Minutes – Executive Policy Committee – March 8, 2017

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – February 28, 2017

Item No. 2 Results of the Proposed Asphaltic Concrete Lane Pavement Local Improvement – November 15, 2016 Advertisement (St. Boniface Ward)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the following to Council:

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

Local Improvement	***Location***
Asphaltic Concrete Lane Pavement 16' x 5"	On the first east-west lane south of Rue Dumoulin, east of Rue Langevin, and west of Rue St. Jean Baptiste from Rue St. Jean Baptiste to a point approximately 500 feet west of the west line of Rue St. Jean Baptiste.
Asphaltic Concrete Lane Pavement 16' x 5"	On the lane in the block bounded by Kirkdale Street and Highfield Street and Monck Avenue and Claremont Avenue.
Asphaltic Concrete Lane Pavement 16' x 5"	On the lane in the block bounded by Highfield Street, Coniston Street, Lawndale Avenue and Birchdale Avenue.
Asphaltic Concrete Lane Pavement 16' x 5"	On the lane in the block bounded by Kirkdale Street, Highfield Street, Ferndale Avenue and Lawndale Avenue.

2. That an Authorization By-law (draft by-law attached as schedule 'A') be enacted in accordance with Recommendation 1 of this Report.

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 – February 28, 2017

DECISION MAKING HISTORY:

Moved by Councillor Morantz,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On February 28, 2017, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 6, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Infrastructure Renewal and Public Works:

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

Local Improvement	***Location***
Asphaltic Concrete Lane Pavement 16' x 5"	On the first east-west lane south of Rue Dumoulin, east of Rue Langevin, and west of Rue St. Jean Baptiste from Rue St. Jean Baptiste to a point approximately 500 feet west of the west line of Rue St. Jean Baptiste.
Asphaltic Concrete Lane Pavement 16' x 5"	On the lane in the block bounded by Kirkdale Street and Highfield Street and Monck Avenue and Claremont Avenue.
Asphaltic Concrete Lane Pavement 16' x 5"	On the lane in the block bounded by Highfield Street, Coniston Street, Lawndale Avenue and Birchdale Avenue.
Asphaltic Concrete Lane Pavement 16' x 5"	On the lane in the block bounded by Kirkdale Street, Highfield Street, Ferndale Avenue and Lawndale Avenue.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – February 28, 2017

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

2. That City Council enact Authorization By-law (draft by-law attached as schedule 'A') in accordance with Recommendation 1 of this Report.

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

ADMINISTRATIVE REPORT

Title: Results of the proposed asphaltic concrete lane pavement local improvement – November 15, 2016 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	

EXECUTIVE SUMMARY

This Administration Report provides information regarding a local improvement advertisement and subsequent objections (if any) that have been returned to the City of Winnipeg by property owners.

This report addresses the proposed local improvements and communicates the results of the local improvement advertisements to the area Councilors. The proposed local improvements in this report have not received sufficient objections to defeat the project and therefore are considered successful.

The Public Service is recommending that these local improvement projects proceed as part of Local Improvement program.

RECOMMENDATIONS

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

Local Improvement	***Location***
Asphaltic Concrete Lane Pavement 16' x 5"	On the first east-west lane south of Rue Dumoulin, east of Rue Langevin, and west of Rue St. Jean Baptiste from Rue St. Jean Baptiste to a point approximately 500 feet west of the west line of Rue St. Jean Baptiste.
Asphaltic Concrete Lane Pavement 16' x 5"	On the lane in the block bounded by Kirkdale Street and Highfield Street and Monck Avenue and Claremont Avenue.

Asphaltic Concrete Lane Pavement 16' x 5"	On the lane in the block bounded by Highfield Street, Coniston Street, Lawndale Avenue and Birchdale Avenue.
Asphaltic Concrete Lane Pavement 16' x 5"	On the lane in the block bounded by Kirkdale Street, Highfield Street, Ferndale Avenue and Lawndale Avenue.

