Minutes – The Board of Appeal (Local Improvement Assessment Appeals) – June 28, 2012

APPEAL HEARINGS

Minute No. 1 **Local Improvement Assessment – Concrete Lane Pavement – 16 Sunset Boulevard (St. Vital Ward) File BA**

THE BOARD OF APPEAL DECISION:

The Board of Appeal (Local Improvement Assessment Appeals) denied the appeal of the local improvement assessment for a concrete lane pavement for property commonly described as 16 Sunset Boulevard, as the assessment is considered fair and equitable on the basis that it is consistent with the rules being applied to similar properties throughout the City.

DECISION MAKING HISTORY:

Moved by Councillor Nordman,
That the receipt of public representations be concluded.

Carried

Moved by Councillor Nordman,
That the appeal of the local improvement assessment for concrete lane pavement for property commonly described as 16 Sunset Boulevard be denied as the assessment is considered fair and equitable on the basis that it is consistent with the rules being applied to similar properties throughout the City.

Carried

Moved by Councillor Nordman,
That the public hearing with respect to this appeal be concluded.

Carried

APPEAL HEARING SUMMARY

File:	BA
Roll Number:	08001491500
Before:	The Board of Appeal (Local Improvement Assessment Appeals) Councillor Fielding, Chairperson Councillor Nordman Councillor Orlikow
Public Hearing:	June 28, 2012 North Committee Room Council Building, 510 Main Street
Appellant:	Sharon McPhee
Premises Affected:	16 Sunset Boulevard
Nature of Appeal:	On May 24, 2012, Sharon McPhee appealed the local improvement charges for a Concrete Lane Pavement assessed to 16 Sunset Boulevard
Exhibits Filed:	1. First demand for Local Improvement Taxes dated May 11, 2012, issued by the Assessment and Taxation Department 2. Notice of Appeal filed by Sharon McPhee, received May 24, 2012 3. Notification of Public Hearing dated June 5, 2012 4. Surveyor's Building Location Certificate and sketch dated December 27, 1972, submitted by Susan McPhee at the public hearing 5. Photographs (4) of the subject property submitted by Susan McPhee at the public hearing 6. Communication dated March 23, 2012, from the Assessment and Taxation Department, addressed to Sharon McPhee with respect the appeal, submitted by the Winnipeg Public Service at the public hearing 7. Photographs (8) of the subject property submitted by the Winnipeg Public Service at the public hearing

REPRESENTATIONS:

In Support of Appeal:

Sharon McPhee

In Opposition to Appeal:

Nil

For Information on Appeal:

Nil

For the City:

Ms K. Boryskavich, Deputy City Solicitor
Mr. B. Cull, Manager of Taxation and Finance, Assessment and Taxation Department
Mr. G. Wladyka, Senior Local Improvement Clerk, Assessment and Taxation Department

Exhibit “1” - Appeal – Local Improvement Assessment – Concrete Lane Pavement – 16 Sunset Boulevard

(FRANÇAIS AU VERSO)

THE CITY OF WINNIPEG 2012
SCHOOL AND MUNICIPAL TAXES

STATEMENT DATE: MAY 11, 2012
Property Address Information :
16 SUNSET BLVD
SHARON W MCPHEE

ROLL NUMBER: 08001491500

Title No.: 1144583
Mortgage No.

Part of Lot	Lot	Block	Plan	Parish
	118		22010	112 ST B

Assessment Information

STATUS CODE	CLASS	PORTION %	ASSESSED VALUE	PORTIONED VALUE
Taxable	Residential 1	45.0	176,000	79,200

SCHOOL TAXES

LOUIS RIEL SCHOOL DIVISION (inquiries: 204-257-7827)	(79,200 x 0.01281)	**$1,014.55**
MANITOBA EDUCATION PROPERTY TAX CREDIT ADVANCE*		**-700.00**
NET SCHOOL DIVISION LEVY		**$314.55**
NET SCHOOL TAXES		**$314.55**

MUNICIPAL TAXES

MUNICIPAL TAXES (inquiries: 311 or toll free 1-877-311-4974)	(79,200 x 0.014056)	**$1,113.24**
STREET RENEWAL - Frontage Levy		**195.00**
Local Improvement(s)	Term	
CONCRETE LANE PAVEMENT	2012 - 2031	**487.20**
TOTAL MUNICIPAL TAXES		**$1,795.44**
NET PROPERTY TAXES		**$2,109.99**
BALANCE OWING		**$2,109.99**

TOTAL TAXES DUE	
School Taxes	$1,014.55
Municipal Taxes	1,795.44
Total Current Taxes	$2,809.99
Provincial Credit(s)	-700.00
TOTAL TAXES DUE	**$2,109.99**

IMPORTANT MESSAGES - Visit our website at: www.winnipegassessment.com

*If you do not reside at this residence you may be ineligible for Manitoba Education Property Tax Credit Advance. Phone 204-948-2115 for eligibility rules.
If you are interested in enrolling in the Tax Instalment Payment Plan, contact 311 or toll free 1-877-311-4974.
Payments made after April 12, 2012 will not be reflected on this Tax Bill.

