**Agenda – Council – March 20, 2020**

**Report – Standing Policy Committee on Infrastructure Renewal and Public Works – March 3, 2020**

**Item No. 3 Results of the November 13, 2019 Advertisement of the Proposed Asphaltic Concrete Lane Pavement Local Improvement Projects (St. Boniface Ward)**

STANDING COMMITTEE RECOMMENDATION:

On March 10, 2020, 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 50/50 through the Local Improvement Program and the Public Works Granular Roads Capital account, namely:

| ***Local Improvement*** | ***Location*** | ***Petition For Result*** |
|---|---|---|
| Asphaltic Concrete Lane Pavement 16' x 5" | On the north-south lane bounded by Coniston Street, Lyndale Drive, Gauvin Street and Chandos Avenue, including the first east-west lane north of Lyndale Drive. | 73.13% |
| Asphaltic Concrete Lane Pavement 16' x 5" | On the lane in the block bounded by Highfield Street, Coniston Street, Tache Avenue and Monck Avenue. | 65.10% |
| Asphaltic Concrete Lane Pavement 16' x 5" | On all lanes in the block bounded by Prosper Street, St. Catherine Street, Evans Street and the Seine River including the first north-south outlet lane to Prosper Street east of the Seine River. | 60.11% |
| Asphaltic Concrete Lane Pavement 16' x 5" | On the lane in the block bounded by Walmer Street, Kirkdale Street, Ferndale Avenue and Lawndale Avenue. | 81.55% |

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 – March 3, 2020**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 10, 2020, 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 March 3, 2020, 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 3, 2020, 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.

Joël CôtéSelig submitted a communication dated December 12, 2019, in opposition to the matter.

# ADMINISTRATIVE REPORT

**Title:** Results of the November 13, 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 | P. Olafson, Interim CFO | |

## 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*** | ***Petition For Result*** |
|---|---|---|
| Asphaltic Concrete Lane Pavement 16' x 5" | On the north-south lane bounded by Coniston Street, Lyndale Drive, Gauvin Street and Chandos Avenue, including the first east-west lane north of Lyndale Drive. | 73.13% |

| | | |
|---|---|---|
| Asphaltic Concrete Lane Pavement 16' x 5" | On the lane in the block bounded by Highfield Street, Coniston Street, Tache Avenue and Monck Avenue. | 65.10% |
| Asphaltic Concrete Lane Pavement 16' x 5" | On all lanes in the block bounded by Prosper Street, St. Catherine Street, Evans Street and the Seine River including the first north-south outlet lane to Prosper Street east of the Seine River. | 60.11% |
| Asphaltic Concrete Lane Pavement 16' x 5" | On the lane in the block bounded by Walmer Street, Kirkdale Street, Ferndale Avenue and Lawndale Avenue. | 81.55% |

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

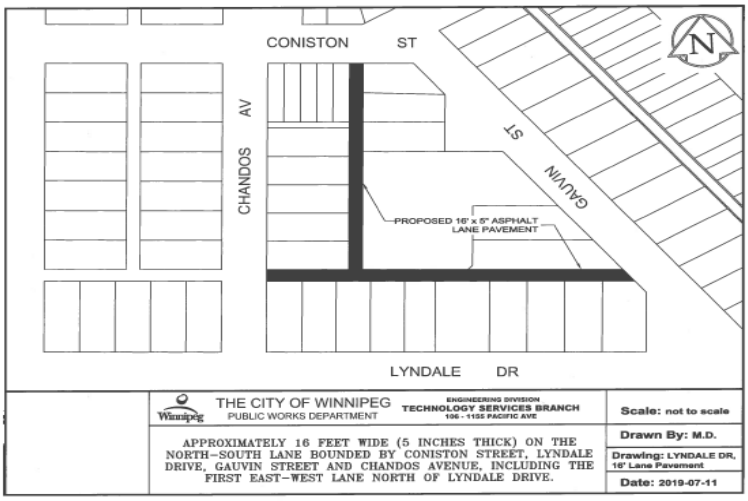
On July 19, 2018, City Council, adopted the recommendation that the Granular Lane Improvement program be extended for resident-initiated Local Improvements to pave granular lanes with asphaltic concrete based on a first come, first serve basis.

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 bounded by Coniston Street, Lyndale Drive, Gauvin Street and Chandos Avenue, including the first east-west lane north of Lyndale Drive.*

On August 14, 2019, a "Petition For" was issued to Patricia Barnabe who resides at 609 Lyndale Drive 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 November 12, 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 August 28, 2019. As the petition was signed by the registered owners representing 73.13% of the total assessable frontage, it was recommended that this project proceed to be advertised.