2. That City Council enact Authorization By-law (draft by-law attached as schedule 'A') in accordance with Recommendation 1 of this Report.

3. 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 these proposed Local Improvement Projects are within the Riel Community and Ward boundary, the Riel Community Committee is requested to specifically review and authorize the Administration on whether these Local Improvement Projects should proceed.

IMPLICATIONS OF THE RECOMMENDATIONS

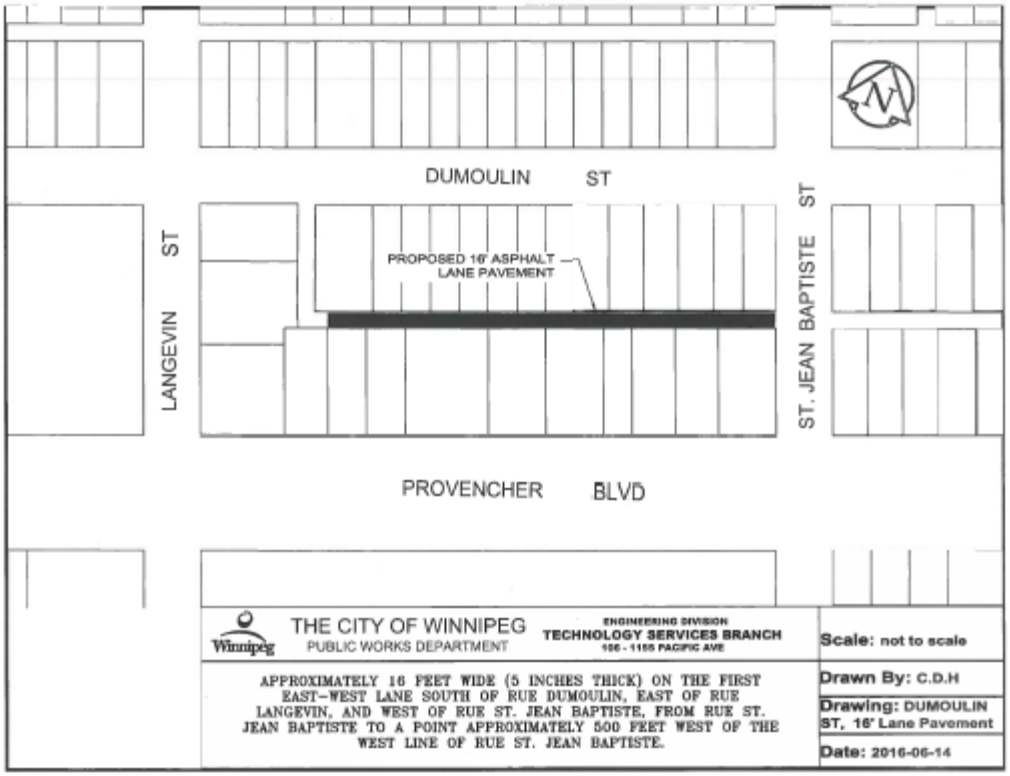
Budget for this work is within the local improvement capital budget and the Public Works Granular Road capital accounts.

HISTORY/DISCUSSION

On November 20, 2013, City Council amended the Local Improvement process by creating a pilot project for six years whereby the City of Winnipeg will finance the asphalt lane local improvements to the maximum of 50% of the total cost of the improvement. The City has capped support for this program to $1,000,000 per year or roughly 10 lanes. Funding will be provided on a first come first served basis determined by submission of a successful formal petition prepared by the City for an initiating property owner. Similar to concrete lane improvements, the required catch-basins and land drainage sewers are included and fully paid for by the City.

Asphaltic Concrete Lane Pavement 16' x 5"
Approximately 16 feet wide (5 inches thick) on the first east-west lane south of Rue Dumoulin, east of Rue Langevin, and west of Rue St. Jean Baptiste, from Rue St. Jean Baptiste to a point approximately 500 feet west of the west line of Rue St. Jean Baptiste.

