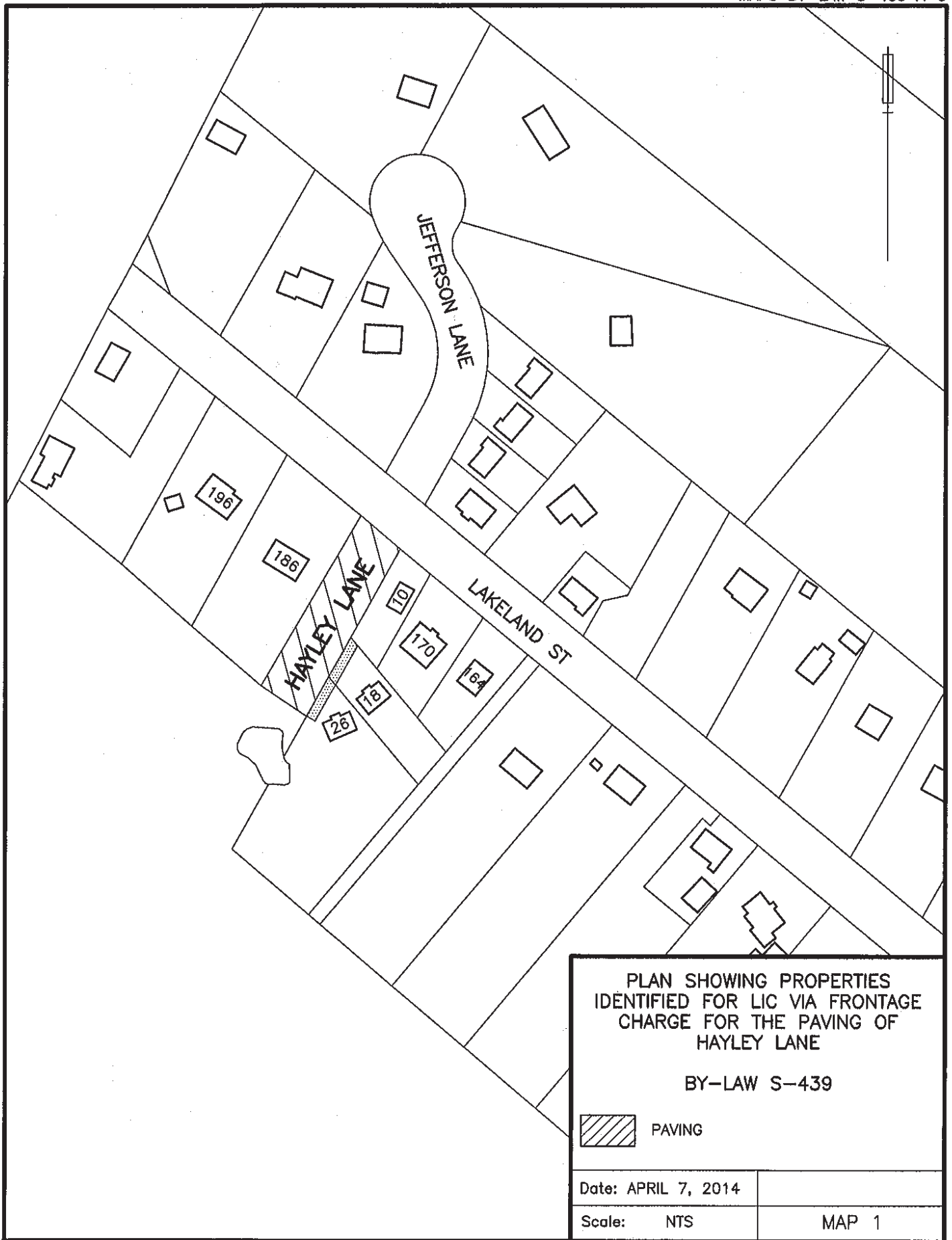
Cathy Mellett
Municipal Clerk

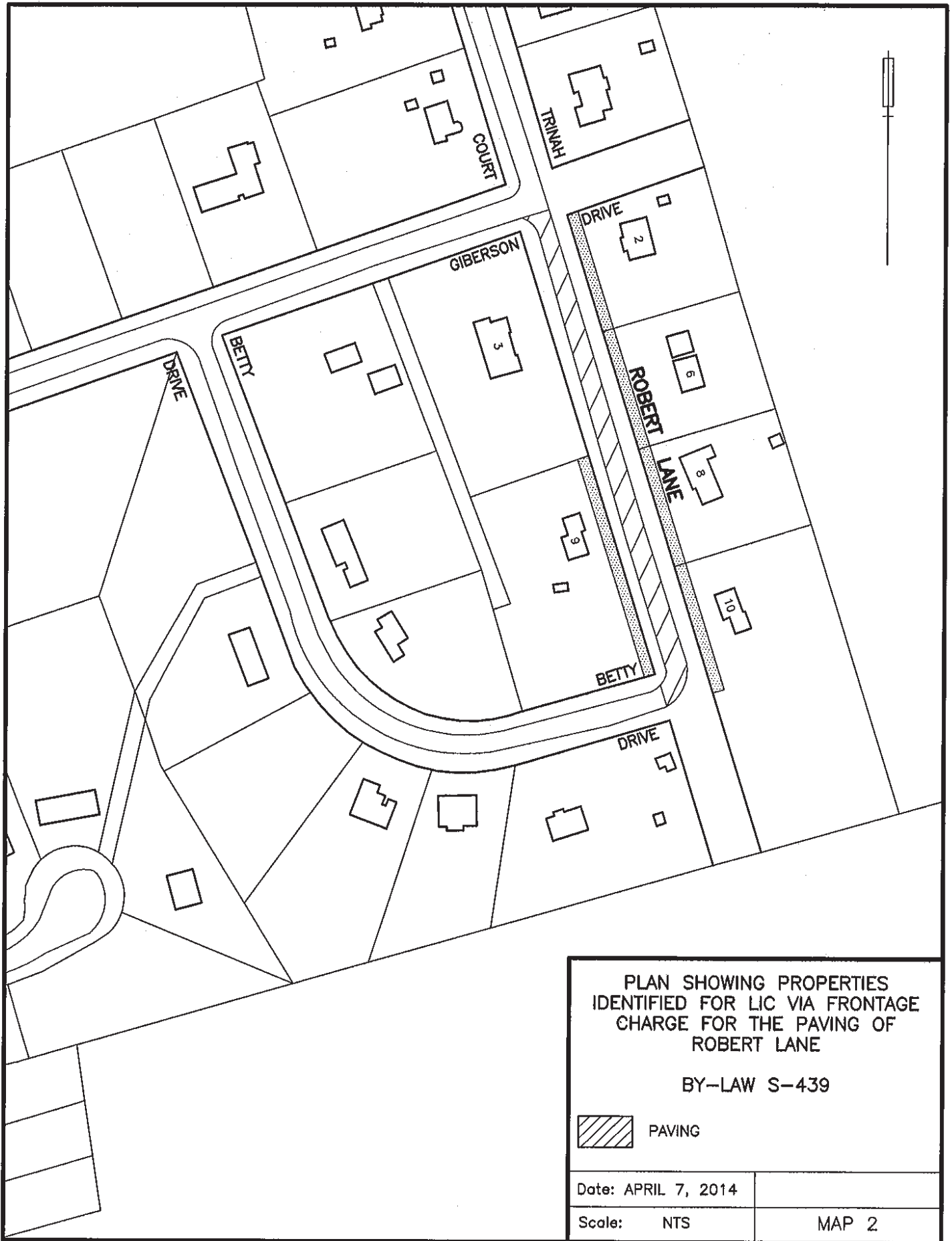
Local Improvement Rate By-Law S-439

Projects Completed 2013

Total Frontage = 1015 feet

LIC Project	50% Construction Cost to Residents	Cost per foot to Residents	Engineering Fee Revenue	Engineering Fees per foot	Bridge Financing	Bridge Financing per foot	LIC + Eng Fees + Financing
New Paving	\$ 41,851.65	\$ 41.23	\$ 2,092.58	\$ 2.06	\$ 400.51	\$ 0.39	\$ 43.68
TOTAL RECOVERY	\$ 41,851.65		\$ 2,092.58		\$ 400.51		\$ 44,344.74





PLAN SHOWING PROPERTIES
IDENTIFIED FOR LIC VIA FRONTAGE
CHARGE FOR THE PAVING OF
ROBERT LANE

BY-LAW S-439

 PAVING

Date: APRIL 7, 2014

Scale: NTS

MAP 2

August 27, 2012

Dear Sir or Madam:

Re: Paving – Hayley Lane

In order to facilitate the development of a list of paving projects for future Capital Budget consideration, we are attaching a survey for your review.

The purpose of this survey is to ascertain if there is sufficient support from property owners regarding the proposed paving of Hayley Lane. If Regional Council approves this project, paving will be subjected to Local Improvement Charges (LIC) as stated in By-Law Number S-400. Under this bylaw the property owners are responsible for paying 50% of the total construction costs and HRM pays for the remaining 50% of costs. Each year the LIC is determined and presented to Regional Council for their approval. The rate is determined on an annual basis and is subject to change. For the purpose of this survey an interim rate of \$40 per linear foot of property frontage is being used. If the paving is approved Hayley Lane will be submitted for consideration in the 2013/14 HRM Capital Budget.

Final billings for all Local Improvement Projects are payable over a 10 year period, with the first installment due 30 days after the billing date. Installments are due on the anniversary date of the original billing. This billing may also be paid in full at any time if the abutter so desires. The unpaid balance is subject to an interest charge at the rate of 2% above the Municipality's Bankers Prime Rate of Interest at the time the project is approved by Halifax Regional Council.

