Minute No. 639
Report – Executive Policy Committee – September 21, 2021

Item No. 5 **Results of the May 27 2021 Advertisement of the Proposed Asphaltic Concrete Lane Pavement Local Improvement Projects – Birchdale Avenue, Lawndale Avenue and Lyndale Drive (St. Boniface and St. Vital Wards)**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

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 16’ x 5”	On the north-south lane in the block bounded by Coniston Street, Lyndale Drive, Lawndale Avenue, and Birchdale Avenue, including the first east-west lane north of Lyndale Drive.
Asphaltic Concrete Lane Pavement 14' x 5"	On the east-west lane bounded by Fifth Avenue, Guay Avenue, Des Meurons Street and St. Mary’s Road.

2. That a by-law be enacted to authorize the proposed local improvements, outlined in Recommendation 1 of this Report. (draft by-law 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:

Moved by His Worship Mayor Bowman,
That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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

COMMUNITY COMMITTEE RECOMMENDATION:

On September 1, 2021, the Riel 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 16’ x 5”	On the north-south lane in the block bounded by Coniston Street, Lyndale Drive, Lawndale Avenue, and Birchdale Avenue, including the first east-west lane north of Lyndale Drive.
Asphaltic Concrete Lane Pavement 14' x 5"	On the east-west lane bounded by Fifth Avenue, Guay Avenue, Des Meurons Street and St. Mary’s Road.

2. That City Council enact a by-law to authorize the proposed local improvements outlined in Recommendation 1 of this Report. (draft by-law 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 projects

Critical Path: Riel 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 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 Councillors. The petitions for the local improvements proposed 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 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 16’ x 5”	On the north-south lane in the block bounded by Coniston St, Lyndale Dr, Lawndale Ave, and Birchdale Ave, including the first east-west lane north of Lyndale Dr.
Asphaltic Concrete Lane Pavement 14' x 5"	On the east-west lane bounded by Fifth Avenue, Guay Avenue, Des Meurons Street and St. Mary’s Road.

2. That City Council enact a by-law to authorize the proposed local improvements outlined in Recommendation 1 of this Report. (draft by-law 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 and St. Vital Ward boundary, the Riel Community Committee is requested to review and provide a recommendation to Council as to whether the proposed 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.

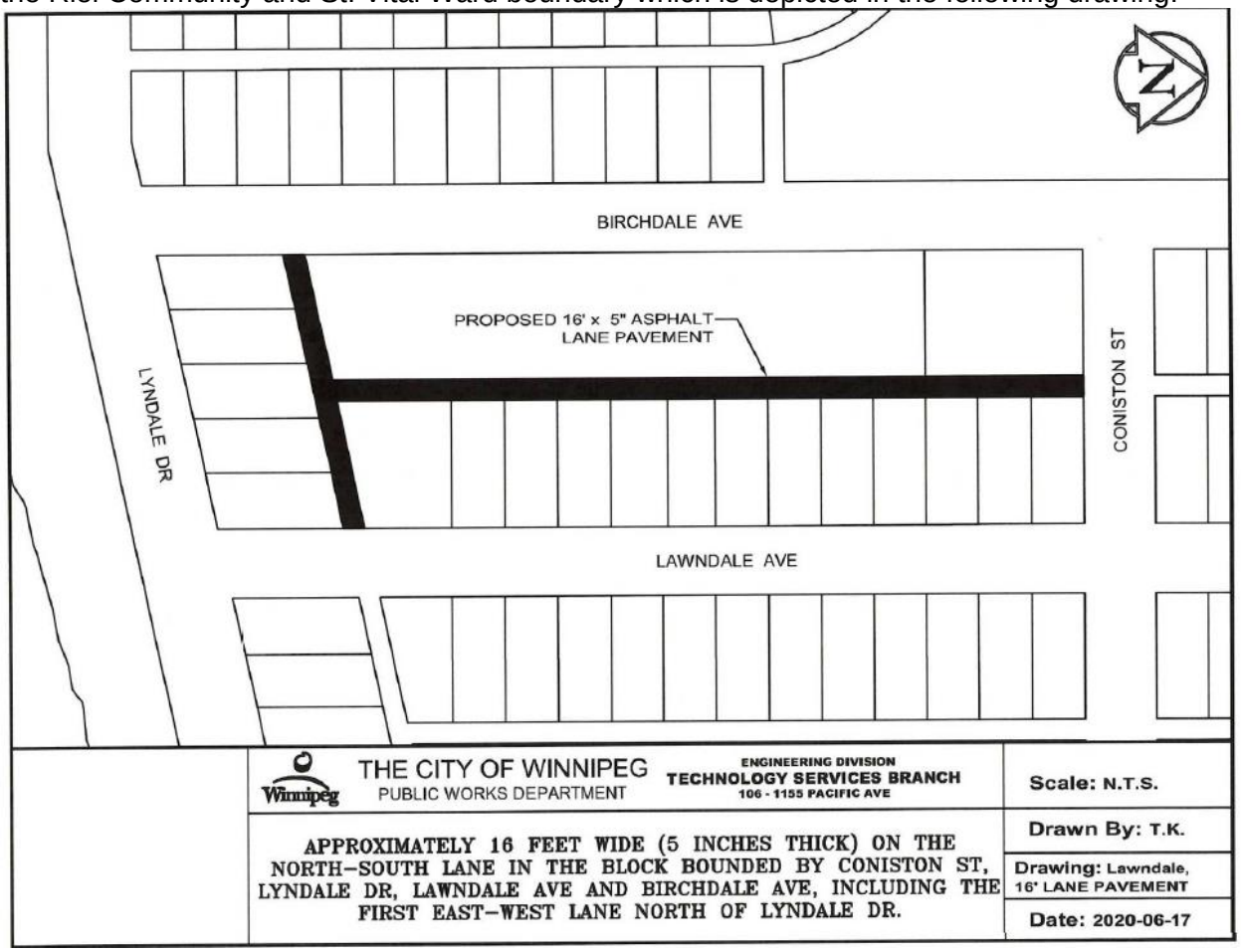
Council further directed that the current Local Improvement process be amended by extending the pilot project, adopted by Council on November 20, 2013, for an additional six years, expiring in 2024, whereby the City of Winnipeg will finance asphalt local improvements to the maximum of 50% of the total 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 16' x 5"

