



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☒	Councillor Activity ☐
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To: Committee of the Whole

Submitted by: _____
Todd Richard, Director of Public Works

Date: September 10, 2024

Subject: Acquisition of Muir Drive, Ellershouse

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act, Section 65 authorizes Council to expend funds for municipal purposes.

RECOMMENDATION or DECISION REQUEST

It is requested that Committee of the Whole and/or Council:

Consider the options for West Hants Regional Municipality to take ownership of Muir Drive, as per the request of Kate Sansom, President of the Hants County Condominium Corporation #10 in Ellershouse.

BACKGROUND

Property	Public Opinion	Environment	Social	Economic	Councillor Activity
☒	☐	☐	☐	☐	☐

Muir Drive in Ellershouse is classified as a Rural Local Road and is owned by Hants County Condominium Corporation #10. Muir Drive currently has 13 single-family dwellings, all located on the same parcel, known as PID 45410081. Muir Drive abuts Evangeline Trail (ie. Highway 1) approximately 500m east of Exit 4 on Highway 101 in West Hants.

Muir Drive was constructed around 2019 or 2020. The travelled lane is comprised of an asphalt surface with a width of approximately 6.1m (20 ft) and length of approximately 340m (1,115 ft). There are gravel shoulders on each side, approximately 2.0m (7 ft) wide, and there is a large cul-de-sac bulb at the end of the travelled roadway that will allow large vehicles, such as a garbage truck or snowplow, to turn around easily and safely.

There has been no recent geotechnical investigation conducted to determine the quality of the road subgrade, but a visual inspection by field staff indicates the asphalt is in good condition, and sample measurements at the edge of asphalt reveal a thickness of approximately 50mm (2"), placed in one layer (lift) rather than the two lifts required under current West Hants Regional Municipality specifications. It appears the road was constructed to the required specifications of the former District of West Hants at the time.

Muir Drive currently has shallow grass-lined ditches on both sides of the road and each dwelling has a gravel driveway with a culvert. Muir Drive does not have Municipal water or sanitary sewer service, nor does it have a sidewalk or curb & gutter.

DISCUSSION

Ownership of Muir Drive would require the Municipality to take on the cost and responsibility of maintaining the road year-round, including, but not limited to, clearing ditches, cleaning driveway culverts, snow and ice removal, garbage and recycling collection, and general upkeep.

In considering this request from the Condominium Corporation, it should be noted that Municipal Staff are hesitant to agree to this. Taking ownership of Muir Drive would likely set the precedent of other private roads being easily taken over, thus relieving other private entities of their responsibilities and expenses regarding road maintenance and causing the Municipality to bear this burden.

There are almost 150 roads in the Municipality that are classified as Private, totalling over 100km of centreline length. Each Private Road that the Municipality takes over would add to the annual Operations budget expenses, would add to long-term capital investment, and the Staff's current responsibilities as it relates to inspections, monitoring, asset management, stormwater management, just to name a few.

Staff suggestion would be for council to not proceed with the acquisition of Muir Drive.

NEXT STEPS

Council is asked to consider five options, listed in the "Alternatives" section below. If it is councils wishes to have staff pursue the ownership of Muir Drive, then staff will begin the process and add the estimated operational costs to the annual budget.

FINANCIAL IMPLICATIONS

Additional annual operating costs would vary year to year depending on work requirements and snow and ice control contracted costs, high level estimate between \$10,000 to \$20,000 per year. Future capital expenditures would also be expected for road renewal, depending on scope of work these costs could vary significantly \$100 to \$500K minimum.

Pending how Council wishes to proceed with the consideration of the potential take over of Muir Drive, and the timing of that decision, may impact the 2024-25 Operating Budget.

ALTERNATIVES

1. Council may choose not to proceed with this acquisition.
2. Council may choose to take ownership of the Private Road after all expenses related to the title transfer be paid to the Municipality by the current Owners.
3. Council may choose to take ownership of the Private Road after all expenses related to the title transfer be paid to the Municipality by the current Owners, and the second lift of asphalt is to be placed at the Owner's cost.
4. Council may choose to take ownership of the Private Road after all expenses related to the title transfer be paid to the Municipality by the current Owners, and the street be fully re-constructed to adhere to current Municipal specifications (ie. road subgrade, asphalt thickness, etc) at the Owner's cost.
5. Council may choose to take ownership of the Private Road "as is" and bear all responsibility for any costs incurred with the road improvements. (This option is least favourable to staff)

ATTACHMENTS

1. Former District of West Hants Municipal Specification for Public Street (Without Storm Sewer)
2. Photo of Muir Drive looking south (uphill)
3. Photo of Muir Drive looking west (downhill)
4. Photo of cul-de-sac at the end of Muir Drive
5. Aerial Image depicting property boundaries for PID 45410081

CHIEF ADMINISTRATIVE OFFICER REVIEW

This matter requires a full discussion of Council. Arguably a discussion for the future Council as it results to decision making regarding the adoption of private roads.