RETURN BOTTOM PORTION WITH YOUR PAYMENT

248546 - 164499

The City of Winnipeg
Assessment and Taxation Department
510 Main Street
Winnipeg, Manitoba R3B 3M2

DUE DATE: JUNE 29, 2012
A penalty is charged if payment is received or postmarked after June 29, 2012
PLEASE RETAIN YOUR CANCELLED CHEQUE AS NO ADDITIONAL RECEIPT WILL BE ISSUED

ROLL NUMBER/NUMÉRO DU RÔLE	ARREARS/ARRIÉRÉ	TOTAL PAYABLE/MONTANT PAYABLE	AMOUNT PAID/MONTANT PAYÉ
08001491500	$0.00	$2,109.99	

SHARON W MCPHEE
16 SUNSET BLVD
WINNIPEG,MB R2M 0X4

722(D) R08001491500000002109990800149150O

PAYABLE AT MOST FINANCIAL INSTITUTIONS.
PLEASE MAKE CHEQUE PAYABLE TO:
THE CITY OF WINNIPEG, TAX BRANCH

Exhibit "2" - Appeal – Local Improvement Assessment – Concrete Lane Pavement – 16 Sunset Boulevard

May 15, 2012

To Whom It May Concern,

I am appealing the tax charge regarding Project No: 1420210110 on my property at 16 Sunset Blvd., Roll No: 08001491500. The paving of the lane behind my property has no bearing on me, the resident of this said property on Lot 118, Plan 22010, in Parish 112 of St Boniface. My property is at the end of the street with my garage backing onto another back lane that runs adjacent to my property, running north & south as St Mary's Road does. This is the only lane I have ever utilized in my 27 years of being owner of this property. My garage runs the full length of the back end of my property. The said lane that was improved is NOT UTILIZED by me at all, even though my property behind the garage abuts onto the lane. Therefore I should not be held partially responsible for its improvement. In addition I was absent, out of the country in Mexico last April when the neighbourhood petition was circulated, and therefore unable to sign the petition as I have done in the past, to stop this progress.

I have been in discussion with George Wladyka, Senior Local Improvement Clerk with the City last autumn and this Spring, when the Local Improvement Tax bill was issued.

I would appreciate your full attention to this matter and would like a response in a timely matter. I am considering taking legal action if necessary.

Yours truly,
Sharon McPhee
Sharon McPhee

RECEIVED MAY 17 2012

RECEIVED
CITY CLERKS
WINNIPEG

12 MAY 24 P1:11

RECEIVED MAY 1 1 2012

Exhibit "3" - Appeal – Local Improvement Assessment – Concrete Lane Pavement – 16 Sunset Boulevard

Winnipeg

City Clerk's Department • Bureau du greffier

REGISTERED MAIL RW 609 543 646 CA

June 5, 2012

File BA

Sharon McPhee
16 Sunset Boulevard
Winnipeg, Manitoba
R2M 0X4

Appeal – Local Improvement Assessment – 16 Sunset Boulevard

This will acknowledge receipt of your communication dated May 15, 2012, appealing the local improvement charges for a concrete lane payment assessed to 16 Sunset Boulevard.

Please be advised that the appeal will be heard by the Board of Appeal (Local Improvement Assessment Appeals) at its meeting on Thursday, June 28, 2012, at 9:00 a.m. in the Council Building, 510 Main Street.

The purpose of the appeal hearing is to allow interested persons to make submissions, ask questions or register objections with respect to this matter.

Information or documents concerning this matter and a description of the procedure to be followed at the hearing are available for inspection in the City Clerk's Department, 510 Main Street or can be accessed on the Internet site: www.winnipeg.ca/CLKDMIS.

Inga K. Skundberg

Inga Skundberg
Clerk
Telephone 204-986-3856
E-mail iskundberg@winnipeg.ca

c. Mr. B. Cull, Manager of Taxation and Finance, Assessment and Taxation Department
Mr. G. Wladyka, Senior Local Improvement Clerk, Assessment and Taxation Department
Mr. M. Jack, Director of Legal Services and City Solicitor,
Attention: Ms K. Boryskavich, Solicitor
Mr. B. Sacher, Director of Public Works

Exhibit “4” - Appeal – Local Improvement Assessment – Concrete Lane Pavement – 16 Sunset Boulevard

K. D. BARNES
MANITOBA LAND SURVEYORS

2nd Floor
3303 Portage Avenue
WINNIPEG 22, MAN.
R3K 0W7

Dec. 27, 1972.

