Report – Standing Policy Committee on Infrastructure Renewal and Public Works – December 2, 2008

Item No. 2 Local Improvement Projects to be funded and constructed in 2008 (Transcona Ward)
File SL(2008)

STANDING COMMITTEE RECOMMENDATION:

On December 10, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and the East Kildonan-Transcona Community Committee and submits the following to Council:

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

    A. Wastewater Sewer – Perfanick Drive from a point approximately 175 feet east of the west limit of Lot 1, Plan 31823 to Filbert Crescent, Work Order No. 1220010208.

    B. Land Drainage Sewer – Laterals and Trunks – Perfanick Drive from a point approximately 175 feet east of the west limit of Lot 1, Plan 31823 to Filbert Crescent, Work Order No. 1220020108.

    C. Watermain – Perfanick Drive from a point approximately 230 feet east of the west limit of Lot 1, Plan 31823 to Filbert Crescent, Work Order No. 1220060208.

    D. 33’ x 8” Concrete Street Pavement – 33 feet wide (8 inches thick) on Perfanick Drive from the east limit of Concordia Avenue East to the east limit of Golis Bay (west leg). [Note: The fronting privately owned properties are to be assessed on the basis of 25 feet wide (6 inches thick) concrete street pavement], Work Order No. 1220200208.

    E. 25’ x 6” Concrete Street Pavement – 25 feet wide (6 inches thick) on Perfanick Drive from the east limit of Golis Bay (west leg) to the east limit of Filbert Crescent, Work Order No. 1220200308.

    F. 5’ x 4” Concrete Sidewalk – 5 feet wide (4 inches thick) on the north side of Perfanick Drive from the east limit of Concordia Avenue East to the west limit of Golis Bay (west leg). [Note: The fronting privately owned properties on both sides of the street will be assessed for the construction of this improvement], Work Order No. 1220220208.

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G. 17.5’ Boulevard – 17.5 feet wide on the north side of Perfanick Drive from the east limit of Golis Bay (west leg) to the west limit of Filbert Crescent, Work Order No. 1220230108.

H. 17.5’ Boulevard – 17.5 feet wide on the south side of Perfanick Drive from the east limit of Golis Bay (west leg) to the west limit of Filbert Crescent, Work Order No. 1220230208.

I. 20.5’ Boulevard – 20.5 feet wide on the north side of Perfanick Drive from the east limit of Concordia Avenue East to the west limit of Golis Bay (west leg), Work Order No. 1220230308.

J. 20.5’ Boulevard – 20.5 feet wide on the south side of Perfanick Drive from the east limit of Concordia Avenue East to the east limit of Golis Bay (west leg), Work Order No. 1220230408.

K. Ornamental Street Lighting – Perfanick Drive from the east limit of Concordia Avenue East to the east limit of Filbert Crescent, Work Order No. 1220270208.

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

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 10, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 10, 2008, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

On November 4, 2008, the Standing Policy Committee on Infrastructure Renewal and Public Works laid the matter over to its meeting on December 2, 2008.

Further on November 4, 2008, the Standing Policy Committee on Infrastructure Renewal and Public Works requested that representatives of Legal Services, Internal Services Department; Finance and Taxation, Assessment and Taxation Department; and Development and Inspections Division, Planning, Property and Development Department be present on December 2, 2008, to answer any questions the committee may have.

And further on November 4, 2008, the Standing Policy Committee on Infrastructure Renewal and Public Works received from Jim Perfanick, a presentation in opposition to the local improvement projects to be funded and constructed in 2008 on Perfanick Drive.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 20, 2008, the East Kildonan-Transcona 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 October 20, 2008, the East Kildonan-Transcona Community Committee received from Jim Perfanick, acting on behalf of the registered property owner Torre-De-Oro Inc., a brief in opposition to the proposed local improvements in Perfanick Drive.

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DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

On October 20, 2008, the East Kildonan-Transcona Community Committee directed that a copy of the brief presented by Jim Perfanick, acting on behalf of the registered property owner Torre-De-Oro Inc., be provided to the Winnipeg Public Service for response prior to consideration of the local improvements on Perfanick Drive by the Standing Policy Committee on Infrastructure Renewal and Pubic Works.

On September 15, 2008, the East Kildonan-Transcona Community Committee laid the matter over to its meeting on October 20, 2008.