Approximately 16 feet wide (5 inches thick) on the north-south lane in the block bounded by Coniston Street, Lyndale Drive, Lawndale Avenue and Birchdale Avenue, including the first east-west lane north of Lyndale Drive

On January 7, 2021, a "Petition For" was issued to Jeremy L Major who resides at 55 Lawndale Avenue for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the Riel Community and St. Vital Ward boundary which is depicted in the following drawing:



A Filing Deadline of April 7, 2021 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 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 extended the deadline for the petition to July 16, 2021.

The Assessment and Taxation Department received the *"Petition For"* form from City Clerk's Department on February 24, 2021. As the petition was signed by the registered owners representing 58.8% of the total assessable frontage, it was recommended that this project not proceed to be advertised.

On April 6, 2021, the Riel 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 and there were no letters of objection received by the City Clerk's Department.

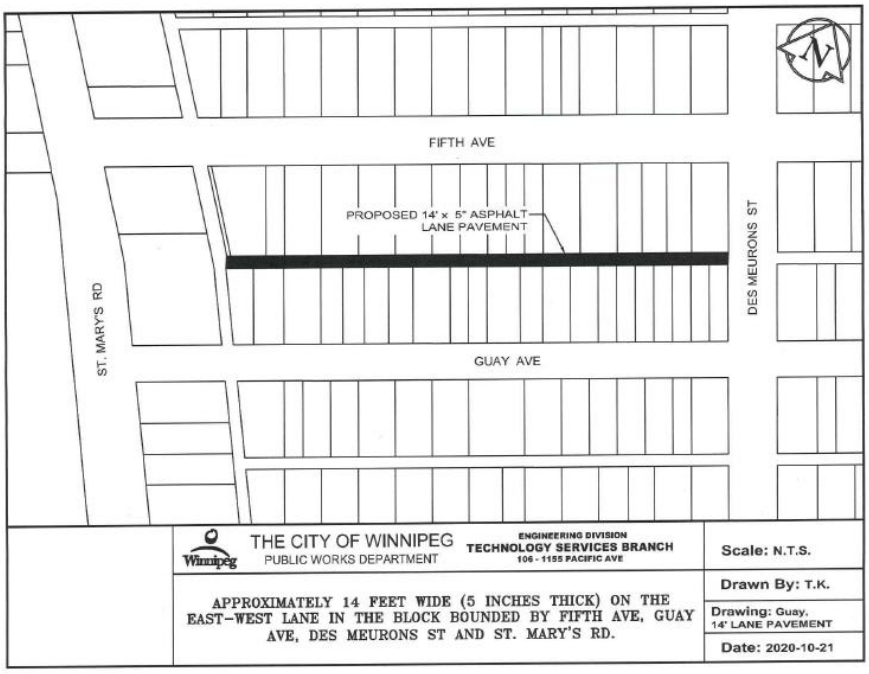
Therefore, no objections were filed against this proposed local improvement project.

It is estimated that the total cost of the project is $480,000.00 of which 33.70% 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 14' x 5"
Approximately 14 feet wide (5 inches thick) on the east-west lane bounded by Fifth Avenue, Guay Avenue, Des Meurons Street and St. Mary's Road.

On March 11, 2021, a "Petition For" was issued to Pascal Boisvert who resides at 37 Guay Avenue for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the Riel Community and St. Vital Ward boundary which is depicted in the following drawing:



A Filing Deadline of June 9, 2021 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 Assessment and Taxation Department received the *"Petition For"* form from City Clerk's Department on April 29th, 2021. As the petition was signed by the registered owners representing 64.41% of the total assessable frontage, it was recommended that this project proceed to be advertised in compliance with the *Charter.*

May 25, 2021, the Riel Community Committee concurred with the recommendation of the Public Service 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 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 $275,000.00 of which 39.36% 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:** 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 projects

	2021	2022	2023	2024	2025
Capital					
Capital Expenditures Required	$ 779,538	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	779,538	-	-	-	-
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	$ -	$ -	$ -	$ 85,859	$ 85,859
Less: Incremental Revenue/Recovery	-	-	-	35,666	35,666
Net Cost/(Benefit)	$ -	$ -	$ -	$ 50,193	$ 50,193
Less: Existing Budget Amounts	-	-	-	50,193	50,193
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

1. The estimated construction cost for these local improvements (which includes $24,538 administration overhead charges but excludes advertising fees) is $779,538, funded by the 2021 Local Improvement Program and the 2021 Local Street Program.
2. The costs to be recovered from the registered property owners is 35.8%. 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 $35,666 per year using the Local Improvement Financing Rates of 3.75% plus 1% administration fee. The Recovery from property owners beyond 2025 is $285,325.
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 $686,861.
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 OurWinnipeg 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: T. Yanchishyn
Date: August 10, 2021
File No:

Attachments: Schedule 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 lane in the block bounded by Highfield Street, Coniston Street, Crawford Avenue and Tache Avenue

TOTAL ESTIMATED COST **$240,000.00**

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