It is important that you return the survey to ensure that your vote is recorded. Surveys that are not returned will imply you have no preference and will not be included in the final survey vote. Please sign and return the attached agreement by **September 14 to:**

Mail: Ann Reid
Design & Construction Services
P.O. Box 1749
Halifax, NS B3J 3A5

Hand Deliver: Ann Reid
21 Mount Hope Ave.
Dartmouth, NS
Fax: (902) 490-4858
Email: reida@halifax.ca

If you require further clarification, please call Ann Reid at (902) 490-6849.

Respectfully **Original Signed**

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

AR/rch.

cc: Barry Dalrymple, Councillor, District 2

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AGREEMENT

Option 1

I agree to pay the interim rate of \$40.00 per linear foot frontage of my property for paving on Hayley Lane.

Name _____

Signature _____

Lot # _____ Street Address: _____

Option 2

I am not in favour of paving Hayley Lane.

Name _____

Signature _____

Lot # _____ Street Address: _____

October 25, 2012

All Property Owners

Dear Sir/Madam:

Re: Survey Results
Hayley Lane – Beaver Bank

This is to inform you of the result of the survey that closed on September 14, 2012 for paving on Hayley Lane.

Under the HRM Local Improvement Policy & By-Law Number S-400 and subject to budget considerations, street paving may be implemented provided there has been a successful survey from the property owners showing that 50% of the total frontage are in favour of the project. Your street has met the required 50% approval. Hayley Lane will be added to the list of successfully surveyed streets and submitted for consideration in the 2013/14 Capital Budget.

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 if the abutter so desires. The unpaid balance is subject to an interest charge at the rate of 2% above the Municipality's Bankers Prime Rate of Interest at the time the project is approved by Halifax Regional Council.

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

Yours very truly,

Original Signed

Ann Reid
LIC Technician

AR\pm

cc: Barry Dalrymple, Councillor District 2

June 22, 2012

Dear Sir or Madam:

Re: Paving – Robert Lane - Westphal

In order to facilitate the development of a list of paving projects for future Capital Budget consideration, we are attaching a survey for your review.

The purpose of this survey is to ascertain if there is sufficient support from property owners regarding the proposed paving of Robert Lane. If Regional Council approves this project, paving will be subjected to Local Improvement Charges (LIC) as stated in By-Law Number S-400. Each year the LIC is determined and presented to Regional Council for their approval. The rate is determined on an annual basis and is subject to change. For the purpose of this survey an interim rate of \$35 per linear foot of property frontage is being used. If the paving is approved Robert Lane will be submitted for consideration in the 2013/14 HRM Capital Budget.

Final billings for all Local Improvement Projects are payable over a 10 year period, with the first installment due 30 days after the billing date. Installments are due on the anniversary date of the original billing. This billing may also be paid in full at any time if the abutter so desires. The unpaid balance is subject to an interest charge at the rate of 2% above the Municipality's Bankers Prime Rate of Interest at the time the project is approved by Halifax Regional Council.

It is important that you return the survey to ensure that your vote is recorded. Surveys that are not returned will be considered that you have no preference and will be okay with whatever option is approved. If you are in agreement to pay the interim rate of \$35.00 per linear foot of your property frontage for paving or are not in agreement, please sign and return the attached agreement by **July 20** to:

Mail: Ann Reid
Design & Construction Services
P.O. Box 1749
Halifax, NS B3J 3A5

Hand Deliver: Ann Reid
21 Mount Hope Ave.
Dartmouth, NS
Fax: (902) 490-4858
Email: reida@halifax.ca

If you require further clarification, please call Ann Reid at (902) 490-6849.

Respectfully,

Original Signed

Clary White
Supervisor Drafting and Plan Records,
Design & Construction Services

CW/pm

cc: Lorelei Nicoll, Councillor, District 4

AGREEMENT

Option 1

I agree to pay the interim rate of \$35.00 per linear foot frontage of my property for paving on Robert Lane.

Name _____

Signature _____

Lot # _____ Street Address: _____

Option 2

I am not in favour of paving Robert Lane.

Name _____

Signature _____

Lot # _____ Street Address: _____

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July 24, 2012

All Property Owners

Dear Sir/Madam:

Re: Survey Results
Robert Lane - Westphal

This is to inform you of the result of the survey that closed on July 20, 2012 for paving on Robert Lane.

Under the HRM Local Improvement Policy & By-Law Number S-400 and subject to budget considerations, street paving may be implemented provided there has been a successful survey from the property owners showing that 50% of the total frontage is in favour of the project. The result of the survey on Robert Lane is 63% of the total frontage is in favour of the paving. Robert Lane will be submitted for consideration for paving in the 2013/14 Capital Budget.

Final billings for all Local Improvement Projects are payable over a 10 year period, with the first installment due 30 days after the billing date. Installments are due on the anniversary date of the original billing. This billing may also be paid in full at any time if the abutter so desires. The unpaid balance is subject to an interest charge at the rate of 2% above the Municipality's Bankers Prime Rate of Interest at the time the project is approved by Halifax Regional Council.

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

Yours very truly,

Original Signed

Ann Reid
LIC Technician

AR/pm

cc: Lorelei Nicoll, Councillor, District 4

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