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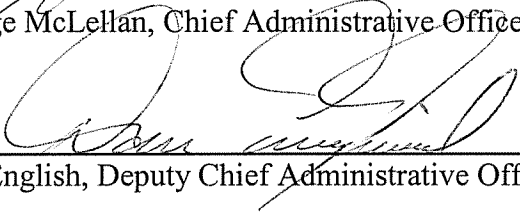
PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Halifax Regional Council**  
**September 13, 2005**

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

**SUBMITTED BY:**

  
George McLellan, Chief Administrative Officer

  
Dan English, Deputy Chief Administrative Officer

**DATE:** September 7, 2005

**SUBJECT:** Norwood Court (Myra Road to the End), Private Road - Porters Lake

**ORIGIN**

Residents living on Norwood Court in Porters Lake approached the Halifax Regional Municipality (HRM), in 2002, to request assistance to upgrade Norwood Court (Myra Road to the End) to acceptable HRM design standards for the transfer of this private road to a public road.

**RECOMMENDATIONS:**

It is recommended that Regional Council:

1. direct staff to provide to residents, on an interim basis, the actual costs of the project currently estimated at \$126,500 to upgrade Norwood Court (Myra Road to the End), a private road, to HRM standards.
2. give First Reading to By-Law Number S-417 attached as Appendix "A" to this report, to provide for local improvement charges to recover the full costs of the upgrading and direct staff to set a date for the public hearing in respect thereof.
3. authorize staff to accept a conveyance of the fee simple title to Norwood Court (Myra Road to the End) without cost on the proviso that the owners are capable of conveying good and marketable title and the full expenses of the conveyance shall be included in the cost of the project.

## **BACKGROUND**

On November 13, 2002, seventeen property owners who access their properties via Norwood Court were successfully petitioned to pay up to \$126,500 to upgrade Norwood Court (Myra Road to the End) to acceptable HRM standards to enable this private road to be accepted into the public street system as per the "Halifax Regional Municipality Regional Operations - Design Services Procedure For Acceptance of Private Streets." On the completion of this project, the HRM will accept Norwood Court (Myra Road to the End) into the HRM street system, and will levy charges to recover the full cost of all upgrades.

## **DISCUSSION**

### **Rationale**

The "Halifax Regional Municipality Regional Operations - Design Services Procedure for Acceptance of Private Streets" sets out the requirements for the HRM to accept private streets (roads) into the Municipality's infrastructure system.

### **Estimated Costs**

The total estimated cost to upgrade the existing road is \$126,500 which includes placing and compacting gravel along the entire length of Norwood Court, paving the road with asphaltic concrete, placing shoulder gravel, upgrading existing driveway and roadway culverts, and reinstating existing driveway conditions.

### **Community Participation**

On September 23, 2002, a public meeting was held with HRM staff and residents who access their properties via Norwood Court. The outcome of this meeting was that the HRM agreed to petition seventeen property owners who access their property via Norwood Court to determine how many agree to a public road takeover of Norwood Court and to pay a Local Improvement Charge associated with the said takeover up to a maximum of \$126,500 shared between seventeen properties for a unit price of \$7,442.18 per property. A plan showing the seventeen properties is attached.

On November 13, 2002, the seventeen property owners who access their properties via Norwood Court were canvassed with a successful petition for the public road takeover. A copy of the petition is attached.

### **Petition Results**

Out of the seventeen properties petitioned twelve were returned in favour of the public road takeover; consequently the petition is successful with 71% of the affected properties in favour.

### **Subsequent Notification Process**

Recently the land conveyance and road preparation work has been completed on this street. The affected property owners (including three new property owners who were not part of the original community consultation and petitioning process) have been sent updated notification letters advising them of the project status and the plan to proceed with the project and to recover the full actual costs via local improvement charges. Residents were notified in this letter that actual costs could be slightly different.

### **BUDGET IMPLICATIONS**

A Local Improvement Charge will be levied on the seventeen properties to recover the actual cost of upgrading Norwood Court (Myra Road to the End) to acceptable HRM design standards. Therefore, the net cost to the Municipality will be zero and the costs to finance this undertaking will be borne directly by those being serviced.

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

This memo 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**

The Halifax Regional Municipality (HRM) can leave Norwood Court (Myra Road to the End) as a private road, but staff recommend that the HRM continue the process to assist to upgrade Norwood Court (Myra Road to the End) to acceptable HRM design standards.

### **ATTACHMENTS**

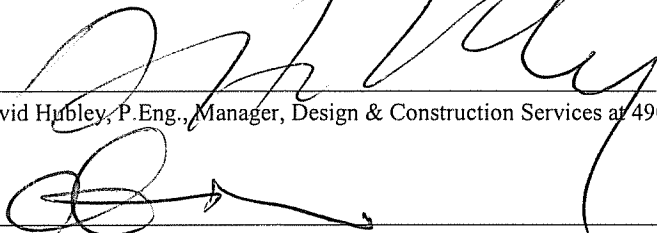
- 1) Plan Showing the Norwood Court Upgrade, Private Road to Public Road, By-Law Number S-417, dated October 29, 2004.
- 2) Letter and petition to the residents dated November 13, 2002.

