Agenda – Council – March 19, 2008

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – March 4, 2008

Item No. 4 Local Improvement Projects to be funded and constructed in Ridgecrest Avenue, west of Main Street (Old Kildonan Ward) File SL(2008)

STANDING COMMITTEE RECOMMENDATION:

On March 12, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the following Local Improvement projects be proceeded with, namely:

    A. Land Drainage Sewer (Laterals & Trunks), Work Order No. 1220400107

    B. Watermain, Work Order No. 1220400107

    C. Wastewater Sewer, Work Order No. 1220400107

    D. 33’ x 8” Concrete Street Pavement, Work Order No. 1220400107

    E. Ornamental Street Lighting, Work Order No. 1220400107

    F. 5’ x 4” Concrete Sidewalk, Work Order No. 1220400207

    G. 17.5’ Boulevard, Work Order No. 1220400207

    H. 5’ x 4” Concrete Sidewalk, Work Order No. 1220400307

    I. 20.5’ Boulevard, Work Order No. 1220400307

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

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – March 4, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 12, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 4, 2008, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 26, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Infrastructure Renewal and Public Works.

Further on February 26, 2008, the Lord Selkirk-West Kildonan Community Committee received submissions from the following:

In support of the proposed local improvement projects on the south and north sides of Ridgecrest Avenue from Main Street to the East limit of Lot 1, Plan 45041:

- Mark Newman, Fillmore Riley, submitted a communication dated February 26, 2008

In opposition to the proposed local improvement projects on the south and north sides of Ridgecrest Avenue from Main Street to the East limit of Lot 1, Plan 45041:

- Gerald Macdonald, on his behalf and Geal Investments Ltd., submitted a presentation and maps showing the subject property

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – March 4, 2008

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Gerald Macdonald, on his behalf and Geal Investments Ltd., submitted a copy of a Petition dated December 18, 2007 submitted against the construction of the proposed local improvements, including copies of a letter to The City of Winnipeg from Thompson Dorfman Sweatman dated January 7, 2008, and the Ridgecrest Avenue Extension and Cost Sharing Agreement dated March 14, 2006.
- Maria Grande, Thompson Dorfman Sweatman submitted a copy of Division 5 Local and District Improvements from The City of Winnipeg Charter,

all of which have been placed on file in the office of the City Clerk.

INTEROFFICE MEMORANDUM

TO: Ms. Diane Timmins, Lord Selkirk-West Kildonan Community Committee Clerk

FROM: Mr. Tim Austin, Coordinator of Tax Accounting & Administration

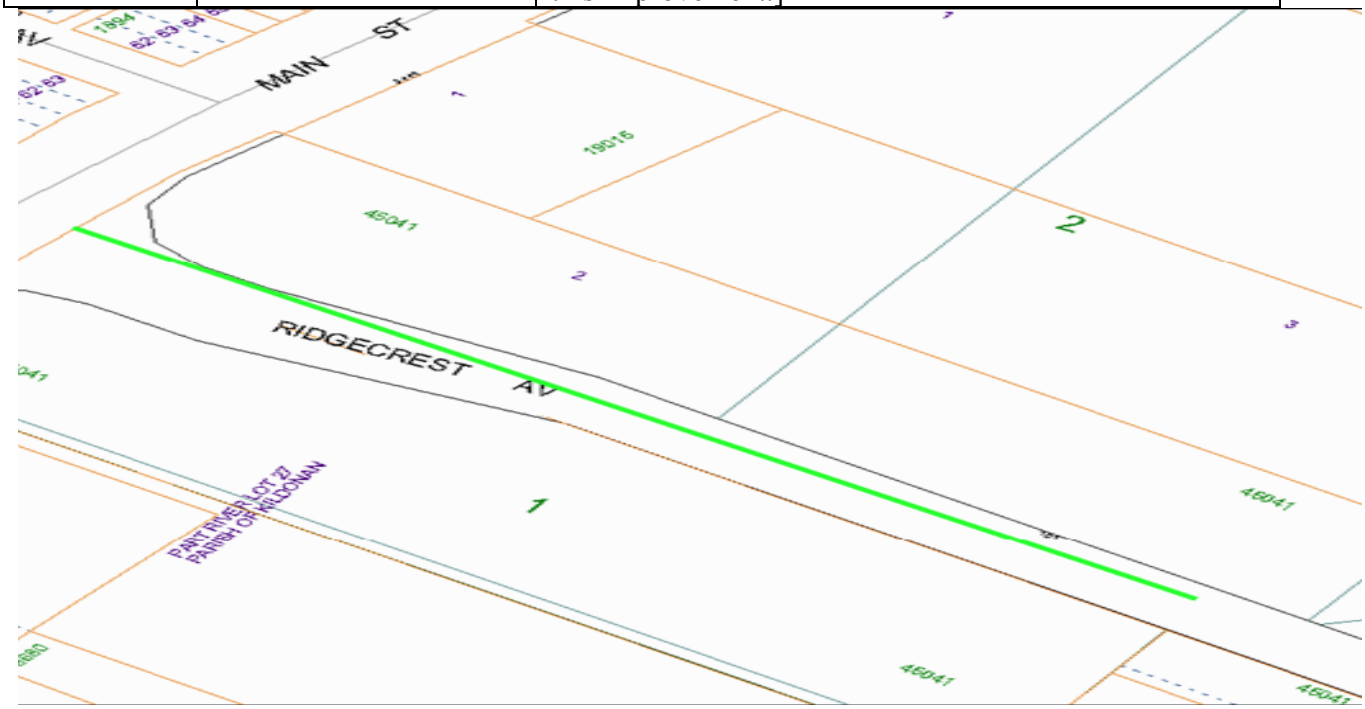
SUBJECT: RESULTS OF THE DECEMBER 10, 2007 LOCAL IMPROVEMENTS ADVERTISEMENT

DATE: 18/03/2008

The Lord Selkirk-West Kildonan Community Committee is requested to specifically review and recommend to the Standing Policy Committee on Infrastructure Renewal & Public Works on the results of various local improvement projects within its Community & Ward boundary. The following proposed local improvement projects were advertised on December 10, 2007 in the *Winnipeg Free Press:*