On July 14, 2016, a "Petition For" was issued to Moira B. Swinton who reside at 278 Dumoulin Street for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the Riel Community and Ward boundary which is depicted in the following drawing:



A Filing Deadline of October 13, 2016 was determined for the *"Petition For"* form to be returned to the City Clerk's Department. (90 days after the first signature is dated on the *"Petition For" form)*

The City Clerk's Department received the signed *"Petition For"* form on August 5, 2016. As the petition was signed by the registered owners representing 62.59% of the total assessable frontage, it was recommended that this project proceed to advertise.

On, September 12, 2016, the Riel Community Committee concurred with the recommendation of the Winnipeg Public Service and authorized the advertisement of the proposed Asphaltic Concrete Lane Pavement Local Improvement Project.

On November 15, 2016, the 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 December 15, 2016 was published for this proposed Local Improvement Project.

Subsequent to the advertisement, the Manager of Taxation and Finance confirmed that a "*Notice of Objection"* was not requested and there were no letters of objection received by the City Clerk's Department.

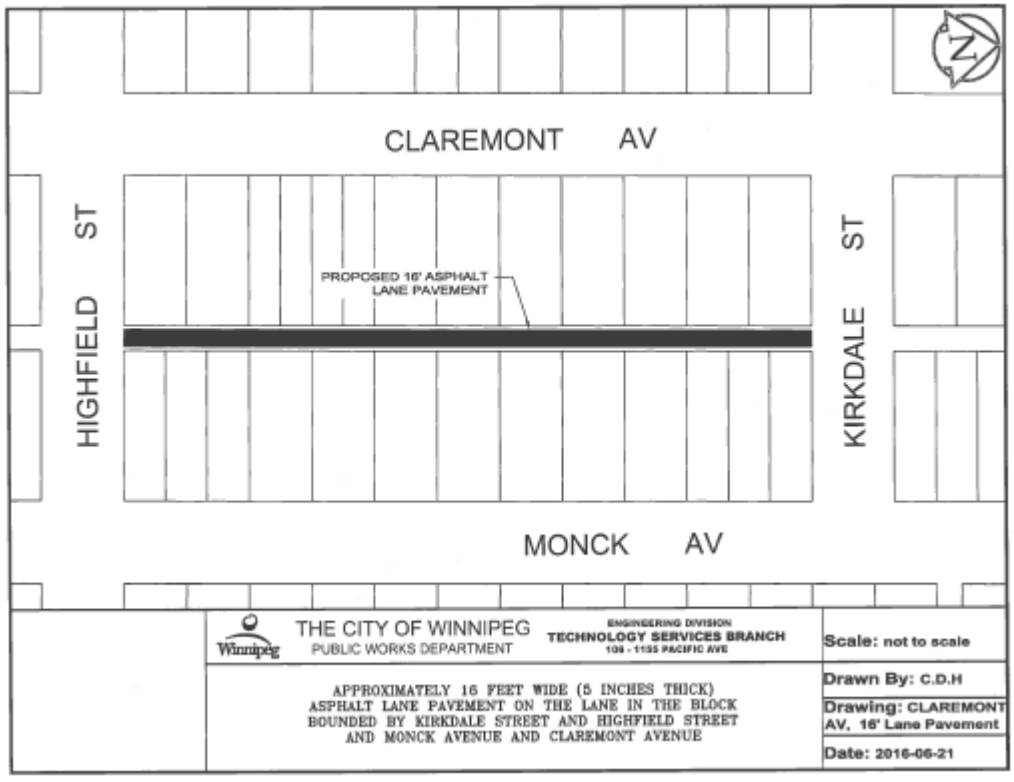
Therefore, no objections were filed against this proposed local improvement project.

It is estimated that the total cost of the project is $200,000.00 of which 46.94% is to be recovered from the registered property owners' share.