INTEROFFICE MEMORANDUM

TO: Ms. Monique Wright, East Kildonan-Transcona Community Committee Clerk

FROM: Mr. Brad Cull, Manager of Taxation and Finance

SUBJECT: RESULTS OF THE MAY 26, 2008 LOCAL IMPROVEMENTS ADVERTISEMENT

DATE: 12/16/2008

The East Kildonan-Transcona Community Committee is requested to specifically review and recommend to the Standing Policy Committee on Infrastructure Renewal and Public Works on the results of various local improvement projects within its Community and Ward boundary. The following proposed local improvement projects were advertised on May 26, 2008 in the *Winnipeg Free Press* newspaper:

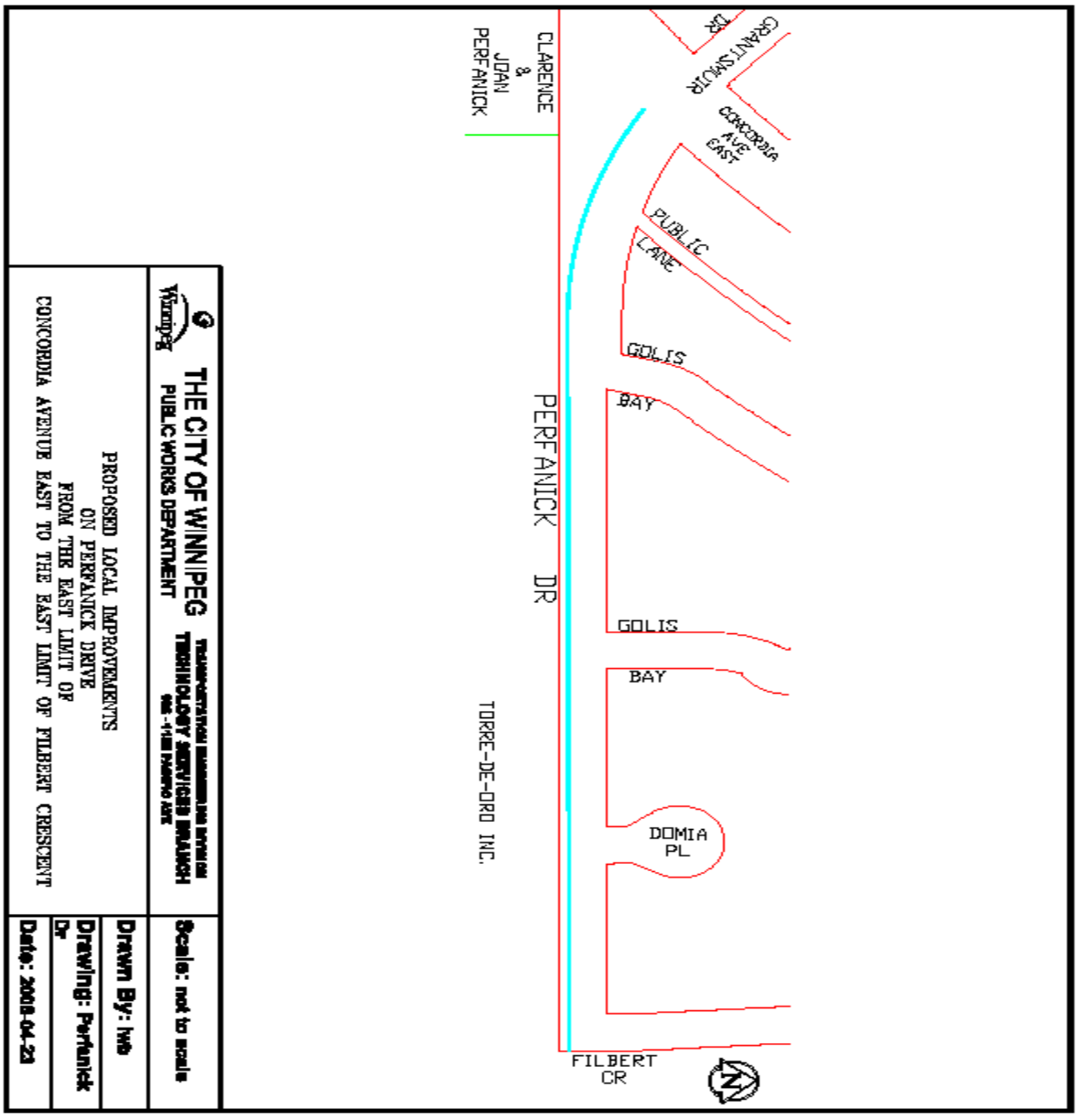
Project #	Local Improvement	Location
1220010208	Wastewater Sewer	In Perfanick Drive from a point approximately 175 feet east of the west limit of Lot 1, Plan 31823 to Filbert Crescent.
1220020108	Land Drainage Sewer-Laterals and Trunks	In Perfanick Drive from a point approximately 175 feet east of the west limit of Lot 1, Plan 31823 to Filbert Crescent.
1220060208	Watermain	In Perfanick Drive from a point approximately 230 feet east of the west limit of Lot 1, Plan 31823 to Filbert Crescent.
1220200208	33' x 8" Concrete Street Pavement	33 feet wide (8 inches thick) on Perfanick Drive from the east limit of Concordia Avenue East to the east limit of Golis Bay (west leg). [Note: The fronting privately owned properties are to be assessed on the basis of 25 feet wide (6 inches thick) concrete street pavement.]
1220200308	25' x 6" Concrete Street Pavement	25 feet wide (6 inches thick) on Perfanick Drive from the east limit of Golis Bay (west leg) to the east limit of Filbert Crescent.