Re. #16 Sunset Blvd.,
Lot 38 excepting thereout the most westerly 20 feet in width thereof, and all of Lot 39, in Block 13, D.G.S. 112 St. Boniface, Plan 1268.

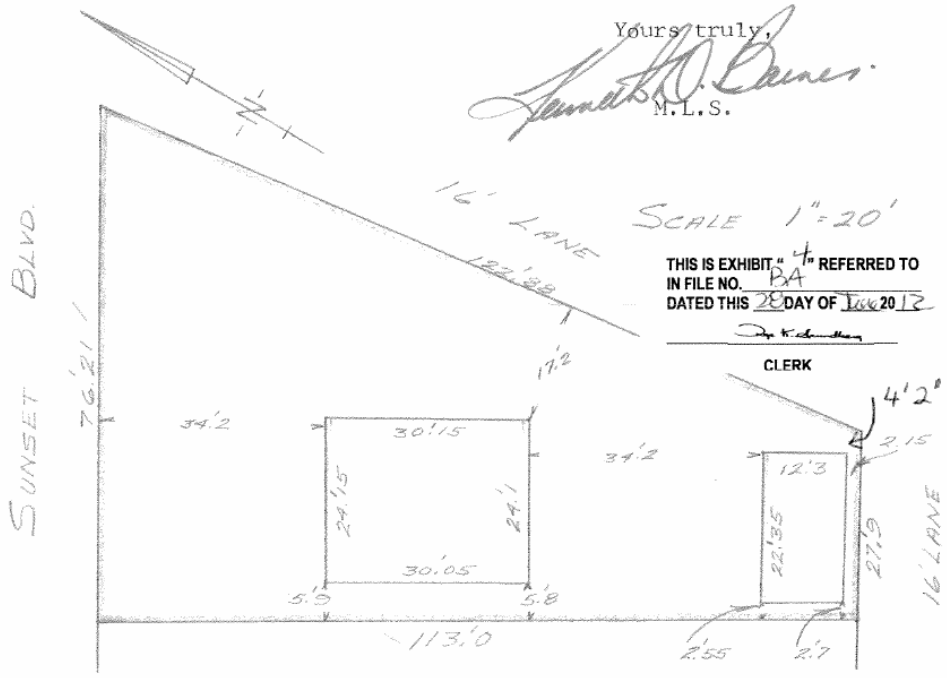
To Aikins, MacAulay & Thorvaldson,
Barristers, Winnipeg.

Dear Sirs:-

As requested, we have made the necessary measurements to determine the position of one story stucco house numbered 16 on the south side of Sunset Boulevard, in the City of Winnipeg, and frame garage at rear of same, and find that the said buildings above sidewalk level are contained entirely within the limits of the above described land.

There are no encroachments above sidewalk level on the above described land by buildings from adjoining properties.

Yours truly,
K. D. Barnes
M.L.S.



THIS IS EXHIBIT "4" REFERRED TO IN FILE NO. BA
DATED THIS 28 DAY OF June 2012
CLERK

Exhibit “5” - Appeal – Local Improvement Assessment – Concrete Lane Pavement – 16 Sunset Boulevard



Opening to Neighbour's Fence



Length of Open Recess

THIS IS EXHIBIT "5" REFERRED TO
IN FILE NO. BA
DATED THIS 20 DAY OF June 20 12

CLERK



N-S lane & use & connection to Improved lane.



Open Access to Lane Improvement

Exhibit "6" - Appeal – Local Improvement Assessment – Concrete Lane Pavement – 16 Sunset Boulevard

Winnipeg

THE CITY OF WINNIPEG

ASSESSMENT AND TAXATION DEPARTMENT

SERVICE DE L'ÉVALUATION ET DES TAXES

In Reply Please Refer To: George J. Wladyka
(204) 986-2539

March 23, 2012

Sharon McPhee
16 Sunset Boulevard
Winnipeg, MB R2M 0X4

COPY

Dear Sharon McPhee:

Re: Your appeal to the cash cost payable for a Concrete Lane Pavement Local Improvement (Project No. 1420210110) – 14 feet wide (6 inches thick) on the lane south of Sunset Boulevard from the first north- south lane west of St. Mary's Road to and including the first lane outlet onto Glenlawn Avenue east of Sunset Boulevard. (Note: Phase I incremental costs).

In response to your letter dated March 5, 2012 which was received by our department on March 7, 2012, I will try to address your concerns based on the information that I have pertaining to this matter.

