**Minute No. 430**
**Report – Standing Policy Committee on Infrastructure Renewal and Public Works – April 17, 2014**

**Item No. 1 Local Improvement – Coniston Street, Lyndale Drive, Chandos Avenue and Crawford Avenue (St. Boniface Ward)**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and adopted the following:

1. That the Local Improvement - Concrete Lane Pavement – 16 feet wide (6 inches thick) on all lanes in the block bounded by Coniston Street, Lyndale Drive, Chandos Avenue and Crawford Avenue (Project #1420210213), not be proceeded with.

2. That Council initiate, based on the interest of the local area residents for Asphalt Paving, in accordance with the pilot project for Asphalt Lane Pavement, a local improvement for the construction of an Asphalt backlane on the lanes in the block bounded by Coniston Street, Lyndate Drive, Chandos Avenue and Crawford Avenue,

3. 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 – April 17, 2014**

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 23, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 17, 2014, the Standing Policy Committee on Infrastructure Renewal and Public Works did not concur in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the Local Improvement - Concrete Lane Pavement – 16 feet wide (6 inches thick) on all lanes in the block bounded by Coniston Street, Lyndale Drive, Chandos Avenue and Crawford Avenue (Project #1420210213), not be proceeded with.

2. That Council initiate, based on the interest of the local area residents for Asphalt Paving, in accordance with the pilot project for Asphalt Lane Pavement, a local improvement for the construction of an Asphalt backlane on the lanes in the block bounded by Coniston Street, Lyndate Drive, Chandos Avenue and Crawford Avenue,

3. 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 – April 17, 2014**

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On March 10, 2014, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service, and passed the following resolution:

1. That the Coniston Street, Lyndale Drive, Chandos Avenue and Crawford Avenue Concrete Local Improvement be amended to an Asphalt Local Improvement, subject to the majority of residents signing their approval to an Asphalt Local Improvement on an amending document prepared by the City of Winnipeg Legal Services Department.

and forwarded the matter to the Standing Policy Committee on Infrastructure Renewal and Public Works.

# ADMINISTRATIVE REPORT

**Title:** **RESULTS OF A PROPOSED CONCRETE LANE PAVEMENTLOCAL IMPROVEMENT (PROJECT #1420210213) - OCTOBER 28, 2013 ADVERTISEMENT**

**Critical Path:** **Riel Community Committee – Standing Policy Committee on Infrastructure Renewal and Public Works – Executive Policy Committee – Council**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| T. Austin | M. Chambers | Mike Ruta | |

## RECOMMENDATIONS

1. That the following Local Improvement Project proceed as part of the 2014 Local Improvement Program which is funded through the Local Improvement Float, namely:

   Concrete Lane Pavement – 16 feet wide (6 inches thick) on all lanes in the block bounded by Coniston Street, Lyndale Drive, Chandos Avenue and Crawford Avenue (Project #1420210213).

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

## REASON FOR THE REPORT

Since this proposed Local Improvement Project is within the Riel Community and Ward boundary, the Riel Community Committee is required to review and authorize the Administration on whether this local improvement project should proceed.

## IMPLICATIONS OF THE RECOMMENDATIONS

### FINANCIAL IMPLICATIONS

(X) Within approved Current and/or Capital Budget.

