**Reactivation of Levies for Local Improvements Deferred (Renewal) on Lavalee Road which were Deferred Under By-law No. 6857/96**

**File SL-3 (Vol. 15)**

4. The Executive Policy Committee has been advised that the maximum five (5) year period granted by Deferment By-law No. 6857/96 expired on July 24, 2001 and only Council can approve the reactivation by-law.

On April 22, 1994, a wastewater sewer was advertised in Lavalee Road that affected the subject property. Mr. Clovis Beaudry requested a petition against the proposed work which was sufficiently signed against by 63.8% of the total assessable frontage; therefore, defeating the improvement.

On October 19, 1994, Council declared the property owned by Manitoba Hydro unfit for building purposes and accordingly exempted from Local Improvement levies.

A Petition "For" was requested on January 3, 1995 by one of the residents on Lavalee Road and returned March 8, 1995 resulting in 36.2% of the total assessable frontage signing. Privately owned frontage in favor was 72.39%. Mr. Clovis Beaudry did not sign this petition.

On May 30, 1995, the Committee on Works and Operations recommended the project be proceeded with and was adopted by Council on June 14, 1995. The wastewater sewer was constructed in 1995 and assessed on the 1996 Tax Bill.

On May 21, 1996, an application for deferment was received from Mr. Beaudry and was granted July 24, 1996 under By-law No. 6857/96. The deferment granted was for a five (5) year period that has now expired.

Conditions set forth in Deferment By-law No. 6857/96 stated:

"The deferment permitted under this by-law shall cease upon the occurrence of the following:

i. Upon the fifth anniversary of passing of the by-law"

"When the lands herein become subject to special assessments as a result of cessation of deferment, such special assessment shall be levied against the said lands at the then prevailing rates and paid at the prevailing cash cost or amortized at the then current capital borrowing rates."

The fifth anniversary of the enactment of By-law No. 6857/96 was July 24, 2001.

There is no financial impact to The City of Winnipeg. The deferment was recorded as a receivable on the Balance Sheet.

The Executive Policy Committee recommends:

I. That the deferments authorized under By-law No. 6857/96 cease, and that the appropriate assessments be reactivated with a requirement for payment to be made in either of two ways defined hereunder:

| | Cash Payment | Term | Annual Levy |
|---|---|---|---|
| Wastewater Sewer | $1,862.00 | 2001 – 2020 | $184.04 |

a. The local improvement may be paid for at the prevailing cash cost up to and including the last day of the month subsequent to that during which the cash cost statement is mailed (immediately pursuant to the passing of the reactivating by-law).

b. First levy(s) payable at par up to and including the last day of the month subsequent to that during which the tax statement is mailed (immediately pursuant to the passing of the reactivating by-law).

The second and all the following levies will be scheduled to appear on the City's normal annual tax bills for the prescribed terms with the usual provisions for prepayment by commutation to apply.

II. That the foregoing reactivation be assessed against Lot 12, Plan 23010, 46/47 St. Vital C.T. 1482855.

III. That the reactivation by-law prepared by the City Solicitor/Manager of Legal Services be adopted by City Council.

IV. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.