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September 15th, 2003

Mr. Mark Lubosch, Councillor
City Hall
510 Main Street
Winnipeg, Mb.
R3B 1B9

Dear Mark,

Re: Item #13 of Reports of Regular Meeting Agenda of E.K.-Transcona Community Committee Meeting - September 16th, 2003 - Local Improvements - John Huyda Drive

Thank you for the opportunity to comment on the administrative report entitled "Local Improvement Projects to be funded and constructed in 2004 File SL(2004)". I have attached just one page from that report to illustrate my concern regarding the wording within the second paragraph following each Work Order number.

This paragrah is included to give your Community Committee an additional perspective where developer owned lands are removed from the equation. The intent is to show which percentage of the remaining frontage of non-developer owned lands are represented in the "Objection Against Petition Form". Unfortunately, the author first refers to the signatures as representing 23.42% of the total assessable frontage, which is correct as developer owned land will not be assessable, but goes on to say that this is short of the 60% necessary to defeat the project. This latter reference to 60% is misleading, as the 60% necessary to defeat is by City Charter clearly with reference to the entire real property frontage, including the developer owned lands, and a bit of City owned land for that matter (see last sentence of preceding paragraph). The second sentence in this paragraph goes on to say that it has come to their attention that the developer has acquired additional lands, therefore the signatures obtained now represents 56.85% of total assessable frontage, and again erroneously alludes to it being short of the required 60% necessary to defeat. The authors regrettably misinterpreted information shared by the developer that he had actually acquired two additional properties, whereas in fact, he only has conditional options to buy. These properties, one of which is on the September 16/03 public meeting agenda, still remain in firm ownership of their original owners and thus should not have been removed from their calculations.

Since concluding our telephone conversation, I was able to speak with the gentlemen in the Local Improvement Branch connected with the subject report. They have acknowledged my concern and recognized the need for an improvement in the clarity of their statements and more care in the use of terminology. For example the usage of the term "total assessable frontage" in the context of both including and excluding developer owned frontage is highly misleading if not confusing. It was agreed that the last line of the first paragraph should have read: "property owners represents 15.49% of the total real property frontage", rather than "total assessable frontage". It is this percentage figure, and only this percentage figure, that is relevant to the 60% necessary to defeat the project.

Thanking you for your time and kind attention to this matter, I remain....

Sincerely,

Doug Henne

**TO:** Ms. Inga Skundberg, East Kildonan – Transcona Community Com...

**FROM:** Mr. Tim Austin, Co-ordinator of Tax Accounting & Administration

**SUBJECT:** RESULTS OF JULY 31, 2003 LOCAL IMPROVEMENT ADVERTISEMENT

**DATE:** September 9, 2003

Attached is the 'Local Improvement Project Status Report' indicating proposed Local improvement projects within your Community & Ward boundary that were a... Thursday July 31, 2003 in the Winnipeg Free Press newspaper. The East Kildonan - Transcona Community Committee is, therefore requested, to specifically review and recommend to the Standing Committee on Public Works on the Local Improvement projects as follows:

| Work Order No. | Local Improvement | Location |
|---|---|---|
| 00-03-020-1-03 | *Land Drain Sewer (Lateral Only)* | *In the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way* |

It is estimated that the total cost of the project is $10,500 of which **92.16%** is to be recovered from the property owners' share. Mr. Herb Bodnaruk of 738 Bonner Avenue requested an 'Objection Against Petition Form' on August 6, 2003 and subsequent to receipt of said 'Objection Against Petition Form' on August 25, 2003, no other objections apart from the petition were filed. In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the City Treasurer that the signatures obtained from the benefiting property owners represents 15.49% of the total assessable frontage.

Please note, with not including developer-owned lands at the time the 'Objection Against Petition Form' was issued, signatures obtained from the benefiting property owners represents 23.42% of the total assessable frontage, short of the necessary 60% to defeat the project. However, since the 'Objection Against Petition Form' was issued, it has come to our attention that the developer has acquired additional lands, therefore the signatures obtained from the benefiting property owners represents 56.85% of total assessable frontage, which is still short of the required 60% to defeat the project.

***City's Administration Recommendation: The undertaking of this Local Improvement should proceed, since the petitioners were unable to attain the required 60% of the total assessable frontage.***

| Work Order No. | Local Improvement | Location |
|---|---|---|
| *99-03-010-1-02* | *Waste Water Sewer* | *In the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way* |