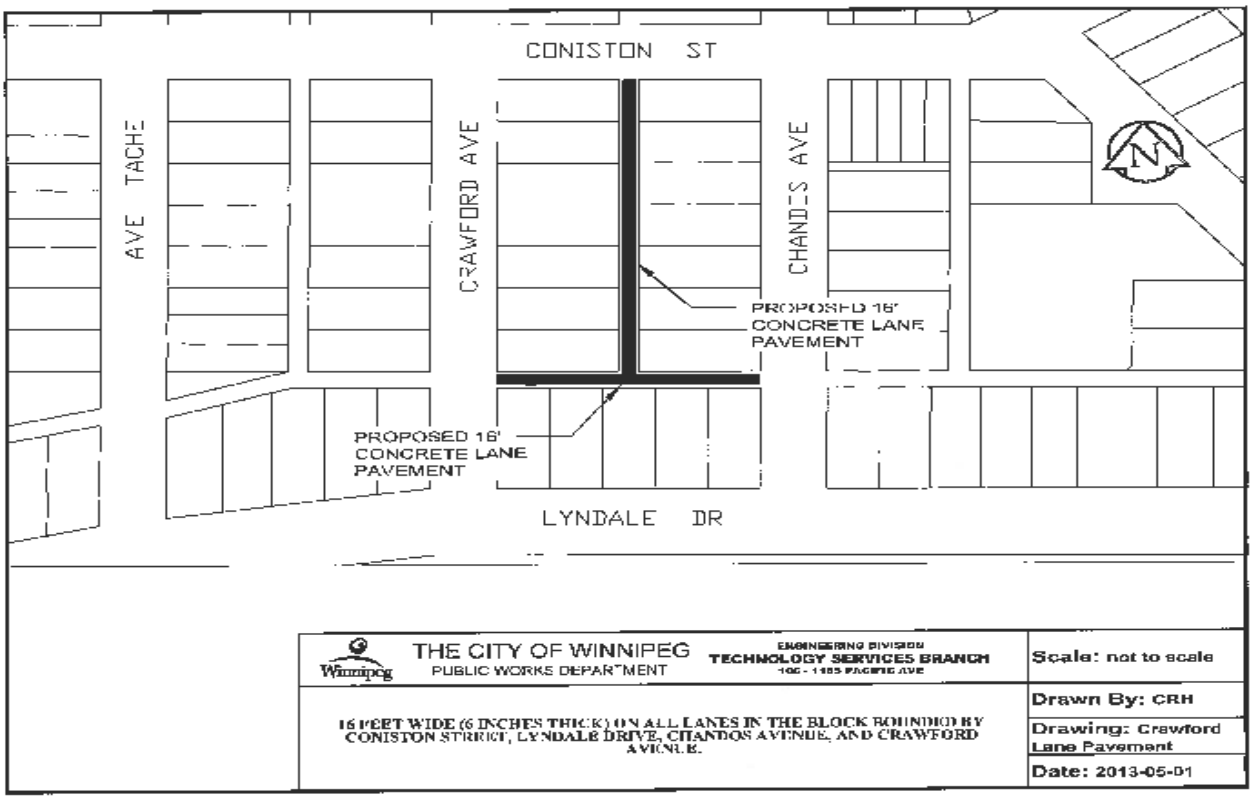
( ) Current and/or Capital Budget adjustment is required.

Comment(s): This recommendation is cost-neutral to the General Revenue Fund as local improvement costs are charged to the Local Improvement Capital Budget.

## HISTORY

On May 13, 2013, a "Petition For" form was issued to Mr. Ronald Guarino who resides at 64 Crawford Avenue for a proposed Concrete Lane Pavement Local Improvement Project within the Riel Community and Ward boundary. Upon receipt of the Form, Mr. Guarino was required to sign the document and the filing deadline date for the "Petition For" form was August 12, 2013, which was 90 days from the date of the first signature (Mr. Guarino's) on the form.

A map of the proposed local improvement is depicted in the following drawing:




The City Clerk's Department received the signed "Petition For" form on August 13, 2013.

In compliance with Section 125 of *The City of Winnipeg Charter (the "Charter")*, it was ascertained and certified by the Manager, Taxation and Financial Services, Assessment and Taxation Department that the signatures obtained from the benefitting registered property owners on the "Petition For" form represented **78.75%** of the total assessable frontage, as summarized:

| | |
|---|---|
| Total Assessable Frontage (includes Flankage) | 1,200.20 feet |
| Less: Flankage | (240.20) feet |
| Total Assessable Frontage (excludes Flankage) | 960.00 feet |
| Petitioners For Represent | 756.00 feet |
| **Percentage Signed** | **78.75%** |

Although this "Petition For" form was signed by the registered property owners representing 78.75% of the total assessable frontage (an amount greater than the required 3/5 or 60%), the Winnipeg Public Service recommended that this project not proceed in compliance with the Charter, as the "Petition For" was returned to the City Clerks Department on August 13, 2013 which was after the filing deadline of August 12, 2013.

On October 7, 2013, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and authorized to advertise this proposed local improvement project.

On October 28, 2013 this proposed local improvement project was advertised in the *Winnipeg Free Press* newspaper. Per Section 409 of *The City of Winnipeg Charter*, objections to the proposed local improvement must be filed at least 30 days after the notice is published. A deadline of November 27, 2013 was indicated on the Notice and Information Bulletin that was dated and mailed out on October 25, 2013.