Project #	Local Improvement	Location
1220400107	Land Drainage Sewer (Laterals & Trunks)	In Ridgecrest Avenue from Main Street to the East limit of Lot 1, Plan 45041.
1220400107	Watermain	In Ridgecrest Avenue from Main Street to the East limit of Lot 1, Plan 45041.
1220400107	Wastewater Sewer	In Ridgecrest Avenue from Main Street to the East limit of Lot 1, Plan 45041.
1220400107	33' x 8" Concrete Street Pavement	33 feet wide (8 inches thick) on Ridgecrest Avenue from Main Street to the East limit of Lot 1, Plan 45041. [Note: The fronting privately owned properties are to be assessed on the basis of 25 feet wide (6 inches thick) concrete street pavement].
1220400107	Ornamental Street Lighting	On Ridgecrest Avenue from Main Street to the East limit of Lot 1, Plan 45041.
1220400207	5' x 4" Concrete Sidewalk	5 feet wide (4 inches thick) on the south side of Ridgecrest Avenue from Main Street to the east limit of Lot 1, Plan 45041. [Note: The fronting privately owned properties on both sides of the street will be assessed for the construction of this improvement.]
1220400207	17.5' Boulevard	17.5 feet wide on the south side of Ridgecrest Avenue from Main Street to the east limit of Lot 1, Plan 45041. [Note: The fronting privately owned properties on both sides of the street will be assessed for the construction of this improvement.]

1220400307	5’ x 4” Concrete Sidewalk	5 feet wide (4 inches thick) on the north side of Ridgecrest Avenue from Main Street to the east limit of Lot 1, Plan 45041. [Note: The fronting privately owned properties on both sides of the street will be assessed for the construction of this improvement.]
1220400307	20.5’ Boulevard	20.5 feet wide on the north side of Ridgecrest Avenue from Main Street to the east limit of Lot 1, Plan 45041. [Note: The fronting privately owned properties on both sides of the street will be assessed for the construction of this improvement.]



The results for the above proposed local improvements are listed in Table 1: Local Improvement Advertisement Results.

Subsequent to the advertisement, Gerald MacDonald a registered property owner requested and was issued an official objection forms for all of the advertised local improvements on December 18, 2007.

On January 8, 2008, the completed objection form was received by the City Clerk, along with a letter dated January 7, 2008 from R.A.L. Nugent of Thompson Dorfman Sweatman LLP on behalf of Gerald D. Macdonald and Geal Investments Ltd. One of the reasons for the objection was an allegation that the local improvement charges would be contrary to a cost sharing agreement between them and Ridgecrest Inc.

In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the Coordinator of Tax Accounting and Administration that the signatures obtained from the

benefiting registered property owners on the objection forms represent ***51% to 51.13%*** of the total assessable frontage, as summarized in Table 1.

It should be noted that these projects are to be installed and paid for by the Developer, Ridgecrest Inc. The project was advertised as a Local Improvement pursuant to Development Agreement No. AG 10/05 in which the City is obligated to pay the Developer in cash for benefiting privately owned lands on the south side of Ridgecrest Avenue, when construction has been completed. ***The Developer's frontage on the north side of Ridgecrest Avenue is 1,100.5 feet or 49% of the total benefiting frontage.***

As a result, Ridgecrest Inc.'s Development and property ownership on the north side of Ridgecrest Avenue does significantly affect the outcome of the aforementioned completed objection form (i.e. unsuccessful vs. successful), since 60% of the registered owners must object to defeat the local improvement.

Table 1: Local Improvement Advertisement Results summarizes the proposed local improvements along with the percentage of objections in relation to the assessable frontage as well as the percentage of objections in relation to the assessable frontage excluding developer frontage:

Table 1: Local Improvement Advertisement Results:

Project #	Local Improvement	Objections Received	Objections excluding Developer Frontage	Estimated Projected Costs	Recoverable Estimate
1220400107	Land Drainage Sewer (Laterals & Trunks)	**51.13%**	88.39%	$50,000	97.1%
1220400107	Watermain	**51.13%**	88.39%	$92,000	88.02%
1220400107	Wastewater Sewer	**51%**	100%	$115,000	99.58%
1220400107	33' x 8" Concrete Street Pavement	**51%**	100%	$626,000	51.22%
1220400107	Ornamental Street Lighting	**51%**	100%	$21,000	51.26%
1220400207	5' x 4" Concrete Sidewalk	**51%**	100%	$23,000	99.58%
1220400207	17.5' Boulevard	**51%**	100%	$27,000	97.55%
1220400307	5' x 4" Concrete Sidewalk	**51%**	100%	$22,000	100%
1220400307	20.5' Boulevard	**51%**	100%	$28,000	100%

City's Administration Recommendation: The undertaking of these proposed Local Improvement projects may proceed since the Objector did not submit notices of objection from the required 60% of the total benefiting frontage.

[Original Signed By Tim Austin]

Coordinator of Tax Accounting & Administration