- 3) By-Law Number S-417 Respecting Local Improvement Charges, Norwood Court Upgrade, Private Road to Public Road.
- 4) Letter of notification to current property owners re project status and By Law process.

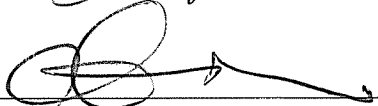
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Peter Lynds, P.Eng., Junior Design Engineer, Design & Construction Services at 490-6898

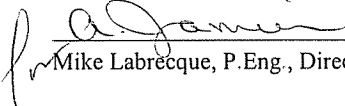
Report Approved by:

  
David Hubley, P.Eng., Manager, Design & Construction Services at 490-4845

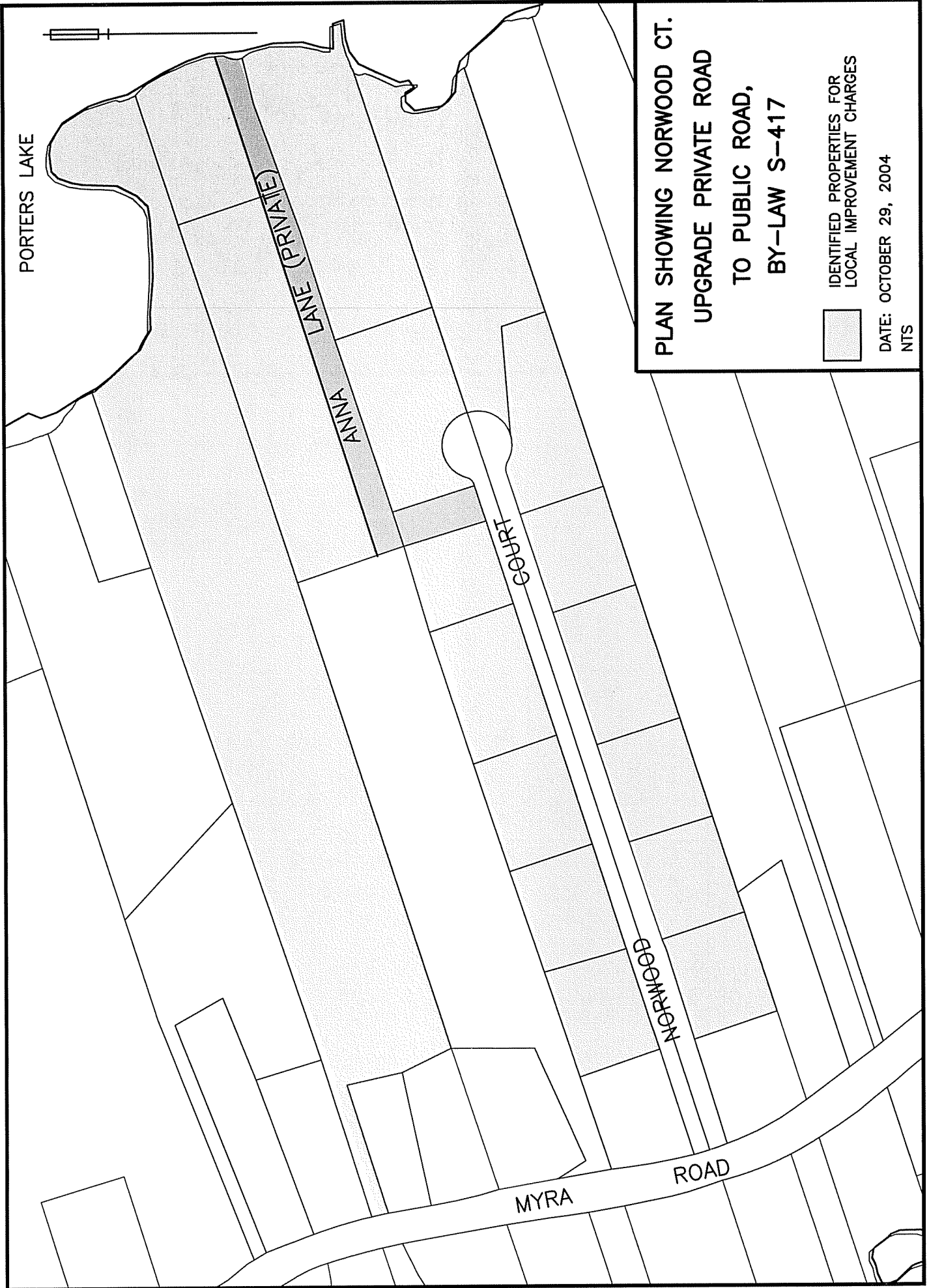
Report Approved by:

  
Catherine Sanderson, Project Manager - Revenue Solutions, Financial Services at 490-1562  
6470

Report Approved by:

  
Mike Labrecque, P.Eng., Director, Transportation & Public Works Services at 490-4855

PL:cf



PORTERS LAKE

LANE (PRIVATE)

ANNA

COURT

NORWOOD

MYRA

ROAD

PLAN SHOWING NORWOOD CT.  
UPGRADE PRIVATE ROAD  
TO PUBLIC ROAD,  
BY-LAW S-417

IDENTIFIED PROPERTIES FOR  
LOCAL IMPROVEMENT CHARGES

DATE: OCTOBER 29, 2004  
NTS

PUBLIC WORKS AND TRANSPORTATION SERVICES  
DESIGN & CONSTRUCTION SERVICES

November 13, 2002

All Property Owners

Dear Sir/Madam:

**Re: Upgrading and Transferring of Private Streets to Public Street Standards -Norwood Court**

The residents of Norwood Court have requested Halifax Regional Municipality (HRM) to upgrade the private road to public streets so the maintenance would become the responsibility of HRM.