The Winnipeg Public Service recommends that this project **proceed** as part of the Local Improvement Program in conjunction with the City of Winnipeg's pilot project for Asphalt Lane Pavement. This project will be funded 50/50 through the Local Improvement Float and Public Work's Granular Roads Capital Account.

Asphaltic Concrete Lane Pavement 16' x 5"
Approximately 16 feet wide (5 inches thick) on the lane in the block bounded by Kirkdale Street and Highfield Street and Monck Avenue and Claremont Avenue.

On July 25, 2016, a "Petition For" was issued to Harvey A. and Lucille M. C. Miller who reside at 150 Claremont Avenue for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the Riel Community and Ward boundary which is depicted in the following drawing:



A Filing Deadline of October 24, 2016 was determined for the *"Petition For"* form to be returned to the City Clerk's Department. (90 days after the first signature is dated on the *"Petition For" form)*

The City Clerk's Department received the signed *"Petition For"* form on September 27, 2016. As the petition was signed by the registered owners representing 63.64% of the total assessable frontage, it was recommended that this project proceed to advertise.

On, November 7, 2016, the Riel Community Committee concurred with the recommendation of the Winnipeg Public Service and authorized the advertisement of the proposed Asphaltic Concrete Lane Pavement Local Improvement Project.

On November 15, 2016, the 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 December 15, 2016 was published for this proposed Local Improvement Project.

Subsequent to the advertisement, the Manager of Taxation and Finance confirmed that a "*Notice of Objection"* was not requested and there were no letters of objection received by the City Clerk's Department.

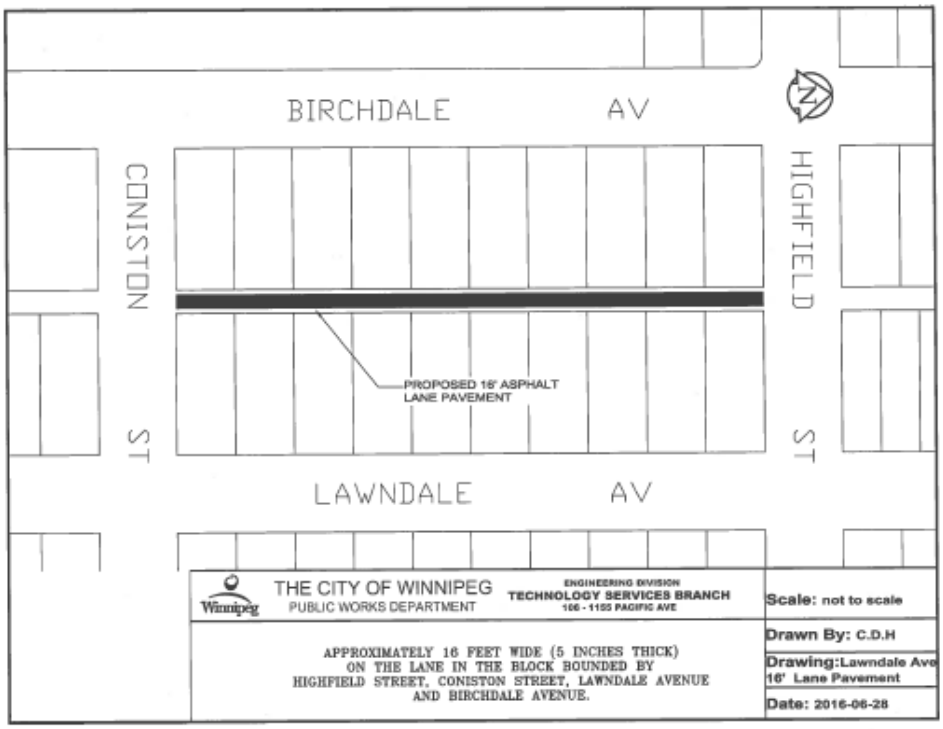
Therefore, no objections were filed against this proposed local improvement project.

