Minute No. 392
Report – Standing Policy Committee on Infrastructure Renewal and Public Works – May 28, 2019

Item No. 5 Local Improvement – Results of the March 12, 2019 Advertisement of the Proposed Asphaltic Concrete Lane Pavement (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 following Local Improvement Projects proceed as part of the Local Improvement Program which is funded 50/50 through the Local Improvement Program and the Public Works Granular Roads Capital account, namely:

Local Improvement	***Location***
Asphaltic Concrete Lane Pavement 16' x 5"	On the north-south lane in the block bounded by Walmer Street, Kirkdale Street, Claremont Avenue and Ferndale Avenue.
Asphaltic Concrete Lane Pavement 16' x 5"	On the north-south lane in the block bounded by Kirkdale Street, Highfield Street, Lawndale Avenue and Birchdale Avenue.

2. That a By-law be enacted to authorize the proposed local improvements outlined in recommendation 1 of this Report (draft by-law is attached as schedule 'A').

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 – May 28, 2019

DECISION MAKING HISTORY:

Moved by Councillor Allard,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 11, 2019, 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 May 28, 2019, 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 May 6, 2019, the Riel 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.

ADMINISTRATIVE REPORT

Title: Results of the March 12, 2019 advertisement of the proposed Asphaltic Concrete Lane Pavement local improvement projects

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	K. Shields	M. Ruta	

EXECUTIVE SUMMARY

This Administrative Report provides information regarding the local improvement advertisements 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 petitions for the local improvement projects proposed by this report have not received sufficient objections to defeat the said local improvement projects and therefore are considered by the Public Service to be successful.

The Public Service recommends that the proposed local improvement projects proceed as part of the Local Improvement program in conjunction with the City of Winnipeg's pilot project for Asphalt Lane Pavement.

RECOMMENDATIONS

1. That the following Local Improvement Projects **proceed** as part of the Local Improvement Program which is funded 50/50 through the Local Improvement Program and the Public Works Granular Roads Capital account, namely:

Local Improvement	***Location***
Asphaltic Concrete Lane Pavement 16' x 5"	On the north-south lane in the block bounded by Walmer Street, Kirkdale Street, Claremont Avenue and Ferndale Avenue.
Asphaltic Concrete Lane Pavement 16' x 5"	On the north-south lane in the block bounded by Kirkdale Street, Highfield Street, Lawndale Avenue and Birchdale Avenue.

2. That City Council enact a by-law to authorize the proposed local improvements outlined in recommendation 1 of this Report (draft by-law is attached as schedule 'A').

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 St. Boniface Ward boundary, the Public Service requests that the Riel Community Committee review the proposed local improvement projects and provide a recommendation to Council as to whether the said local improvement projects should proceed.

A by-law to authorize the proposed local improvement projects is required in order for the said local improvement projects to proceed, and only Council may enact a by-law.

IMPLICATIONS OF THE RECOMMENDATIONS

Budget for the proposed local improvements are within the local improvement capital budget and the Public Works Granular Road capital accounts.

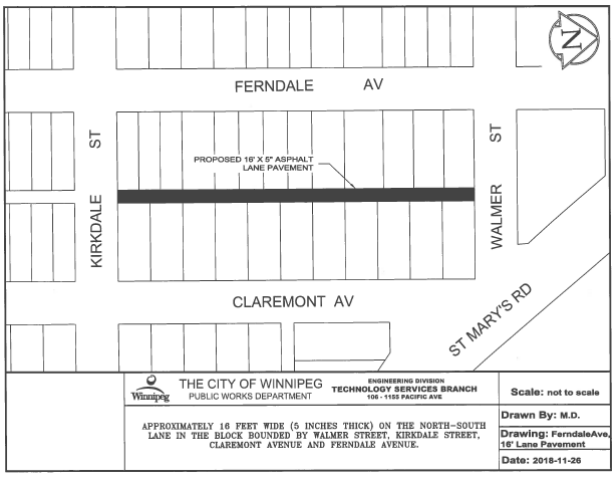
HISTORY/DISCUSSION

On July 19, 2018, City Council, adopted the recommendation that the Granular Lane Improvement program be extended for resident-initiated Local Improvements to pave granular lanes with asphaltic concrete based on a first come, first serve basis.

Council further directed that the current Local Improvement process be amended by extending the pilot project, adopted by Council on November 20, 2013, for an additional six years whereby the City of Winnipeg will finance asphalt local improvements to the maximum of 50% of the total costs for asphaltic concrete pavement and consistent with current practice, the City will finance the cost of land drainage sewer required to implement the Local Improvement, and that the $1,000,000 Granular Lane Improvement Program Fund (2018 Adopted Capital Budget 2-23) and the $500,000 Land Drainage Sewers fund (2018 Adopted Capital Budget 2-231) continue to be utilized as a funding source for the City's share of the amended Local Improvement Program.

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

On December 4, 2018, a "Petition For" was issued to Joseph A. R. Des Autels who resides at 178 Ferndale Avenue for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the Riel Community and St. Boniface Ward boundary which is depicted in the following drawing:



A Filing Deadline of March 4, 2019 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 December 18, 2018. As the petition was signed by the registered owners representing 66.12% of the total assessable frontage, it was recommended that this project proceed to be advertised.

On, January 14, 2019, 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 March 12, 2019, 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 April 11, 2019 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.

However, the City Clerk's Department received two letters of objection from registered property owners who resides at 213 Claremont Avenue and 172 Ferndale Avenue as additional information for the Committee to consider.

