Agenda – Council – September 29, 2021

Report – Executive Policy Committee – September 21, 2021

Item No. 4 Results of the May 27th, 2021 Advertisement of the Proposed Asphaltic Concrete Lane Pavement Local Improvement Project (Fort Rouge-East Fort Garry Ward)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2021, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the following Local Improvement Project 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 14' x 5"	On the east-west lane bounded by Byng Place, Windermere Avenue, Riverside Drive, and Pembina Highway, and the first north-south outlet lane west of Riverside Drive from Byng Place to Windermere Avenue.

2. That a by-law be enacted to authorize the proposed local improvement 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 – Executive Policy Committee – September 21, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2021, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 3, 2021, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Executive Policy Committee and Council:

1. That the following Local Improvement Project 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 14’ x 5”	On the east-west lane bounded by Byng Place, Windermere Avenue, Riverside Drive, and Pembina Highway, and the first north-south outlet lane west of Riverside Drive from Byng Place to Windermere Avenue.

2. That a by-law be enacted to authorize the proposed local improvement 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.

ADMINISTRATIVE REPORT

Title: Results of the May 27th 2021 advertisement of the proposed Asphaltic Concrete Lane Pavement local improvement project

Critical Path: City Centre Community Committee – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
T. Yanchishyn	K. Shields	C. Kloepfer	N/A

EXECUTIVE SUMMARY

This Administrative 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 improvement and communicates the results of the local improvement advertisement to the area Councillors. The petition for the local improvement project proposed by this report has not received sufficient objections to defeat the said local improvement project and therefore is considered by the Public Service to be successful.

The Public Service recommends that the proposed local improvement project 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 Project **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 14' x 5"	On the east-west lane bounded by Byng Place, Windermere Avenue, Riverside Drive, and Pembina Highway, and the first north-south outlet lane west of Riverside Drive from Byng Place to Windermere Avenue.

2. That City Council enact a by-law to authorize the proposed local improvement 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 this proposed Local Improvement Project is within the City Centre Community, Fort Rouge-East Fort Garry Ward, the Public Service requests that the City Centre Community Committee review the proposed local improvement project and provide a recommendation to Council as to whether the said local improvement project should proceed.