On, October 7, 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 November 13, 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 December 13, 2019 was published for this proposed Local Improvement Project.

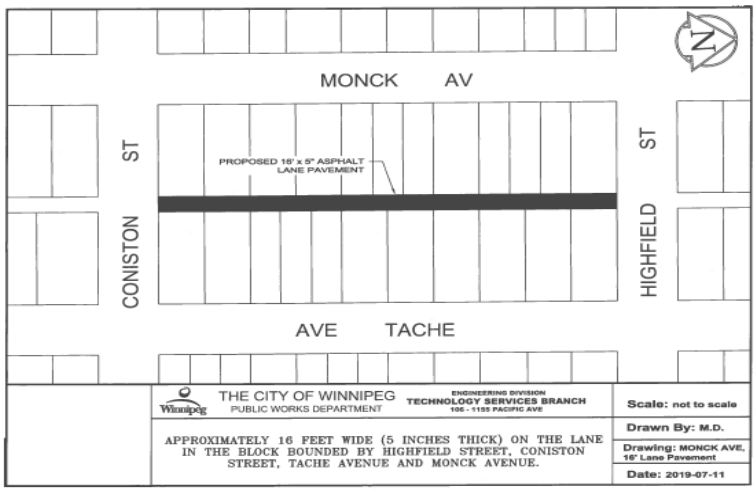
Subsequent to the advertisement, the Manager of Taxation and Finance confirmed that a "*Notice of Objection"* was not requested and there were no letters of objection received by the City Clerk's Department. Therefore, no objections were filed against this proposed local improvement project.

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 $385,000 of which 24.00% 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 *Highfield Street, Coniston Street, Tache Avenue and Monck Avenue.*

On July 30, 2019, a "Petition For" was issued to Leonard Chambers, who resides at 88 Monck 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 October 28, 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 September 3, 2019. As the petition was signed by the registered owners representing 65.10% of the total assessable frontage, it was recommended that this project proceed to be advertised.

On, October 7, 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 November 13, 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 December 13, 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 a letter of objection from a registered property owner who resides at 102 Monck Avenue as additional information for the Committee to consider. A summary of the objections is shown below:

| | |
|---|---|
| Total Assessable Frontage | 1,000 Feet |
| Objection Letter represents | 33 Feet |
| Percentage of Objections | 3.30% |

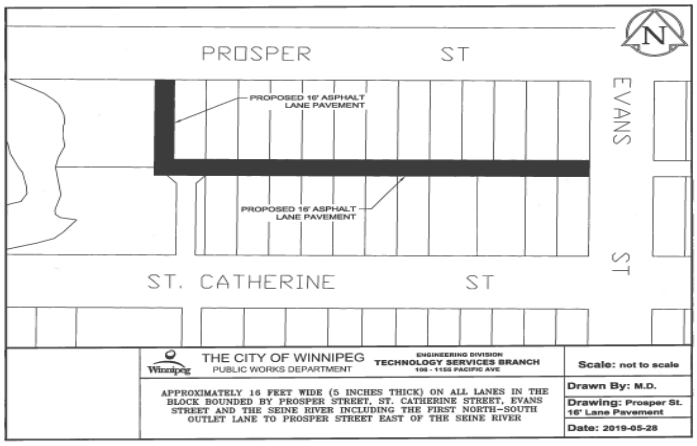
Per Section 411 of The City of Winnipeg Charter, where registered owners of at least 3/5 (60%) of the total real property that is to be benefited by a proposed local improvement object to the local improvement, the proposed local improvement must not be proceeded with.

Given the result of 3.30%, and that the 3/5 threshold for objections 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 $220,000 of which 40.91% 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 all lanes in the block bounded by Prosper Street, St. Catherine's Street, Evans Street and the Seine River including the first north-south outlet lane to Prosper Street east of the Seine River.*

On June 11, 2019, a "Petition For" was issued to Matthew Capper, who resides at 540 Prosper Street 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 September 9, 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 September 3, 2019. As the petition was signed by the registered owners representing 60.11% of the total assessable frontage, it was recommended that this project proceed to be advertised.

On, October 7, 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 November 13, 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 December 13, 2019 was published for this proposed Local Improvement Project.

