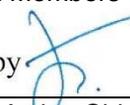


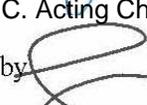
# HALIFAX

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

**Item No. 14.1.3**  
**Halifax Regional Council**  
**September 06, 2016**  
**October 4, 2016**

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

**SUBMITTED BY:** Original Signed by   
\_\_\_\_\_  
John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by   
\_\_\_\_\_  
Jane Fraser, Acting Deputy Chief Administrative Officer

**DATE:** August 16, 2016

**SUBJECT:** Proposed By-Law S-442, 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**

Subsection 104(1)(f) of the *Halifax Regional Municipality Charter* allows Council to make “by-laws imposing, fixing and providing methods of enforcing payment of charges for ... (f) laying out, opening, constructing, repairing, improving and maintaining streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls....”.

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

## **RECOMMENDATIONS**

It is recommended that Halifax Regional Council,

1. Approve the 2015 Local Improvement Charges as outlined on the attached By-Law S-442; and,
2. Adopt By-Law S-442, 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 such as the paving of gravel roads. The paving of HRM owned subdivision gravel roads is cost shared between the municipality and the residents, each paying 50% of the total construction costs. 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. Regional Council approved the paving of Emmerson Street, Bedford, District 16 in the 2015/16 Capital Budget under Project No. CR000002 – New Paving of HRM Owned Subdivision Streets. As per the process, staff reviewed construction costs for the paving of Emmerson Street, and determined the LIC rate as outlined in attached By-Law S-442, as well as identified in Attachment 2 of this report. The proposed By-Law S-442, Respecting Charges for Street Improvements, is an amendment of By-Law S-400, the *Street Improvement By-law*, and will enable HRM to charge an LIC to 13 properties (refer to Map 1) for the paving of Emmerson Street. 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 Bylaw S-442, the Local Improvement Charges for the Emmerson Street paving project will be levied to the relevant property owners. As a note residents on both Emmerson Street and Barrens Street will be levied the LIC. By ensuring that the charges reflect the actual cost of the project, the revenue collected will offset the cost of the project so that there is no net impact on the Approved Operating and Project Budgets.

## **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in the Report. The risks considered rate Low. To reach this conclusion, consideration was given to financial, legal and compliance, and service delivery risks.

## **COMMUNITY ENGAGEMENT**

The request for the paving of Emmerson Street was initiated by property owners who reside on Emmerson Street and Barrens Street in Bedford. As a note access to the properties on Barrens Street is via Emmerson Street. Thirteen (13) properties on these two streets were surveyed for paving at the estimated lot charge of \$2,931. The survey was successful.

## **ENVIRONMENTAL IMPLICATIONS**

Not Applicable

## **ALTERNATIVES**

Council may choose not to adopt the new charges for 2015/16; 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-442
- Attachment 2 LIC Calculation for By-Law S-442
- Attachment 3 Map 1
- Attachment 4 Letters to Property Owners By-Law S-442

---

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.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 & Design 902.490-6849

Report Approved by: \_\_\_\_\_  
David Huble, P.Eng., Manager, Project Planning and Design Services at 490-4845

Legal Approval: \_\_\_\_\_  
Karen Brown, Acting Director, Legal, Insurance & Risk Management Services

Report Approved by: \_\_\_\_\_  
Bruce Zvaniga, P.Eng., Director, Transportation and Public Works at 490-4855

---

Original Signed

**HALIFAX REGIONAL MUNICIPALITY**

**BY-LAW NUMBER S-442**

**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. Section 2 of the By-Law is amended by adding the following subsection after subsection (22) and before section 3:

- (23) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule W has more particularly set out in that Schedule.

- 2. The By-law is amended by adding the following schedule after Schedule "V" and before Plan #1:

**SCHEDULE "W"**

The Local Improvement Charge ("LIC") for properties on the streets identified on "Map No. 1" dated November 2015 hereto, shall be a lot charge \$1,809.36 plus engineering fee of \$90.47 and bridge financing of \$10.35 per lot for a total LIC rate of \$1,910.18 per lot for asphalt paving of Emmerson Street – Bedford.

The Local Improvement Charge imposed under this Schedule may be paid over a 10 year period with interest. Notwithstanding Section 4 of By-Law Number S-400, interest shall accrue on charges outstanding from the first payment due date forward and the interest rate shall be set by that first payment due date at a rate equal to the prime rate of the Municipality's banker plus two percentage points.