You stated in part in your letter…

> ***"The paving of the lane behind my property has no bearing on me…. My property is at the end of the street with my garage backing onto another back lane that runs adjacent to my property, running north & south as St. Mary's Road does, and this is the only lane I have ever utilized. My garage runs the full length of the back end of my property. The said lane that was improved is NOT UTILIZED by me at all. Therefore, I should not be held partially responsible for the improvement to it."***

For local improvements, *The City of Winnipeg Charter* states (with highlight emphasis added):

"Determination of real property benefited

407(1) *Council may pass by-laws determining, or providing for the method of determining,*

(a) what real property is benefited by local improvements; and

THIS IS EXHIBIT "6" REFERRED TO IN FILE NO. BA
DATED THIS 28 DAY OF Jun 2012

CLERK

Embrace the Spirit • Vivez l'esprit

(b) for the purpose of clause 408(b), section 411, and subsection 412(1), what is the total real property benefited, which may be based on one or more of the following:

(i) the total length of the boundary of the real property benefited that fronts or abuts any portion of the local improvement,

(ii) the total area of the real property benefited,

(iii) the total assessed value of the real property benefited."

Your property at 16 Sunset Boulevard abuts the concrete lane pavement and therefore is deemed to benefit from the local improvement.

You also state in part in your letter...

> ***"In addition I was absent, out of the country in Mexico last April when the neighbourhood petition was circulated, and therefore unable to sign the petition to stop this progress."***

To assist in understanding the timelines for this local improvement project, I have listed the key dates in chronological order:

Dec 21, 2010 A successful "Petition For" form was received by the City of Winnipeg (City Clerk's Department) representing 66.5% of the total assessable frontage. It is acknowledged that you did not sign the petition for 16 Sunset Boulevard.

Jan 6, 2011 A letter was sent out to the petitioner, Jeffrey Duncan, advising him of the results. A copy is attached for your perusal.

Jan 10, 2011 Riel Community Committee approved the advertising of this proposed Concrete Lane Pavement in March 2011.

Mar 28, 2011 The Concrete Lane Pavement local improvement was advertised in the Winnipeg Free Press newspaper. Please see copy attached.

Per Section 409 of *The City of Winnipeg Charter*, objections for this local improvement must be filed within a deadline established at least 30 days after the notice is published. April 27, 2011 was the established deadline.

Mar 28, 2011 A *"Notice and Information Bulletin Regarding Certain Proposed Local Improvements"* was mailed out to all property owners that abut the local improvement. You would have received this at the time...a copy is attached for your convenience.

Apr 5, 2011 A "Notice of Objection" form was requested by Mr. Gregory Rudolph

Apr 27, 2011 Deadline for submission of objections for the proposal local improvement.

Mr. Rudolph returned the "Notice of Objection" form to the City Clerk's Department on April 27, 2011.

The above timeline outlines the process from when the first petition was circulated in favour of the concrete lane pavement, through to the submission of the "Notice of Objection" form objecting to the local improvement.

Note that the results of the "Notice of Objection" were unsuccessful. Per Section 411 of *The City of Winnipeg Charter*, registered owners of at least 3/5 (60%) of the total real property benefited must object to the local improvement for the proposed local improvement "not to be proceeded with". The petition results were only 56.46% of the total assessable frontage; not sufficient to defeat the local improvement.

It should be noted that the 40 feet for your subject property would still not have been enough to defeat the project. Had you signed, the percentage of objectors would have represented 58.34% of the total assessable frontage; still below the required 60%.

May 12, 2011 A letter was sent to Mr. Rudolph advising him of the unsuccessful results for the "Notice of Objection" form he returned. Please see copy attached.

May 16, 2011 Riel Community Committee approved the local improvement to proceed.

May 31, 2011 Standing Policy Committee on Infrastructure Renewal and Public Works approved the local improvement to proceed.

Jun 8, 2011 Executive Policy Committee approved the local improvement to proceed.

Jun 22, 2011 City Council approved the local improvement to proceed and approved Local Improvement Authorization By-law No. 74/2011 for the undertaking of the concrete lane pavement.

It is unfortunate that you were not involved in the process throughout with the opportunities to object to the local improvement, including representation at the Community Committee meetings.

Note that the document you received is the "Local Improvement Cash Cost Statement". You cannot appeal this document. *The City of Winnipeg Charter* does provide for an "appeal in exceptional cases" which generally involves an appeal on the calculation of the local improvement based on your property's frontage. It would appear that you are not questioning the frontage calculation, but rather

that your property should be excluded from the total assessable real property that fronts or abuts the local improvement.

Subsection 413(1) of *The City of Winnipeg Charter* is copied below:

"Appeal in exceptional cases
413(1) *Where the city imposes local improvement taxes against real property on the basis of a method provided under subsection 412(3) and issues a demand for payment of the taxes, the registered owner of the real property may, within 30 days after the day the first such demand is made, appeal the taxes to a designated committee of council."*

You can only appeal after the demand for taxes has been made. This refers to your annual property tax bill titled "The City of Winnipeg 2012 Statement and Demand for Municipal and School Taxes". The mailing is scheduled for Friday, May 11, 2012 (and you should receive your property tax bill by Tuesday, May 15th).

