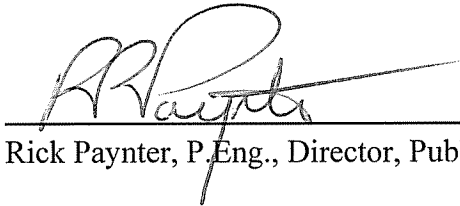


**Halifax Regional Council**  
**December 3, 2002**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
Rick Paynter, P.Eng., Director, Public Works & Transportation Services

**DATE:** November 26, 2002

**SUBJECT:** Capital Budget Funding for Takeover of Private Roads

## **INFORMATION REPORT**

### **ORIGIN**

Halifax Regional Council Meeting of October 29, 2002, item 9.1.1.

### **BACKGROUND**

At the Regional Council meeting of October 29, 2002, Councillor Adams requested a staff report regarding the possibility of including a \$500,000 annual allocation in the Capital Budget to upgrade private roads through HRM on a cost sharing basis (75% residents / 25% HRM). This report is in response to that request.

## **DISCUSSION**

The issue of private road upgrading is one that is broad in scope and difficult in implementation. Across HRM, there presently exists over 900 private road sections that vary in condition from one end of the spectrum to the other. Given the existing conditions of the majority of these private roads, the costs for upgrading will be significant. To give a perspective, since amalgamation, over 40 private roads have been investigated by staff who have concluded that 15 of those cannot be upgraded without the relocation of existing dwelling units. Of the remaining 25, staff has estimated the total cost for upgrading to public ownership standard to be in the vicinity of \$5,000,000. Because of this cost magnitude, only one private road since amalgamation, Les Collins Avenue in West Chezzetcook, has been successfully petitioned, upgraded and transferred to public ownership.

The existing HRM **Procedure For Acceptance Of Private Streets** presently requires that all costs to upgrade a private road to public ownership standard be borne by the property owners on the road. (Copy of existing Procedure attached.) To ease somewhat the financial burden of that upgrading cost, staff, in consultation with various Business Units, have introduced a modified road standard that would apply to these private roads and yet still allows for acceptable service delivery. However, even with this modified standard, staff finds that the upgrading cost burden to the property owners on private roads to be unaffordable, thus the reason for the motion presented by the Private Roads Committee.

Any action to bring HRM cost sharing into the upgrading of private roads would necessitate a review to the attached existing procedure.

## **BUDGET IMPLICATIONS**

None at this time. However, because of the long-term potential budget magnitude of the motion of the Private Roads Committee, staff has referred this request to the Capital Budget Review Process for review, consideration and recommendation.

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

## **ALTERNATIVES**

There are no recommended alternatives at this time.

**Capital Budget Funding for Takeover  
of Private Roads  
Council Report**

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**ATTACHMENT**

Copy of the existing approved Procedure for the Takeover of Private Streets.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Rick Paynter, P.Eng., Director, Public Works and Transportation at 490-4855

**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC WORKS AND TRANSPORTATION SERVICES -**  
**DESIGN & CONSTRUCTION SERVICES**  
**PROCEDURE FOR ACCEPTANCE OF PRIVATE STREETS**

## INTENT

This procedure sets out the requirements for the Halifax Regional Municipality (HRM) to accept private streets (roads), into the Municipality's infrastructure system. A private street is defined as an existing right-of-way with or without planned development which has not been vested in, or accepted by HRM.

## INTRODUCTION

HRM's public street system generally conforms to accepted design standards. These standards provide for a level of servicing, operational and maintenance requirements that are functionally cost-effective to HRM. For a private street to be accepted into the public street system, HRM requires that the street meets or can be upgraded to accepted HRM design standards. The accepted street then meets requirements for servicing (Public access, Fire, Police, Refuse Collection, Water and Emergency vehicles), operations (winter snow-clearing, storm run-off, sanitary sewer, etc.) and maintenance (roadbed, asphalt surfacing, utilities, trees, etc.)