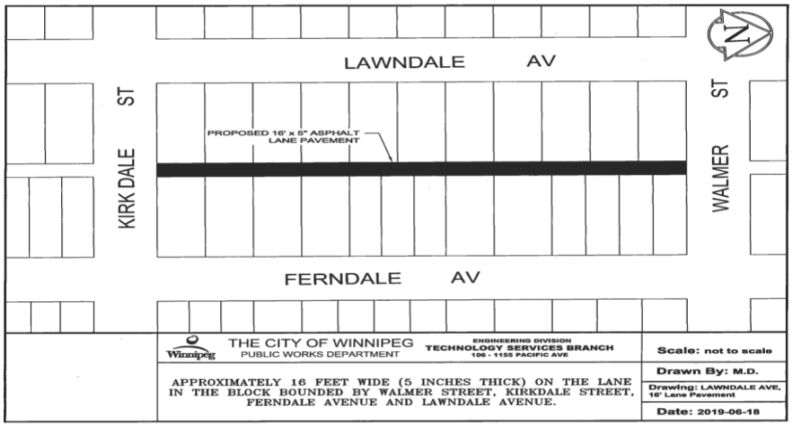
Subsequent to the advertisement, the Manager of Taxation and Finance confirmed that a "*Notice of Objection"* was not requested and there were no letters of objection received by the City Clerk's Department. Therefore, no objections were filed against this proposed local improvement project.

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 $250,000 of which 33.75% 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 Walmer Street, Kirkdale Street, Ferndale Avenue and Lawndale Avenue.*

On June 27, 2019, a “Petition For” was issued to Natalie Van Rosmalen who resides at 180 Lawndale 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 September 25, 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 July 4, 2019. As the petition was signed by the registered owners representing 81.55% of the total assessable frontage, it was recommended that this project proceed to be advertised.

On, September 9, 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 November 13, 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 December 13, 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 of which 41.25% is to be recovered from the registered property owners' share.

## FINANCIAL IMPACT

## Financial Impact Statement

**Date:** January 21, 2020

**Project Name:**

**First Year of Program** **2020**

Results of the November 13, 2019 advertisement of the proposed Asphaltic Concrete Lane Pavement local improvement projects

| | 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|---|
| **Capital** | | | | | |
| Capital Expenditures Required | $ 1,130,588 | $ - | $ - | $ - | $ - |
| Less: Existing Budgeted Costs | 1,130,588 | - | - | - | - |
| 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 | $ - | $ 124,524 | $ 124,524 | $ 124,524 | $ 124,524 |
| Less: Incremental Revenue/Recovery | 35,588 | 48,317 | 48,317 | 48,317 | 48,317 |
| Net Cost/(Benefit) | $ (35,588) | $ 76,207 | $ 76,207 | $ 76,207 | $ 76,207 |
| Less: Existing Budget Amounts | (35,588) | 76,207 | 76,207 | 76,207 | 76,207 |
| Net Budget Adjustment Required | $ - | $ - | $ - | $ - | $ - |

**Additional Comments:**

1. The estimated construction cost for these local improvements (which includes $35,588 administration overhead charges but excludes advertising fees) is $1,130,588, funded by the 2019 Local Improvement Program and the 2019 Local Street Program.
2. The costs to be recovered from the registered property owners is 33.4%. Note that this project has 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 2021. Recovery from property owners is $48,317 per year using the Local Improvement Financing Rates of 3.75% plus 1% administration fee. The Recovery from property owners beyond 2024 is $289,904.
2. Annual Debt & Finance Charges are calculated at 6.28% interest per annum over the term of each local improvement. The Debt & Finance charges beyond 2024 is $747,143.
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.

## OURWINNIPEG POLICY ALIGNMENT

N/A

## SUBMITTED BY

Department: Assessment and Taxation
Division: Taxation and Finance
Prepared by: Tim Austin, Manager of Taxation and Finance Services
Date: January 13, 2020
File No: N/A

## Schedule A

**THE CITY OF WINNIPEG**

**BY-LAW NO. /2020**

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 bounded by Coniston Street, Lyndale Drive, Gauvin Street and Chandos Avenue, including the first east-west lane north of Lyndale Drive

**TOTAL ESTIMATED COST** **$385,000.00**

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

**TOTAL ESTIMATED COST** **$220,000.00**

(c) **Asphaltic Concrete Lane Pavement** – approximately 16 feet wide (5 inches thick) on all lanes in the block bounded by Prosper Street, St. Catherine's Street, Evans Street and the Seine River including the north-south outlet lane to Prosper Street east of the Seine River

**TOTAL ESTIMATED COST** **$250,000.00**

(d) **Asphaltic Concrete Lane Pavement** – approximately 16 feet wide (5 inches thick) on the lane in the block bounded by Walmer Street, Kirkdale Street, Ferndale Avenue and Lawndale 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 , 2020.

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