If you believe you have grounds for appeal, you should file your appeal on or before Friday, June 8, 2012 by writing to the Board of Appeal stating the grounds for appeal and submit to:

Board of Appeal
c/o City Clerk
City Clerks Department
City of Winnipeg
510 Main Street
Winnipeg, MB R3B 1B9

Yours truly,

George J. Wladyka
Senior Local Improvement Clerk

Winnipeg

THE CITY OF WINNIPEG
ASSESSMENT AND TAXATION DEPARTMENT
SERVICE DE L'ÉVALUATION ET DES TAXES

In Reply Please Refer To: George J. Wladyka
(204) 986-2539

January 6, 2011

COPY

Jeffrey A. Duncan

Dear Jeffrey A. Duncan:

Re: Proposed Concrete Lane Pavement Local Improvement (Project No. 1420210110) – 14 feet wide (6 inches thick) on the lane south of Sunset Boulevard from the first north-south lane west of St. Mary's Road to and including the first lane outlet onto Glenlawn Avenue east of Sunset Boulevard.

Subsequent to receipt of your signed "*Petition For*" form on December 21, 2010 from the City Clerk's Department pertaining to the aforementioned proposed local improvement project and in compliance with Section 125 of *The City of Winnipeg Charter* (the "*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 "*Petition For*" form represent ***66.50%*** of the total assessable frontage, as summarized below:

Total Assessable Frontage (includes Flankage)	2,247.00 feet
Less: Flankage	(110.90) feet
Total Assessable Frontage (excludes Flankage)	2,136.10 feet
Petitioners For Represent	1,420.60 feet
Percentage Signed	***66.50%***

510 Main Street • 510, rue Main • Winnipeg • Manitoba R3B 3M2 • Fax/Téléc: (204) 986-6732 • www.winnipegassessment.com

Winnipeg

THE CITY OF WINNIPEG
ASSESSMENT AND TAXATION DEPARTMENT
SERVICE DE L'ÉVALUATION ET DES TAXES

In Reply Please Refer To: George J. Wladyka
(204) 986-2539

Sections 408 and 409(1) of the *Charter* are copied below:

> *"**Initiation of local improvement***
> ***408*** *A local improvement may be proposed*
>
> *(a) by council; or*
>
> *(b) by a petition signed by registered owners of at least 3/5 of the total real property that is to be benefited by the proposed local improvement.*
>
> ***Notice of proposal***
> ***409(1)*** *If a local improvement is proposed the city must*
>
> *(a) give public notice of the proposed improvement; and*
>
> *(b) send by ordinary mail a notice of the proposed improvement to each registered owner of property to be benefited by it."*

Therefore, as this petition was signed by the registered property owners representing 66.50% of the total assessable frontage (an amount greater than the required 3/5 or 60%), we will be recommending to the Riel Community Committee that the proposed undertaking of this Local Improvement project be advertised in March, 2011.

Our recommendation will be on the agenda for the Riel Community Committee Meeting on Monday, January 10, 2011.

Yours truly,

George J. Wladyka
Senior Local Improvement Clerk

C.c. Henly Pheifer, Public Works
Marc Pittet, Riel Community Committee Clerk

3146921 CityWpg Mar28.eps; Customer is responsible for accuracy

THE CITY OF WINNIPEG
PROPOSED 2011 LOCAL IMPROVEMENT WORKS PROGRAM
INTENTION TO MAKE CERTAIN LOCAL IMPROVEMENTS
AND TO IMPOSE LOCAL IMPROVEMENT TAXES UPON THE FRONTAGE PROPERTIES

NOTICE IS HEREBY GIVEN pursuant to Section 409 of The City of Winnipeg Charter that the undersigned intends to submit the local improvement works described in the Schedule set out below to the Council of The City of Winnipeg for consideration and approval for inclusion in the 2011 Capital Works Program and for authorization to undertake those works. NOTICE IS ALSO HEREBY GIVEN that any one or more of the works may be undertaken by the City and local improvement taxes for the whole or part of the cost thereof will be imposed, as stated in the Schedule, upon the real property benefited thereby, unless the registered owners of at least three-fifths of the real property that is to be benefited by any particular work, file objections to the proposed local improvement within 30 days of the date of this notice.

OBJECTIONS TO THE PROPOSED LOCAL IMPROVEMENTS MUST BE FILED **IN WRITING** (BY MAIL OR IN PERSON) AT:

CITY CLERK'S DEPARTMENT
Main Floor, Council Building
510 Main Street
Winnipeg, Manitoba R3B 1B9
Office hours: 8:30 am - 4:30 pm Monday through Friday

Official objection forms may be obtained from the **ASSESSMENT AND TAXATION DEPARTMENT** at the address noted .