## PROCEDURES FOR ACCEPTANCE

- A     1.     To qualify for consideration of acceptance, it must be demonstrated by the applicant that the street will meet the following basic design standards:
- I)     In areas with a piped storm drainage system: 50 ft. Right-of-Way width; 30 ft. wide paved travelled way, concrete curb & gutter on both sides, concrete sidewalk on one side and a piped storm drainage system.
  - ii)    In areas without a piped storm drainage system: 66 ft. Right-of-Way width\*; 22 ft. wide paved travelled way - 5 foot shoulder, drainage ditches on both sides accommodating all existing and future ultimate storm flows.
2.     The applicant must also demonstrate that they are prepared to convey the entire right-of-way to HRM at no cost and that they will bear the full costs of any required upgrading.

**\*66 ft. Right-of-Way**

*A reduced width may be considered if the drainage study indicates smaller than standard drainage ditches can be accommodated.*

- B. If the requirements of A) have been met, the application for street acceptance will be made by the abutting property owners defined as applicants on the “street”. The costs of the application will be borne by the applicants. The application will consist of:
- a) A Petition, signed by 2/3 of the persons assessed as owners of lands butting or fronting on that part of the street.
  - b) Engineering Drawings, if available.
  - c) Estimate of cost to upgrade for acceptance, if available.

If the engineering drawings and cost to upgrade are not available, the applicant may request HRM for assistance in the preparation of the cost estimate.

Depending on the number of applications received and the availability of resources, HRM Design staff may provide some assistance in the determination of the feasibility of the required upgrading and cost estimates.

- 1 The petition for street acceptance by HRM must be signed by at least 2/3 of the persons assessed as owners of land abutting or fronting on that part of the street proposed to be accepted and representing at least one-half in value of the properties as the same are valued on the last assessment roll. For the purpose of the petition, the value of the property will be based on the average depth of building lot on the respective side of the existing right-of-way.
  - 2 The engineering drawings will consist of:
    - a) a survey plan and topographic plan; and,
    - b) Engineering Plan & Layout
- 2.2 The survey plan of the existing right-of-way will be certified by a Nova Scotia Land Surveyor, and prepared in accordance with HRM’s latest procedure on surveying and drafting. This plan will show all property boundaries (or a minimum depth of lot 200 feet from the edge of the existing right-of-way) and include as well, the following existing field conditions:
- a) buildings,
  - b) large trees,
  - c) wells,
  - d) septic tank and fields,
  - e) natural water courses, and,
  - f) primary services.

The topographic plan will show the existing field elevations at a suitable contour scale, as well as spot elevations of basements, foundations, stream beds and pipe inverts.

- 2.3 Engineering Plan & Layout. An engineered plan and profile drawing, certified by a Professional Engineer in Nova Scotia, showing existing and proposed grades, drainage arrangements to cater for all storm flows and sufficient road geometry information, including a certification that proper stopping distance for all lots shall be prepared for HRM design staff to assess that the street meets all required design standards.
3. A cost estimate of the proposed upgrading with a breakdown of pay items and unit prices for the main components of the work.
- C. When the complete engineered application is submitted, staff will review the application and determine if the location, width, profile and estimated cost of the proposed street right-of-way and pavement structure are acceptable.
- D. Where a suitable design has been determined, staff will prepare a report to Council detailing the estimated cost of the project and the amount of any additional land required. Council will, at this time, be asked to approve an agreement with the property owners for the upgrading of the street.
- E. Once the agreement has been executed, betterment charge notices will be sent to all property owners on the street. The amount of assessment will be based on street frontage with the property owners being responsible for the total cost of the project.
- F. The betterment charges shall be paid in accordance with the HRM Local Improvement Bylaw Policy and until payment is complete, shall constitute a lien against the property in respect of which the charge is levied as provided for in the Local Improvement By-Law.
- G. a) At this stage, the entire right-of-way shall be deeded to HRM with all associated land, legal and other costs paid by the applicants.
- b) Once the entire right-of-way has been deeded to HRM, staff will prepare all necessary tender documents, call tenders and award the tender for the upgrading work.
- H. HRM staff will layout the roadway, supervise and inspect the contract during construction to assure all the work is completed as per HRM design standards.
- I. On the completion of the project, staff will recommend to Council that the street be accepted and charges to be levied.

September 18, 1997  
Revised September 2000