Done and passed by Council this \_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

I, Kevin Arjoon, 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 \_\_\_\_\_, 2016

\_\_\_\_\_  
Kevin Arjoon  
Municipal Clerk

## Local Improvement Rate By-Law S-442

## Projects Completed 2015

# of Lots Charged = 13

LIC Project	50% Construction Cost to Residents	Cost per Lot to Residents	Engineering Fee Revenue	Engineering Fees per Lot	Bridge Financing	Bridge Financing per foot	LIC + Eng Fees + Financing
New Paving	\$ 23,521.74	\$ 1,809.36	\$ 1,176.09	\$ 90.47	\$ 134.53	\$ 10.35	\$ 1,910.18
Emmerson St (15-248)							
<b>TOTAL RECOVERY</b>	<b>\$ 23,521.74</b>		<b>\$ 1,176.09</b>		<b>\$ 134.53</b>		<b>\$ 24,832.36</b>



April 22, 2015

Dear Property Owner:

**Re: Survey Result – Emmerson Street - Bedford**

This letter is to inform you of the results of the survey that closed on March 13, 2015, regarding the possible asphalt paving of Emmerson Street, Bedford , District 16.

Under the Halifax Regional Municipality (HRM) Local Improvement Policy and By-Law Number S-400, and subject to budget considerations and Regional Council approval, asphalt paving of existing gravel roads may be considered if the majority of property owners are in favour of the upgrade. A paving survey was distributed to 13 residential properties on Emmerson Street and Barrens Street on February 19, 2015. Of the 13 properties that were surveyed, 8 ballots were returned to HRM. The results concluded that of those ballots submitted to the municipality, 62% of the properties were in favour of the paving upgrade, while 38% did not support the project. Therefore the results of the survey are deemed to be in favour of the project, and Emmerson Street will therefore be submitted for consideration in the 2015\16 Capital Budget.

Should you have any questions pertaining to this matter, please do not hesitate to contact the undersigned at 902 490-6849 or by e-mail at: [reida@halifax.ca](mailto:reida@halifax.ca).

Yours very truly

Original Signed

Ann Reid  
LIC Technician\Record Management  
Project Planning and Design  
PO Box 1749  
Halifax, NS , B3J 3A5

AR

cc Tim Outhit, Councillor District 16  
Mike Labreque, DCAO  
David Hubley, P.Eng. Manager Project Planning and Design

R:\TPWD&C\Design\Local Improvements\2015 paving inside core\Emmerson Street result.docx

**HALIFAX**

Halifax Regional Municipality  
PO Box 1749, Halifax, Nova Scotia  
Canada B3J 3A5

[halifax.ca](http://halifax.ca)



19 February 2015

Dear Sir/Madam:

Re: **Paving or Double Chip Sealing – Emmerson Street - Bedford**

In order to facilitate the development of a list of capital improvements for future Capital Budget considerations, we have attached a survey for your input. The purpose of this survey is to ascertain the level of interest for the paving or chip sealing of Emmerson Street.

The paving and chip sealing of gravel roads are subject to Local Improvement Charges (LIC) as stated in By-Law Number S-400, and pursuant to the Local Improvement Policy. Under this Bylaw the total construction costs for the upgrade of the gravel roads program are equally cost shared between the property owners and Halifax Regional Municipality. The property owner's share is recovered through the LIC process, and the rate is presented to Regional Council for their approval. The rate is determined on an annual basis, and is subject to change.

The District Councillor has requested the LIC be recovered via a lot charge. The attached survey provides for the option of asphalt paving at an estimated lot charge of \$2,931 (applied to 13 properties on Barrens Street & Emmerson Street), and the option of double chip sealing at an estimated lot charge of \$1,587 (applied to the same 13 properties). Please note if the asphalt paving survey is successful, this project may be considered for the 2015\16 Capital Budget process. However HRM will not have a chip sealing program in 2015\16, and it is unknown at this time if there will be a program in 2016/17. If the survey for chip sealing is successful it will be placed on a list of streets, and future consideration will be pending reinstatement of the program.

Final billing is determined once the project is completed, and is payable over a 10 year period, with the first installment due 30 days after the initial 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 property owner so desires. Interest shall accrue on charges outstanding from the first payment due date forward at a rate equal to the prime rate of the Municipality's banker plus two percentage points.

It is important 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 complete and return the attached survey by **March 13, 2015**

**Mail:** Ms. Ann Reid  
Project Planning and Design Services  
P.O. Box 1749  
Halifax, NS B3J 3A5

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

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

Respectfully,



Original Signed

David Hubley, P. Eng.,  
Manager, Project Planning and Design Services  
Transportation and Public Works  
Tel 902.490.4845  
Cell 902.490.8315  
Email [hubleyd@halifax.ca](mailto:hubleyd@halifax.ca)

DH/rc

cc: Councillor Tim Outhit, District 16  
Mr. Mike Labrecque, P.Eng., DCAO, A/Director, TPW

**SURVEY**

**Option # 1 Paving**

I agree to pay the estimated lot charge of **\$2,931** for paving of Emmerson Street.

Civic Address:

---

Date:

---

Signature:

---

**Option # 2 Chip Sealing**

I agree to pay the estimated lot charge of **\$1,587** for double chip sealing of Emmerson Street.

Civic Address:

---

Date:

---

Signature:

---

**Option # 3**

I am not in favour of the paving or double chip sealing of Emmerson Street.

Civic Address:

---

Date:

---

Signature:

---