



Subject: *Bylaw F-100 Historical Amendments Highway 214 & Kali Lane Local Improvements*
To: Corporate & Residential Services Committee
Date Prepared: March 4, 2021
Related Motions:
Prepared by: Sue Surrette, CPA, CGA, Director of Finance
Approved by: Kim Ramsay, CPA, CMA, Chief Administrative Officer

Summary

Upon review of current local improvement projects and upon recommendation from our legal representative, staff recommend that a housekeeping amendment to Bylaw F-100 be made to include two local improvement projects: Highway 214 - 3rd lane, sidewalk and crosswalk installation (a project that predates the establishment of the Bylaw) and sewer and water servicing of Kali Lane. Establishing these projects in the Bylaw allows for more effective management for both property owners and development staff. The proposed Appendix A additions are included in the report. The Bylaw has also been updated to include the new road names for the Uniacke Business Park expansion previously approved by Council. At the time the bylaw was written (Section 6, Appendix A), the names of the roads were unknown.

Financial Impact Statement

None for the Municipality, property owners or tax payers

Recommendation

The proposed amendments have been added as Section 7 & 8 in Schedule "A" of the bylaw and attached to the agenda.

Recommended Motion

Move that the Corporate & Residential Services Committee recommend that Council give first reading to Bylaw F-100-7, an amendment to Bylaw F-100, Local Improvement Charges Bylaw to add:

- *prior local improvements for Hwy 214 and Kali Lane not previously included*

Background

HWY 214 Road Widening, Sidewalk, Crosswalk

In the 1990's there was a project to widen the road and add a turning lane on Hwy 214 by McDonald's - this was part of the McDonald's and Irving development agreements and included crosswalk and sidewalk installation as part of the project. At the time there were three other properties that were to be charged a fee should they eventually develop as commercial properties. These three properties still have a charge pending as they have not yet been developed commercially; PID 45084969 for 3337637 Nova Scotia Limited, PID 45084936 for Doreen Marie Beaver and PID 45084993 Transportation and Infrastructure Renewal (TIR) - although they had partially paid the lien in 2014.

The sidewalk was to be paid for in equal parts by the four properties which were designated future commercial development by the Municipality: PID 45084993 Transportation and Infrastructure Renewal (TIR), PID 45084985 McDonalds, PID 45084969 3337637 Nova Scotia Limited (formerly Ellis), and PID 45084936 Doreen Marie Beaver.

The crosswalk was to be paid for in equal parts by the four properties which are designated future commercial development by the Municipality. PID# 45084993 TIR, PID 45084985 McDonalds, PID 45084969 3337637 Nova Scotia Limited (formerly Ellis), and PID# 45084936 Doreen Marie Beaver.

The third lane was to be paid for based on the frontage of the Irving Oil property and the four properties which are designated future commercial development by the Municipality: PID 45084993 TIR, PID 45084985 (McDonalds), PID 45084969 3337637 Nova Scotia Limited (formerly Ellis), PID 45084936 Doreen Marie Beaver. The Irving Oil Limited property (PID 45285632) accounted for 50.2% of the frontage however their liability was capped at \$35,000 for this project.

The contribution requirements of all five properties are as below:

Irving	PID 45285632	\$ 35,000 (Paid)
MacDonalds	PID 45084985	\$ 25,252 (Paid)
TIR	PID 45084993	\$ 26,089 (Partially paid, \$10,957 remaining)
Ellis	PID 45084969	\$ 28,541 (Not paid, recently sold)
Beaver	PID 45084936	\$ 30,729 (Not paid or developed)
Total		\$145,611

Kali Lane Sewer and Water Infrastructure

In 2007, Council sought approval from the NSUARB to construct a service extension for the properties on Kali Lane in Elmsdale. When the old Enfield and Elmsdale systems were amalgamated the properties on Kali Lane were left out of providing both water and sewer services during the regionalization project (1970s & 1980s). In 2007, Council worked through the petition process under the Local Improvement Charges Bylaw to extend sewer and wastewater services to these properties. These properties were all large lots with significant development potential should they be serviced with central services. The Director of Finance of the day worked with the property owners to establish an agreement as to how current owners and future development would contribute to the funding model of the project. The issue was complicated by the NSUARB refusing to allow the Water Utility to pick up any of the costs of the project, as such, the Municipality paid upfront for 70% of the project with the remaining 30% to be recovered by the land owners. See attached letters and signed petition document on the agenda.

The agreement made with the property owners at the time was that each of the residential properties would pay \$8,000 plus the sewer infrastructure fees - this amount could be paid upfront or over 15 years. Corridor Developments, although not in the original petition, also agreed to pay \$8,000 towards the project for its property AAN 03769364. In addition to the \$8,000, the two original bulk land parcels agreed to pay \$35,000 (Nova Trucking Ltd.) and \$40,000 (Elegant Acreage Ltd.). These bulk fees cover the creation of any future single dwelling units on building lots created. Other than these two bulk land parcels, if a property is subdivided, any future lot is subject to a lien of \$11,042 when subdivision is approved, collected as soon as the lot is sold or developed. There is no long term financing for any fees for new lots created. In any situation, future development that includes multi-unit development on a lot within the petitioned land mass will be subject to a fee of \$1,000 when the building permit is issued. There was one property, PID 45208634 that was already serviced through Tyler Street and was removed from the petition. This property, although not subject to the original petition amount, is subject to any future development charges as it is in the petitioned land mass.