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1220220208	5’ x 4” Concrete Sidewalk	5 feet wide (4 inches thick) on the north side of Perfanick Drive from the east limit of Concordia Avenue East to the west limit of Golis Bay (west leg). [Note: The fronting privately owned properties on both sides of the street will be assessed for the construction of this improvement.]
1220230108	17.5’ Boulevard	17.5 feet wide on the north side of Perfanick Drive from the east limit of Golis Bay (west leg) to the west limit of Filbert Crescent.
1220230208	17.5’ Boulevard	17.5 feet wide on the south side of Perfanick Drive from the east limit of Golis Bay (west leg) to the west limit of Filbert Crescent.
1220230308	20.5’ Boulevard	20.5 feet wide on the north side of Perfanick Drive from the east limit of Concordia Avenue East to the west limit of Golis Bay (west leg).
1220230408	20.5’ Boulevard	20.5 feet wide on the south side of Perfanick Drive from the east limit of Concordia Avenue East to the east limit of Golis Bay (west leg).
1220270208	Ornamental Street Lighting	On Perfanick Drive from the east limit of Concordia Avenue East to the east limit of Filbert Crescent.

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

Subsequent to the advertisement, Jim Perfanick, on behalf of the registered property owner, Torre-De-Oro Inc. of 120 Perfanick Drive, requested and was issued official objection forms for all of the advertised local improvements on June 10, 2008.

On June 25, 2008, the completed official objection forms were received by the City Clerk.

In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the Manager of Taxation and Finance that the signatures obtained from the benefiting registered property owners on the objection forms represent ***50.80% to 54.63%*** 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, Qualico Developments (Winnipeg) Ltd. The projects were advertised as a Local Improvement pursuant to Development Agreement No. AG 50/04 in which the City is obligated to pay the Developer in cash for benefiting privately owned lands on the south side of Perfanick Drive, when construction has been completed. ***The Developer's frontage on the north side of Perfanick Drive is 1,084.50 feet or 40.87% of the total benefiting frontage. In addition to the north side frontage is flankage of 120.40 feet or 4.54% of the total benefiting frontage.***

As a result, Qualico Developments (Winnipeg) Ltd.development and property ownership on the north side of Perfanick Drive, including flankage, does significantly affect the outcome of the aforementioned completed official objection forms (i.e. unsuccessful vs. successful), since 60% of the registered property owners must object to defeat the local improvements.

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 and flankage.

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Table 1: Local Improvement Advertisement Results

Project Number	Local Improvement	Percentage Of Objections Received	Objections Excluding Developer Frontage And Flankage	Estimated Projected Costs	Estimated Percentage Of Recoverable Costs
1220010208	Wastewater Sewer	**54.27%**	100%	$160,000	80.44%
1220020108	Land Drainage Sewer – Laterals and Trunks	**54.27%**	100%	$152,000	80.44%
1220060208	Watermain	**53.19%**	100%	$128,000	77.01%
1220200208	33’ x 8” Concrete Street Pavement	**54.63%**	100%	$198,000	59.45%
1220200308	25’ x 6” Concrete Street Pavement	**54.54%**	100%	$581,000	54.45%
1220220208	5’ x 4” Concrete Sidewalk	**50.80%**	100%	$20,000	54.68%
1220230108	17.5’ Boulevard	**N/A (not assessable on the south side)**	N/A	$35,500	0.00%
1220230208	17.5’ Boulevard	**53.15%**	100%	$40,000	99.71%
1220230308	20.5’ Boulevard	**N/A (not assessable on the south side)**	N/A	$12,000	0.00%
1220230408	20.5’ Boulevard	**54.63%**	100%	$18,000	98.10%
1220270208	Ornamental Street Lighting	**54.59%**	100%	$25,000	54.46%

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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 Brad Cull]

Manager of Taxation and Finance