TAXATION AND FINANCE DIVISION
Main Floor, Administration Building
510 Main Street
Winnipeg, Manitoba R3B 3M2
Telephone number: (204) 986-2539
Office hours: 8:30 am - 4:30 pm Monday through Friday

THE ABSENCE OF SUFFICIENT OBJECTIONS DOES NOT MEAN THAT THE CITY WILL PROCEED WITH THE WORK OR INCLUDE ANY ONE OR ALL OF THESE IMPROVEMENTS IN THE 2011 CONSTRUCTION PROGRAM.

EAST KILDONAN-TRANSCONA COMMUNITY
Wastewater Sewer – Twenty Year Term

Estimated Cash Cost per assessable frontage foot $100.00
Estimated Annual Rate per assessable frontage foot $9.44

In Grassie Boulevard from a point approximately 95 feet east of the east line of Skowron Crescent to a point approximately 900 feet east to the east limit of the westerly half of Lot 1, Plan 7649 WLTO municipally known as 520 Grassie Boulevard.

Watermain – Ten Year Term

Estimated Cash Cost per assessable frontage foot $ 80.00
Estimated Annual Rate per assessable frontage foot $ 11.00

In Grassie Boulevard from a point approximately 95 feet east of the east line of Skowron Crescent to a point approximately 900 feet east to the east limit of the westerly half of Lot 1, Plan 7649 WLTO municipally known as 520 Grassie Boulevard.

RIEL COMMUNITY
Concrete Lane Pavement – Twenty Year Term

Estimated Cash Cost per assessable frontage foot $ 155.00
Estimated Annual Rate per assessable frontage foot $ 14.63

14 feet wide (6 inches thick) on the first east-west lane south of Carriere Avenue from Des Meurons Street to the first north-south lane east of St. Mary's Road.

14 feet wide (6 inches thick) on the lane south of Sunset Boulevard from the first north-south lane west of St. Mary's Road to and including the first lane outlet onto Glenlawn Avenue east of Sunset Boulevard.

By Order
R. Kachur
City Clerk
City Clerk's Department

March 28, 2011

VILLE DE WINNIPEG
PROGRAMME DES AMÉNAGEMENTS LOCAUX DE 2011
INTENTION D'EXÉCUTION DE CERTAINS AMÉNAGEMENTS LOCAUX
ET D'IMPOSITION DE TAXES D'AMÉNAGEMENT LOCAL SUR LA LONGUEUR DE FAÇADE DES BIENS

NOUS VOUS INFORMONS PAR LES PRÉSENTES, en conformité avec l'article 409 de la *Charte de la ville de Winnipeg*, de notre intention de soumettre à l'étude et à l'approbation du Conseil municipal de Winnipeg les projets d'aménagements locaux énoncés dans le tableau ci-après en vue de leur inclusion dans le Programme des immobilisations de 2011 et de leur autorisation. NOUS VOUS DONNONS ÉGALEMENT AVIS PAR LES PRÉSENTES que la ville peut procéder à un ou plusieurs de ces aménagements locaux et en imputer le coût, en tout ou en partie, sous forme de taxe d'aménagement local, aux biens-fonds auxquels ils profiteront, coût qui est indiqué ci-après, à moins que les propriétaires inscrits de biens-fonds dont la longueur de façade représente au moins les trois cinquièmes de la longueur totale de façade sur laquelle doit porter le coût des aménagements en question ne déposent une opposition à l'égard de ces projets d'aménagements locaux, et ce, dans les 30 jours qui suivent la publication du présent avis.

LES OPPOSITIONS AUX AMÉNAGEMENTS LOCAUX PROPOSÉS DOIVENT ÊTRE DÉPOSÉES **PAR ÉCRIT** (PAR LA POSTE OU EN PERSONNE) AU :

BUREAU DU GREFFIER
Immeuble du Conseil, rez-de-chaussée
510, rue Main
Winnipeg (Manitoba) R3B 1B9
Heures d'ouverture :
8 h 30 à 16 h 30, du lundi au vendredi

Vous pouvez vous procurer des formulaires d'opposition officiels au **SERVICE DE L'ÉVALUATION ET DES TAXES**, à l'adresse indiquée ci-dessous.

DIVISION DES TAXES ET DES FINANCES
Immeuble de l'administration, rez-de-chaussée
510, rue Main
Winnipeg (Manitoba) R3B 3M2
Numéro de téléphone : 204-986-2539
Heures d'ouverture :
8 h 30 à 16 h 30, du lundi au vendredi

L'ABSENCE D'OPPOSITIONS SUFFISANTES NE SIGNIFIE PAS QUE LA VILLE VA PROCÉDER AUX AMÉNAGEMENTS LOCAUX OU QU'ELLE VA LES INCLURE, EN TOUT OU EN PARTIE, DANS SON PROGRAMME DE CONSTRUCTION DE 2011.