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

IMPLICATIONS OF THE RECOMMENDATIONS

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

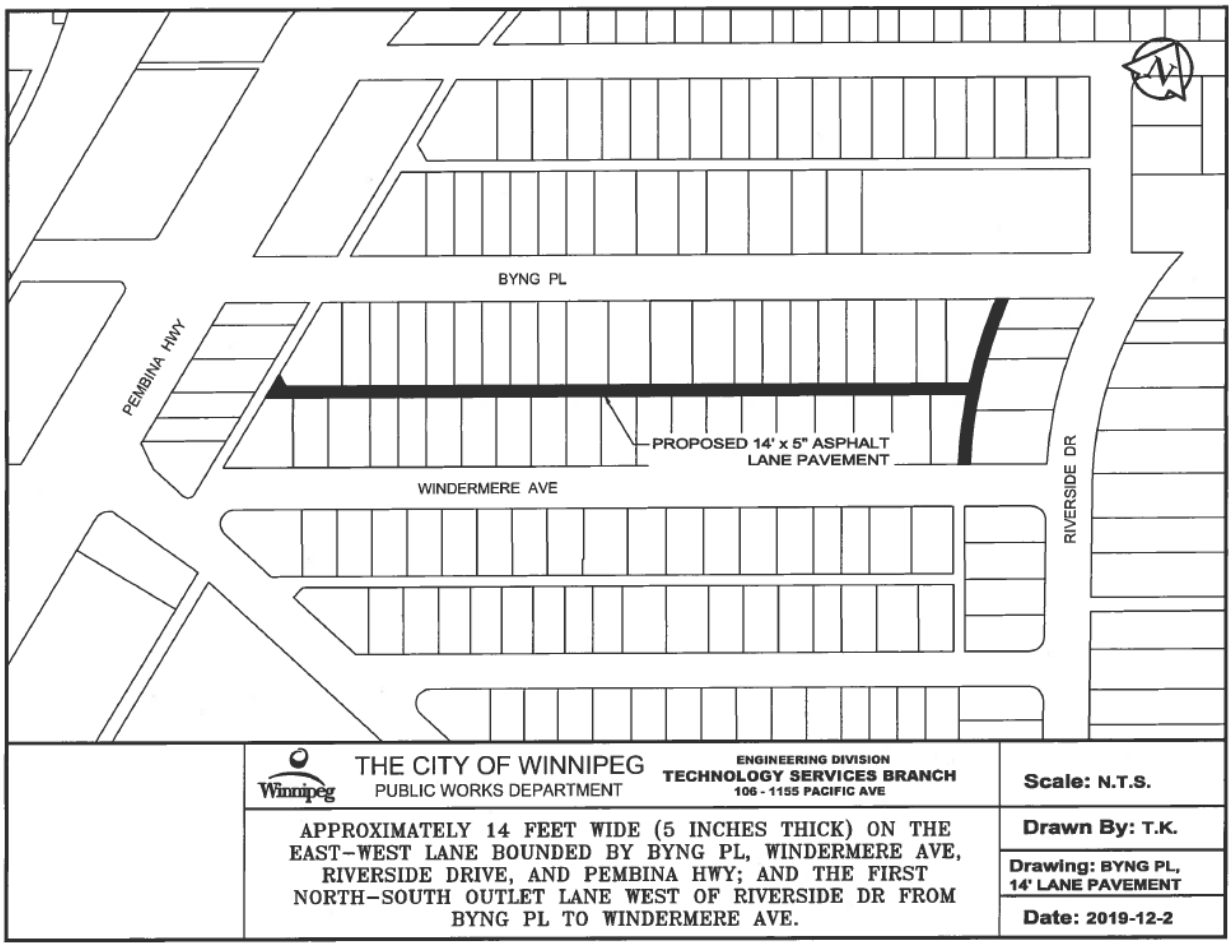
HISTORY/DISCUSSION

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, expiring in 2024, 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 14' x 5"
Approximately 14 feet wide (5 inches thick) on the east-west lane bounded by Byng Place, Windermere Avenue, Riverside Drive, and Pembina Highway, and the first north-south outlet lane west of Riverside Drive from Byng Place to Windermere Avenue.

On June 2, 2020, a "Petition For" was issued to Corolie Rear who resides at 946 Byng Place for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the City Centre Community and Fort Rouge-East Fort Garry Ward boundary which is depicted in the following drawing:



A Filing Deadline of August 31, 2020 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 31, 2020. In compliance with Section 124(2) of *The City of Winnipeg Charter (the "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 *"Petition For"* form represent ***58.01%*** of the total assessable frontage, it was recommended that this project not proceed in compliance with the *Charter.*

On November 2, 2020, the City Centre Community Committee passed a motion to initiate a local improvement pursuant to Section 408(a) of *The City of Winnipeg Charter* and authorized the advertisement of the proposed Asphaltic Concrete Lane Pavement Local Improvement Project.

On May 27, 2021, this proposed local improvement project was advertised in the Winnipeg Free Press newspaper.

Per Section 409 of The City of Winnipeg Charter, the deadline set for objections to the proposed local improvement must be at least 30 days after the notice is published. A deadline of Monday

June 28, 2021 was published for filing of objections for this proposed Local Improvement Project.

The City of Winnipeg reviewed the Public Health orders that were in place until midnight June 11, 2021 as well as the new orders that came into place at 12:01am on June 12, 2021. Based on these orders the City of Winnipeg did approve an extension with a revised deadline of July 16, 2021.

Subsequent to the advertisement, the Manager of Taxation and Finance confirmed that a "*Notice of Objection"* was not requested, however, letters of objection were received by the City Clerk's Department.

The City Clerk's Department received the signed *"Letter of Objections"* before the advertisement deadline of July 16, 2021.

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 *"Notice of Objection"* form represent 4.06% of the total assessable frontage, as summarized below:

Total Assessable Frontage	2441.9 Feet
Less City Share (Flankage)	223.5 Feet
Total Assessable Frontage (Flankage Factored Out)	2218.4 Feet
Petitioners Object Represent	90 Feet
Percentage Signed	***4.06%***

In analysis of both the petition for and the petition of objection it has been noted that two property owners submitted letters of objection, the total frontage feet for these two properties totaled 90 feet. The Public Service has considered all objections received in the calculation of the percentage during the advertisement period.

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 4.06%, and that the 3/5 threshold has not been met in the petition of objection, 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 $520,000.00 of which 34.13% is to be recovered from the registered property owners' share.

FINANCIAL IMPACT

Financial Impact Statement

Date: August 6, 2021

Project Name:

First Year of Program **2021**

Results of the May 27th 2021 advertisement of the proposed Asphaltic Concrete Lane Pavement local improvement project

	2021	2022	2023	2024	2025
Capital					
Capital Expenditures Required	$ 536,900	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	536,900	-	-	-	-
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	$ -	$ -	$ -	$ 59,135	$ 59,135
Less: Incremental Revenue/Recovery	-	-	-	23,444	23,444
Net Cost/(Benefit)	$ -	$ -	$ -	$ 35,691	$ 35,691
Less: Existing Budget Amounts	-	-	-	35,691	35,691
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

1. The estimated construction cost for these local improvements (which includes $16,900 administration overhead charges but excludes advertising fees) is $536,900, funded by the 2019 Local Improvement Program and the 2021 Local Street Program.
2. The costs to be recovered from the registered property owners is 34.13%. 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 2023. Recovery from property owners is $23,444 per year using the Local Improvement Financing Rates of 3.75% plus 1% administration fee. The Recovery from property owners beyond 2025 is $187,549.
3. Annual Debt & Finance Charges are calculate at 6.28% interest per annum over the term of each local improvement. The Debt & Finance charges beyond 2025 is $473,077.
4. Capital Cost of the proposed projects includes 3.25% Corporate Finance Administration Charges and all applicable taxes.

Electronically signed by J. Peters

Jocelyn Peters, CPA, CGA
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:
Legal Services (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

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

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department: Assessment and Taxation Department
Division: Taxation and Finance
Prepared by: Tanis Yanchishyn
Date: August 16, 2021
File No:

Attachments: Schedule A

Schedule A
THE CITY OF WINNIPEG

BY-LAW NO. /2021

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 14 feet wide (5 inches thick) on the east-west lane bounded by Byng Place, Windermere Avenue, Riverside Drive, and Pembina Highway, and the first north-south outlet lane west of Riverside Drive from Byng Place to Windermere Avenue

TOTAL ESTIMATED COST **$520,000.00**

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 , 2021.

_____

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