Subsequent to the advertisement, on November 15, 2013, a "Notice of Objection" was released to and signed by Richard J Knechtel who resides at 160 Coniston Street.

The City Clerk's Department received three letters of objection from registered property owners who reside on Crawford Avenue and Lyndale Drive, simply stating their objection and that they do not support the proposed project. These same property owners signed the "Notice of Objection" which was returned to City Clerk's Department on November 26, 2013.

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 aforementioned letters of objection represents ***37.08%*** of the total assessable frontage as indicated below:

| | |
|---|---|
| Total Assessable Frontage (includes Flankage) | 1,200.20 feet |
| Less: Flankage | (240.20) feet |
| Total Assessable Frontage (excludes Flankage) | 960.00 feet |
| Objectors Represent | 356.00 feet |
| **Percentage Signed** | **37.08%** |

Per Section 411 of *The City of Winnipeg Charter*, registered owners of at least 3/5 (60%) of the total real property benefited (assessable frontage) must object to the proposed local improvement for the local improvement not to be proceeded with. Given the unsuccessful result of 37.08%, the Winnipeg Public Service recommends that this Project proceed as part of the 2013 Local Improvement Program which is funded through the Local Improvement Float.

On January 15, 2014, The Assessment and Taxation Department contacted Mr. Guarino to discuss an alternative option to concrete lane pavement which is the asphalt back lane. The cost benefit of the asphalt back lane was communicated with the Mr. Guarino and on February 4, 2014 the Assessment and Taxation Department was advised via email by Mr. Guarino to proceed with the result of the advertisement for the concrete lane pavement project.

The total cost of the project is estimated to be $250,000 of which 71.04% is to be recovered from the registered property owners.

## FINANCIAL IMPACT

### Financial Impact Statement

**Date:** February 5, 2014

**Project Name:**

Concrete Lane Pavement - Coniston Street

**First Year of Program** **2014**

| | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| **Capital** | | | | | |
| Capital Cost of Proposed Projects | $ 257,500 | $ - | $ - | $ - | $ - |
| Less: Existing Capital Budget | 257,500 | - | - | - | - |
| Additional Capital Budget Required | $ - | $ - | $ - | $ - | $ - |
| **Funding Sources:** | | | | | |
| Debt - Internal | $ 74,572 | $ - | $ - | $ - | $ - |
| Debt - External | 182,928 | - | - | - | - |
| Grants (Enter Description Here) | - | - | - | - | - |
| Reserves, Equity, Surplus | - | - | - | - | - |
| Other - Enter Description Here | - | - | - | - | - |
| Total Funding | $ 257,500 | $ - | $ - | $ - | $ - |
| Total Additional Capital Budget Required | $ - | | | | |
| Total Additional Debt Required | $ - | | | | |
| **Current Expenditures/Revenues** | | | | | |
| Debt & finance charges | $ - | $ 20,662 | $ 20,662 | $ 20,662 | $ 20,662 |
| Less: Recovery from property owners | - | 15,948 | 15,948 | 15,948 | 15,948 |
| Net Cost/(Benefit) | $ - | $ 4,714 | $ 4,714 | $ 4,714 | $ 4,714 |
| Less: Existing Budget Amounts | - | 4,714 | 4,714 | 4,714 | 4,714 |
| Net Budget Adjustment Required | $ - | $ - | $ - | $ - | $ - |

**Additional Comments:**

1. The estimated construction cost (which excludes advertising fees) is $250,000. The costs to be recovered from registered property owners is 71.04%. Note that this project has a local improvement term of 20 years and therefore the recoverable amount will be fully included on the property tax bills of the respective property owners in the year of tax imposition; expected to start in 2015. Recovery from property owners is $15,948 per year using the Local Improvement Financing rates of 5% plus 1% Administration Fee.
2. This project is funded through the Local Improvements capital budget in the Assessment and Taxation Department.
3. Annual Debt & Finance Charges are $20,662 per year calculated at 5.00% interest per annum over 20 years.
4. Capital Cost of Proposed Projects includes 3% Corporate Finance Administration Charges and all applicable taxes.

Original signed by
Radhika Abeysekera
Manager of Finance (Campus)

## CONSULTATION

**In preparing this report there was consultation with:**

**Internal**

**External**

## SUBMITTED BY

Department: Assessment and Taxation
Division: Taxation and Finance
Prepared by: T. Austin, Manager of Taxation and Finance Services
Date: February 5, 2013
File No. N/A