DISTRICT DE RIEL
Bétonnage de ruelle – payable sur vingt ans

Coût estimatif au comptant par pied de façade imposable 155 $
Tarif estimatif annuel par pied de façade imposable 14,63 $

Largeur de 14 pieds (épaisseur de 6 pouces) sur la première ruelle est-ouest au sud de l'avenue Carrière à partir de la rue Des Meurons jusqu'à la première ruelle nord-sud à l'est du chemin St. Mary's.

Largeur de 14 pieds (épaisseur de 6 pouces) sur la ruelle au sud du boulevard Sunset à partir de la première ruelle nord-sud à l'ouest du chemin St. Mary's jusqu'à et comprenant la première sortie de ruelle sur l'avenue Glenlawn à l'est du boulevard Sunset.

Par ordre
R. Kachur
Greffier
Bureau du greffier

Le 28 mars 2011

Winnipeg

THE CITY OF WINNIPEG
ASSESSMENT AND TAXATION DEPARTMENT
SERVICE DE L'ÉVALUATION ET DES TAXES

www.winnipegassessment.com
March 28, 2011

SHARON W MCPHEE

NOTICE AND INFORMATION BULLETIN REGARDING CERTAIN PROPOSED LOCAL IMPROVEMENTS

Further to the official advertisement appearing in the Winnipeg Free Press newspaper on Monday, March 28, 2011 please take notice that the City intends to construct the local improvement works described below. The local improvement taxes for the whole or part of the cost thereof may be imposed upon the real property benefited thereby, unless the registered owners of at least 3/5 of the total real property to be benefited by the proposed local improvement object to the local improvement.

OBJECTIONS TO PROPOSED LOCAL IMPROVEMENTS

An Official Notice of Objection Form can be requested from:

Assessment and Taxation Department
Taxation and Finance Division
Main Floor - 510 Main Street
Winnipeg, Manitoba R3B 3M2
Tel: (204) 986-2539

Objections to the proposed local improvements must be filed (by mail or in person) on or before 4:30 P.M. on: Wednesday April 27, 2011 to:

City Clerk's Department
Main Floor
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Payment Options:

Estimated - Cash Cost: Some property owners may prefer to pay the cash cost of the local improvement in the first year following construction and prior to the local improvement levy being added to the realty tax statement.

Estimated - Annual Levy: The assessment will be levied in the year following construction on your realty tax statement at the prevailing rate per assessable measurement at billing.

IMPROVEMENT(S) PROPOSED for Project Number 1420210110 on Roll Number 08001491500

LI Type	Description	Term (Years)	Assessment Measurement	Est. Cost Annual	Est. Annual Levy	Est. Cost Per Measurement	Est. Cash Cost
CONCRETE LANE PAVEMENT	14 feet wide (6 inches thick) on the lane south of Sunset Boulevard from the first north-south lane west of St. Mary's Road to and including the first lane outlet onto Glenlawn Avenue east of Sunset Boulevard.	20	40.00	$14.92	$596.80	$155.00	$6,200.00

THE CITY OF WINNIPEG
PROPOSED 2011 LOCAL IMPROVEMENT WORKS PROGRAM
INTENTION TO MAKE CERTAIN LOCAL IMPROVEMENTS
AND TO IMPOSE LOCAL IMPROVEMENT TAXES UPON THE FRONTAGE PROPERTIES

NOTICE IS HEREBY GIVEN pursuant to Section 409 of *The City of Winnipeg Charter* that the undersigned intends to submit the local improvement works described in the Schedule set out below to the Council of The City of Winnipeg for consideration and approval for inclusion in the 2011 Capital Works Program and for authorization to undertake those works. NOTICE IS ALSO HEREBY GIVEN that any one or more of the works may be undertaken by the City and local improvement taxes for the whole or part of the cost thereof will be imposed, as stated in the Schedule, upon the real property benefited thereby, unless the registered owners of at least three-fifths of the real property that is to be benefited by any particular work, file objections to the proposed local improvement within 30 days of the date of this notice.

OBJECTIONS TO THE PROPOSED LOCAL IMPROVEMENTS MUST BE FILED **IN WRITING** (BY MAIL OR IN PERSON) AT:

CITY CLERKS DEPARTMENT – COUNCIL BUILDING
Main Floor - 510 Main Street, Winnipeg, Manitoba R3B 1B9
Office hours: 8:30 am - 4:30 pm Monday through Friday

Official objection forms may be obtained from the **ASSESSMENT AND TAXATION DEPARTMENT** at the address noted below.

TAXATION AND FINANCE DIVISION – ADMINISTRATION BUILDING
Main Floor – 510 Main Street, Winnipeg, Manitoba R3B 3M2
Office hours: 8:30 am - 4:30 pm Monday through Friday
Telephone number: (204) 986-2539

THE ABSENCE OF SUFFICIENT OBJECTIONS DOES NOT MEAN THAT THE CITY WILL PROCEED WITH THE WORK OR INCLUDE ANY ONE OR ALL OF THESE IMPROVEMENTS IN THE 2011 CONSTRUCTION PROGRAM.