The current HRM Policy requires that the total cost of upgrading private streets to public street standards, including the purchase of any street rights-of-way, will be the responsibility of each of the property owners. A public meeting was held on September 23, 2002 to discuss this issue. The residents have requested that a petition be done, using a unit price based on the total project cost divided by the 17 properties for an estimated unit cost of \$7,442 per property. This cost is based on a modified road standard consisting of 15 ft. paved travel way and 5 ft. wide gravel shoulders on both sides. If this petition is successful with 2/3 of the property owners in favour, further design will be undertaken and a further report to Council would be required to authorize staff to call tender.

The betterment charges will be paid in accordance with the HRM By-law S-400 ( Street Improvement) and until payment is complete, will constitute a lien against the property. 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 rate based on the maximum of the prime rate as set by the Royal Bank of Canada plus 2% at time of notification.

If you would be prepared to pay 100% of the charges for upgrading the street from private to public street standards, at an estimated cost of up to \$7,442 per property please sign below and return this letter, by Dec 10, 2002 either by return mail to Ann Reid, LIC Clerk, Design Services, P. O. Box 1749, Halifax, NS B3J 3A5, or hand deliver to 21 Mount Hope Road , Dartmouth, or fax at 490-4858 or e-mail at reida@region.halifax.ns.ca. If you require further clarification please call Ann Reid @ (902) 490-6849.

Yours truly,



GERRY BOYD, P.ENG.,  
ACTING MANAGER, DESIGN and CONSTRUCTION SERVICES

cc Councillor Colwell, District # 3  
Rick Paynter, Acting P.Eng., Director of Public Works and Transportation

***AGREEMENT:***

I agree to pay the proposed Local Improvement Charges Unit Charge of \$7,442 for the upgrading and transferring of Norwood Crt. from private road to HRM public road.

Name \_\_\_\_\_ Signature \_\_\_\_\_

Lot # \_\_\_\_\_

Street Address \_\_\_\_\_

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September 6, 2005

(Name & Address)

Re: Upgrading and Transferring of Private Streets to Public Street Standards-Norwood Court

Dear (salutation):

A public meeting was held on September 23, 2002 to discuss this issue and, at the request of the property owners, a letter and a petition notice was mailed to the property owners on November 13, 2003.

As stated in the letter, in order for this petition to be successful, 2/3 of the property owners must be in favour if this project was to proceed further. The petition was successful with 76.47% of the property owners accepting the terms and conditions as laid out in the letter.

The approval process is as follows:

- Tender award report will be presented to Council for their authorization of the project
- A Notice of Motion will be tabled at Council by the District Councillor to present the First Reading of the proposed Bylaw at the next scheduled session of Council. The Bylaw is the mechanism by which the charges for the project are set. These charges represent a lienable tax against your property. The current estimated cost for the transference of the private street to a public one, and for the subsequent paving, is \$7,442.00 per property. The actual costs could be slightly different.
- If the proposed Bylaw passes First Reading, a Notice of Public Hearing advertisement is placed in the newspaper on the Saturday following the Council meeting. This will inform members of the public that there will be a Public Hearing regarding the Bylaw and provide information as to the object of the Bylaw, date, time and place of the Public Hearing, and where the proposed Bylaw may be viewed. This advertisement must appear not less than 14 days prior to the hearing (three weeks after First Reading). This notice will also appear on the HRM website under Notices

Re: Upgrading and Transferring of Private Streets to Public Street Standards-Norwood Court

- Any member of the public wishing to take part in the Public Hearing process may do so, either by attending in person or by making a written submission to Council. The Public Hearing process will end only after the Mayor has asked three times during the Council session if there is anyone else present wishing to speak to the issue. The matter can then proceed to Second Reading of the Bylaw
- Should the Bylaw pass Second Reading, a Notice of Approval is submitted to the newspaper and is also posted to the HRM website under Notices, for a three week period. When this notice is posted to the HRM website, the Notice of Public Hearing is removed. The effective date of the Bylaw is the date of the Notice of Approval unless otherwise stated in the body of the Bylaw.

Should you have any concerns or, if you are in support of this project, please attend the Public Hearing in order to be heard.

Please call the undersigned at 490-4197 or e-mail [prestor@halifax.ca](mailto:prestor@halifax.ca) to confirm receipt of this confirmation letter. This is required before the next steps in the approval process can take place. The project is now ready to proceed to Council for their approval.

Yours truly,

Rose Preston  
Customer Account Analyst