Since the project completion, several properties have been developed on Kali Lane and all have been subject to the amounts in the original agreements. All accounts are flagged for future potential liens or anyone who purchases a tax certificate.

Uniacke Business Park Expansion 2019/2020

Council approved local improvement charges for subject properties along the new road through the Uniacke Business Park expansion. At the time the bylaw was written (Section 6, Appendix A), the names of the roads were unknown. This version of the bylaw has updated section 6 of Appendix A with the appropriate road names.

Discussion

Upon review of current local improvement projects and recommendation from our legal representative, staff recommend that a housekeeping amendment to Bylaw F-100 be made to include two sewer and water infrastructure local improvements, Highway 214 McDonald's intersection project that predates the establishment of the Bylaw and Kali Lane.

Establishing these in the Bylaw allows for more effective management for both the property owners and development staff.

The proposed amendments have been added as Section 7 and 8 in Schedule "A". The amended bylaw is attached to the agenda for consideration.

Amendment to Schedule "A":

7. HIGHWAY 214 ROAD WIDENING, SIDEWALK, CROSSWALK INFRASTRUCTURE 1998/1999

- (a) The intent of the project was to develop commercial business along Highway 214 in Elmsdale.
- (b) The project included the installation of sidewalks and the widening of Highway 214 in front of the Irving Service Station as well as the installation of a crosswalk beside Brook Court.
- (c) Council approved the work and the funding formula based on the principle that the Municipality would pay the costs upfront and recover the funds when these properties developed in a commercial capacity.
- (d) The sidewalk was to be paid for in equal parts by the four properties which are designated future commercial development by the Municipality: PID 45084993 Transportation and Infrastructure Renewal (TIR), PID 45084985 McDonalds, PID 45084969 3337637 Nova Scotia Limited (formerly Ellis), PID 45084936 Doreen Marie Beaver. There are three properties remaining that have not yet been developed commercially; PID 45084993PID for TIR, 45084969 for 3337637 Nova Scotia Limited, PID 45084936 for Doreen Marie Beaver.
- (e) The crosswalk was to be paid for in equal parts by the four properties which are designated future commercial development by the Municipality. PID# 45084993 TIR, PID 45084985 McDonalds, PID 45084969 3337637 Nova Scotia Limited (formerly Ellis), and PID# 45084936 Doreen Marie Beaver.
- (f) The third lane was to be paid for based on the frontage of the Irving Oil property and the four properties which are designated future commercial development by the Municipality: PID 45084993 TIR, PID 45084985 (McDonalds), PID 45084969 3337637 Nova Scotia Limited (formerly Ellis), PID 45084936 Doreen Marie Beaver. The Irving Oil Limited property (PID 45285632) accounted for 50.2% of the frontage however their liability was capped at \$35,000 for this project.
- (g) The lien is due and payable when a development permit is issued.

8. KALI LANE WATER AND SEWER EXTENSION

- (a) The intent of the project is to extend water and sewer services to Kali Lane. Subject properties include: bulk land PIDs 45215159 & 45151735 and properties identified by PIDs 45214137, 45214129, 45207453, 45207446, 45207438 and 45276060. PID 45208634 is also within the petitioned land mass.
- (b) All subject properties will pay a base \$8,000 local improvement charge. This amount, upon billing, can be paid upfront or over 15 years. Property owner Corridor Developments Ltd. (PID 45377611) will also contribute \$8,000 to the project. PID 45208634 is serviced through Tyler Street and therefore not subject to the initial \$8,000 charge.
- (c) Two bulk land parcels will pay an additional \$35,000 (PID 45151735, Nova Trucking Ltd.) and \$40,000 (PID 45215159, Elegant Acreage Ltd.). These bulk fees cover the creation of any future single dwelling units on building lots created from the bulk land.
- (d) Should any of the land within the petitioned land mass be subdivided and the new lots do not require the building of roads, sidewalks and stormsewer, the new lot will be subject to a capital contribution of \$11,042. This charge is not eligible for long term financing. The charge will be a lien against the land as soon as subdivided and payment will be required as soon as the lot is sold or developed (i.e. permit for building is issued).
- (e) If the construction on a new lot or the alteration of existing construction involves a multiple unit structure (duplex, townhouse, apartment) anywhere in the petitioned land mass, there will be an additional capital contribution requirement of \$1,000 due immediately (when the permit for building is issued).
- (f) In addition to the local improvement fee noted above, infrastructure charges will also be levied as determined by the Municipal Engineer.
- (g) There is no long term financing for any charges beyond those committed to within 30 days of project completion.

Alternatives

Council may:

1. Proceed with the proposed amendments to Bylaw F-100.
2. Continue to administer these liens through official municipal records.

Conclusion

The proposed amendments to Bylaw F-100 will provide clarity to staff and transparency for property owners on future levying of charges.

Recommendation

For better transparency and ease for property owners and the Municipality, staff recommend amending Schedule "A" of the Local Improvement Bylaw F-100 to include Kali Lane and Highway 214 sewer/water infrastructure local improvements.