APPEAL IN EXCEPTIONAL CASES

Pursuant to Section 413 of *The City of Winnipeg Charter*, the registered owner may be able to appeal the local improvement taxes within 30 days of the first demand for payment of the local improvement taxes.

DEFERMENT OF LOCAL IMPROVEMENT TAXES

Pursuant to Section 423 of *The City of Winnipeg Charter* and as authorized by Council, certain specified local improvement taxes may be deferred provided certain conditions as determined by City Council are met. These conditions may include, but are not restricted to: a) That the property assessed will receive no immediate usable benefit from the proposed improvement and b) That the applicant must have filed an objection against the proposed local improvement.

PRIVATE APPROACHES OR CROSSWALKS

Permits for private approach or crosswalk construction required in conjunction with new street pavements must be obtained from Customer Services Division, Public Works Department, 1155 Pacific Avenue, prior to the commencement of the construction of the street pavement. Permits for private approaches or crosswalks to serve commercial or industrial properties are to be obtained from the Transportation Division, Traffic Assessment Branch, Public Works Department, 101-1155 Pacific Avenue. The permit holder will be responsible for any survey fees, material, testing costs or other costs relevant to the construction of the private approach or crosswalk as outlined under the provision of By-Law 329/73.

CASH PAYMENTS

To save interest charges, the property owner will have the option of paying the actual cash cost of these improvements at the Assessment and Taxation Department, Taxation and Finance Division, Administration Building, Main Floor, 510 Main Street, Winnipeg, Manitoba, R3B 3M2 by a date to be specified in the statement sent in the month of February following the construction of the improvement.

Winnipeg

THE CITY OF WINNIPEG
ASSESSMENT AND TAXATION DEPARTMENT
SERVICE DE L'ÉVALUATION ET DES TAXES

In Reply Please Refer To: George J. Wladyka
(204) 986-2539

May 12, 2011

Estate of William H. Rudolph
c/o Gregory W. Rudolph

COPY

Dear Gregory W. Rudolph:

Re: Proposed Concrete Lane Pavement Local Improvement (Project No. 1420210110)

Subsequent to receipt of your official *"Notice of Objection"* form from the City Clerk's Department on April 27, 2011 pertaining to the aforementioned proposed local improvement project and in compliance 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 official *"Notice of Objection "* form represented ***56.46%*** of the total assessable frontage as summarized below:

Total Assessable Frontage (includes Flankage)	2,247.00 feet
Less: Flankage	(110.90) feet
Total Assessable Frontage (excludes Flankage)	2,136.10 feet
Objectors Represent	1,206.10 feet
Percentage Signed	***56.46%***

Therefore, we will be recommending in our Report to the Riel Community Committee that this proposed Local Improvement project ***proceed*** because the Objectors were not successful in attaining the required 60% of the total assessable frontage.

This Report will be on the agenda for the Riel Community Committee Meeting on ***Monday, May 16, 2011***.

...2

Winnipeg

THE CITY OF WINNIPEG
ASSESSMENT AND TAXATION DEPARTMENT
SERVICE DE L'ÉVALUATION ET DES TAXES

In Reply Please Refer To: George J. Wladyka
(204) 986-2539

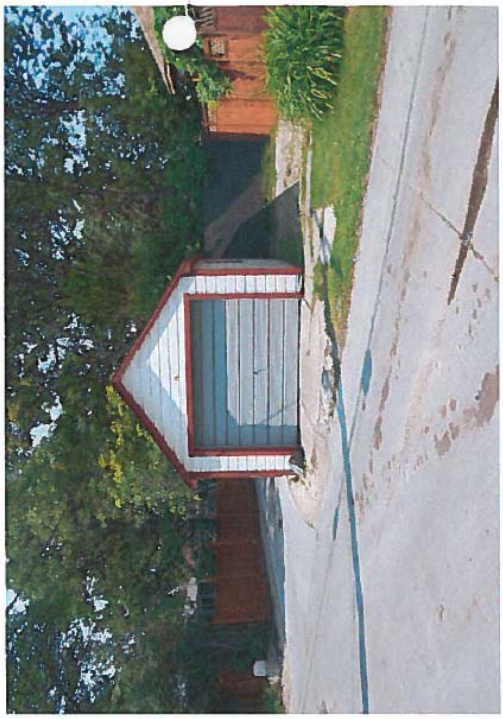
Yours truly,

George J. Wladyka
Senior Local Improvement Clerk

C.c. Henly Pheifer, Public Works
Marc Pittet, Riel Community Committee Clerk

Exhibit “7” - Appeal – Local Improvement Assessment – Concrete Lane Pavement – 16 Sunset Boulevard









THIS IS EXHIBIT “7” REFERRED TO
IN FILE NO. BA
DATED THIS 20 DAY OF June 2012

CLERK