It is estimated that the total cost of the project is $218,000.00 of which 45.41% is to be recovered from the registered property owners' share.

The Winnipeg Public Service recommends that this project **proceed** as part of the Local Improvement Program in conjunction with the City of Winnipeg's pilot project for Asphalt Lane Pavement. This project will be funded 50/50 through the Local Improvement Float and Public Work's Granular Roads Capital Account.

Asphaltic Concrete Lane Pavement 16' x 5"
Approximately 16 feet wide (5 inches thick) on the lane in the block bounded by Highfield Street, Coniston Street, Lawndale Avenue and Birchdale Avenue.

On July 13, 2016, a "Petition For" was issued to Gary A. Bayko who reside at 101 Lawndale Avenue for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the Riel Community and Ward boundary which is depicted in the following drawing:



A Filing Deadline of October 12, 2016 was determined for the *"Petition For"* form to be returned to the City Clerk's Department. (90 days after the first signature is dated on the *"Petition For" form)*

The City Clerk's Department received the signed *"Petition For"* form on August 22, 2016. As the petition was signed by the registered owners representing 70.0% of the total assessable frontage, it was recommended that this project proceed to advertise.

On, October 3, 2016, the Riel Community Committee concurred with the recommendation of the Winnipeg Public Service and authorized the advertisement of the proposed Asphaltic Concrete Lane Pavement Local Improvement Project.

On November 15, 2016, the 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 December 15, 2016 was published for this proposed Local Improvement Project.

Subsequent to the advertisement, on November 25, 2016, a *"Notice of Objection"* was released to Kristin Eilers who resides at 115 Lawndale Avenue.

The City Clerk's Department confirms the *"Notice of Objection"* was not received.

However, the City Clerk's Department received five letters of objection from the registered property owners who reside at 91 Lawndale Avenue, 77 Lawndale Avenue, 115 Lawndale

Avenue, 105 Lawndale Avenue and 80 Birchdale Avenue as additional information for the Committee to consider. The letter of objection received from 115 Lawndale Avenue only had the signature of one of the registered owners of the property so the assessable frontage of this property wasn't included in the table below.

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 aforementioned four letters of objection represents 20.00**%** of the total assessable frontage, as summarized below:

Total Assessable Frontage	1000.0 Feet
Less City Share (Flankage)	0.0 Feet
Total Assessable Frontage (Flankage Factored Out)	1000.0 Feet
Petitioners Object Represent	200.0 Feet
Percentage Signed	***20.00%***