The topic of private roads is a current issue raised under the Regional Planning review, urging Council and staff to review the allowance of private roads as they often are a point of debate after they are constructed. As with Muir Drive, residents question later in the development phases why their road is considered differently than other public provincial

or municipal road. It is the decision of the developer in the early planning and design phase to construct a private road vs constructing a road to the standard set by the municipality. If the developer had chosen to construct a public road it would have been handed over to the municipality when completed with assurances the road would stand up over time and accommodate all traffic requirements. It is often assumed that developers of private road communities construct roads below the municipal standard to avoid higher construction costs, to expediate the subdivision and development process or it is the model of choice for their development.

The director has highlighted the concerns with adopting private roads and setting a precedent. Ultimately it is Council that makes decision on costs and service delivery. I concur with the caution of setting a precedent, but Council has been seeking ways to provide more uniform service delivery to all residents. This may be an area Council's wishes to explore as they are currently with waste collection on private roads.

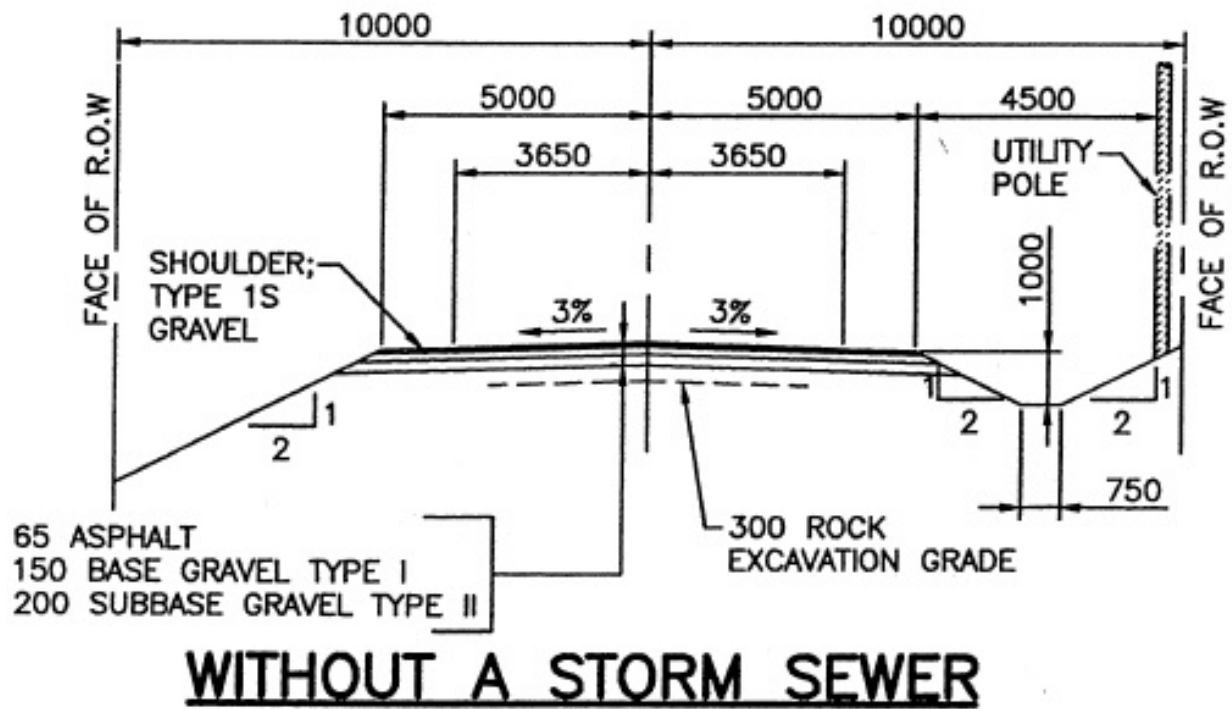
Staff await Councils' discussion and decision.

Report Prepared by: _____
Rob Butler, Engineering Technologist

Report Reviewed by: _____
Todd Richard, Director of Public Works

Report Approved by:  _____
Mark Phillips, Chief Administrative Office

ATTACHMENT 1 – Former District of West Hants Typical Cross-Section of Public Street



ATTACHMENT 2 – Photo of Muir Drive looking south (Uphill)



ATTACHMENT 3 – Photo of Muir Drive looking west (Downhill)



ATTACHMENT 4 – Photo of cul-de-sac at the end of Muir Drive



ATTACHMENT 5 – Aerial image depicting property boundaries for PID 45410081