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 signature obtained from the benefiting registered property owners on the aforementioned letters of objection represents 7.54***%*** of the total assessable frontage, as summarized below:

Total Assessable Frontage	1100.1 Feet
Less City Share (Flankage)	0.0 Feet
Total Assessable Frontage (Flankage Factored Out)	1100.1 Feet
Petitioners Object Represent	83.0 Feet
Percentage Signed	***7.54%***

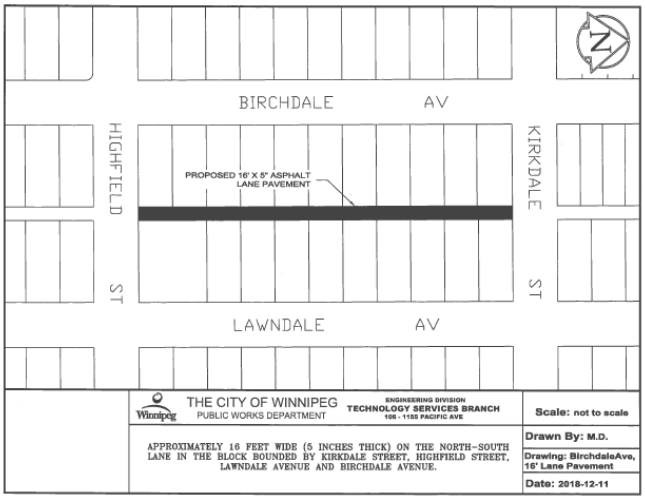
Per Section 411 of *The City of Winnipeg Charter*, where registered owners of at least 3/5 (60%) of the total real property that is to be benefited by a proposed local improvement object to the local improvement, the proposed local improvement must not be proceeded with.

Given the result of 7.54%, and that the 3/5 threshold has not been met, 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 $210,000.00 of which 41.91% 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 north-south lane in the block bounded by Kirkdale Street, Highfield Street, Lawndale Avenue and Birchdale Avenue.

On December 18, 2018, a "Petition For" was issued to Thomas B. Favel who resides at 140 Birchdale Avenue for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the Riel Community and St. Boniface Ward boundary which is depicted in the following drawing:



A Filing Deadline of March 18, 2019 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 January 21, 2019. As the petition was signed by the registered owners representing 60.45% of the total assessable frontage, it was recommended that this project proceed to be advertised.

On, February 4, 2019, 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 March 12, 2019, 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 April 11, 2019 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.

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 $240,000.00 of which 41.25% is to be recovered from the registered property owners' share.

FINANCIAL IMPACT

Financial Impact Statement **Date:** April 25, 2019

Project Name: **First Year of Program** **2019**

Results of the March 12, 2019 advertisement of the proposed Asphaltic Concrete Lane Pavement local improvement projects

	2019	2020	2021	2022	2023
Capital					
Capital Expenditures Required	$ 464,625	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	464,625	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Cash to Capital	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ 51,174	$ 51,174	$ 51,174
Less: Incremental Revenue/Recovery	-	-	24,402	24,402	24,402
Net Cost/(Benefit)	$ -	$ -	$ 26,772	$ 26,772	$ 26,772
Less: Existing Budget Amounts	-	-	26,772	26,772	26,772
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

1. The estimated construction cost for these two local improvements (which excludes advertising fees) is $464,625.
2.The costs to be recovered from the registered property owners is 41.6%. Note that these projects has a local improvement term of 10 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 2021. Recovery from property owners is $24,402 per year using the Local Improvement Financing Rates of 3.50% plus 1% administration fee. The Recovery from property owners beyond 2023 is $170,816.
2. Annual Debt & Finance Charges are calculated at 6.28% interest and principal per annum over the term of each local improvement. The Debt & Finance charges beyond 2023 is $358,219.
3. Capital Cost of Proposed Projects includes 3.25% Corporate Finance Administration Charges and all applicable taxes.

Original signed by T. Yanchishyn
Tanis Yanchishyn
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services Department (as to legal issues)

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: April 25, 2019
File No: N/A

Schedule A

THE CITY OF WINNIPEG

BY-LAW NO. /2019

A By-law of THE CITY OF WINNIPEG to authorize the undertaking of certain local improvements.

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

Definitions

1 In this By-law

"Asphalt Lane Pavement Pilot Project" means the City's pilot project approved by Council on November 20, 2013 whereby the total expenses for material and land drainage required to implement asphalt local improvements are to be funded 50% through the Granular Lane Improvement Capital Account and 50% through the Local Improvement Float;

"City" means The City of Winnipeg continued under section 8 of the Charter;

"Council" means the council of the City;

"Granular Lane Improvement Capital Account" means the amount budgeted for the City's Public Works Department's Granular Lane Improvement Program in the City's Capital Budget for the year in which the Local Improvement Projects were initiated;

"Local Improvement Project" means the following local improvement project in the Riel Community:

(a) **Asphaltic Concrete Lane Pavement** – approximately 16 feet wide (5 inches thick) on the north-south lane in the block bounded by Walmer Street, Kirkdale Street, Claremont Avenue and Ferndale Avenue.

TOTAL ESTIMATED COST **$210,000.00**

(b) **Asphaltic Concrete Lane Pavement** – approximately 16 feet wide (5 inches thick) on the north-south lane in the block bounded by Kirkdale Street, Highfield Street, Lawndale Avenue and Birchdale Avenue.

TOTAL ESTIMATED COST **$240,000.00**

Authorization

2 The Local Improvement Projects are hereby authorized to be undertaken.

Funding

3 The Local Improvement Projects shall be funded in accordance with the Asphalt Lane Pavement Pilot Project.

DONE AND PASSED this day of , 2019.

Mayor

City Clerk

Approved as to content:

Director of Assessment and Taxation and City Assessor

Legally reviewed and certified as to form:

for Director of Legal Services and City Solicitor