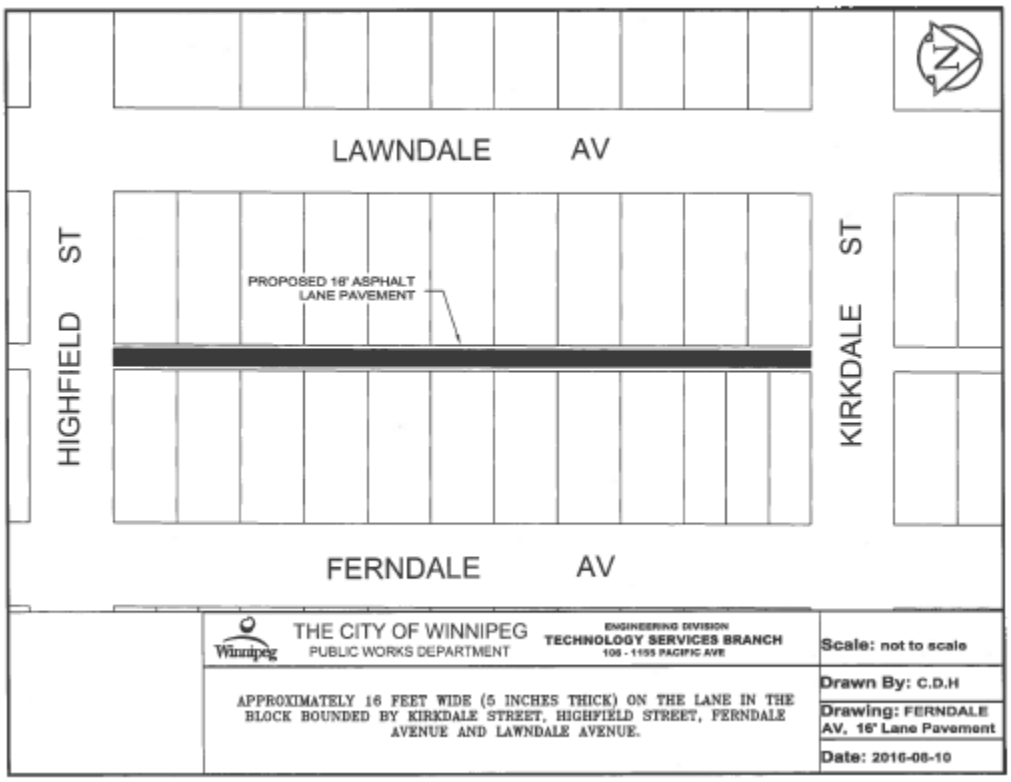
Per Section 411 of *The City of Winnipeg Charter*, where registered owners of at least 3/5 (60%) of the total real property that is to be benefited by a proposed local improvement object to the local improvement, the proposed local improvement must not be proceeded with.

Given the unsuccessful result of 20.00%, the Winnipeg Public Service recommends that this project **proceed** as part of the Local Improvement Program in conjunction with the City of Winnipeg's pilot project for Asphalt Lane Pavement. This project will be funded 50/50 through the Local Improvement Float and Public Work's Granular Roads Capital Account.

It is estimated that the total cost of the project is $198,000 of which 45.45% is to be recovered from the registered property owners' share.

Asphaltic Concrete Lane Pavement 16' x 5"
Approximately 16 feet wide (5 inches thick) on the lane in the block bounded by Kirkdale Street, Highfield Street, Ferndale Avenue and Lawndale Avenue.

On September 14, 2016, a "Petition For" was issued to Clement I. Ryan who reside at 145 Ferndale Avenue for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the Riel Community and Ward boundary which is depicted in the following drawing:



A Filing Deadline of December 14, 2016 was determined for the *"Petition For"* form to be returned to the City Clerk's Department. (90 days after the first signature is dated on the *"Petition For" form)*

The City Clerk's Department received the signed *"Petition For"* form on October 6, 2016. As the petition was signed by the registered owners representing 75.73% of the total assessable frontage, it was recommended that this project proceed to advertise.

On, November 7, 2016, the Riel Community Committee concurred with the recommendation of the Winnipeg Public Service and authorized the advertisement of the proposed Asphaltic Concrete Lane Pavement Local Improvement Project.

On November 15, 2016, the 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 December 15, 2016 was published for this proposed Local Improvement Project.

Subsequent to the advertisement, the City Clerk's Department received one letter of objection from a registered property owner who resides on 156 Lawndale Avenue as additional information for the Committee to consider. The letter of objection received from 156 Lawndale Avenue only had the signature of one of the registered owners of the property.

Note that an official *"Notice of Objection"* form was not released by the Assessment and Taxation Department.

It is estimated that the total cost of the project is $219,000.00 of which 45.21% is to be recovered from the registered property owners' share.

The Winnipeg Public Service recommends that this project **proceed** as part of the Local Improvement Program in conjunction with the City of Winnipeg's pilot project for Asphalt Lane Pavement. This project will be funded 50/50 through the Local Improvement Float and Public Work's Granular Roads Capital Account.

FINANCIAL IMPACT

Financial Impact Statement **Date:** January 27, 2017

Project Name: **First Year of Program** **2017**

Results of the proposed asphaltic concrete lane pavement local improvement – November 15, 2016 advertisement

	2017	2018	2019	2020	2021
Capital					
Capital Expenditures Required	$ 862,138	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	862,138	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ 94,957	$ 94,957	$ 94,957
Less: Incremental Revenue/Recovery	27,138	-	49,829	49,829	49,829
Net Cost/(Benefit)	$ (27,138)	$ -	$ 45,128	$ 45,128	$ 45,128
Less: Existing Budget Amounts	(27,138)	-	45,128	45,128	45,128
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

1. The estimated construction cost for these four local improvements (which excludes advertising fees) is $862,138. The cost to be recovered from the registered property owners is 45.73%. Note that these projects have a local improvement term of 10 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 2019.
2. This project is funded 50% by the Local Improvement capital budget in the Assessment and Taxation Department and by 50% Granular Road Capital budget in Public Works.
3. Annual Debt & Finance Charges are calculated at 6.28% interest per annum over 10 years. The Debt & Finance charges beyond 2021 is $830,870.
4. Capital Cost of Proposed Projects includes 3.25% Corporate Finance Administration Charges and all applicable taxes.
5. Incremental revenue in 2017 reflects interest and administration overheads. For 2019 and onward, recovery from property owners is $49,829 per year using the Local Improvement Financing Rates of 3.50% plus 1% administration fee. The recovery from property owners beyond 2021 is $348,805.

original signed by
Ramona Hodges
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services Department (By-law preparation)

OURWINNIPEG POLICY ALIGNMENT

The Local Improvement process is generally aligned with the enabling strategies provided for in OurWinnipeg Policy 01-1a: Direction 3.

SUBMITTED BY

Department: Assessment and Taxation
Division: Taxation and Finance
Prepared by: Tim Austin, Manager of Taxation and Finance Services
Date: January 23, 2017
File No: N/A

Attachments:

1. **Schedule "A" – Draft Amending By-law**

SCHEDULE "A" – Draft Amending By-law

THE CITY OF WINNIPEG

BY-LAW NO. /2017

A By-law of THE CITY OF WINNIPEG to authorize the undertaking of certain local improvements as part of the 2017 Local Improvement Program.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Authorization

1 That the undertaking of the following local improvements as part of the 2017 Local Improvement Program are hereby Authorized:

Riel Community

a. **Asphaltic Concrete Lane Pavement** – 16 feet wide (5 inches thick) on the first east-west lane south of Rue Dumoulin, east of Rue Langevin, and west of Rue St. Jean Baptiste, from Rue St. Jean Baptiste to a point approximately 500 feet west of the west line of Rue St. Jean Baptiste.

TOTAL ESTIMATED COST **$200,000.00**

b. **Asphaltic Concrete Lane Pavement** – 16 feet wide (5 inches thick) on the lane in the block bounded by Kirkdale Street, Highfield Street, Monck Avenue and Claremont Avenue.

TOTAL ESTIMATED COST **$218,000.00**

c. **Asphaltic Concrete Lane Pavement** – 16 feet wide (5 inches thick) on the lane in the block bounded by Highfield Street, Coniston Street, Lawndale Avenue and Birchdale Avenue.

TOTAL ESTIMATED COST **$198,000.00**

d. **Asphaltic Concrete Lane Pavement** – 16 feet wide (5 inches thick) on the lane in the block bounded by Kirkdale Street, Highfield Street, Ferndale Avenue and Lawndale Avenue.

TOTAL ESTIMATED COST **$219,000.00**

Funding

2 That these projects proceed as part of the 2017 Local Improvement Program in conjunction with the City of Winnipeg's pilot project for Asphalt Lane Pavement such that the project will be funded 50/50 through the Local Improvement Float and the Public Work's Granular Roads Capital Account.

DONE AND PASSED, this day of , 2017.

_____
Mayor

_____
City Clerk

Approved as to Financial Details:

_____
City Assessor

Approved as to Form:

_____
For Director of Legal Services and
City Solicitor