Minute No. 405
Report - Standing Policy Committee on Public Works - May 4, 2004

Item No. 4 **Local Improvements to be funded and constructed in 2005 on John Huyda Drive (East Kildonan-Transcona Community)**
File SL(2005)

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Public Works and adopted the following:

1. That the following proposed local improvements be proceeded with, namely:

   A. Work Order No. 99-03-020-1-03, Land Drain Sewer (Lateral Only) in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way

   B. Work Order No. 99-03-010-1-02, Waste Water Sewer in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way

   C. Work Order No. 99-03-060-1-02, Watermain in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way

   D. Work Order No. 99-03-200-1-04, 25'X 6'' Concrete Street Pavement on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way

   E. Work Order No. 99-03-270-1-03, Ornamental Street Lighting on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

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

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DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Public Works, and submitted the matter to Council:

STANDING COMMITTEE RECOMMENDATION:

On May 4, 2004, the Standing Policy Committee on Public Works concurred in the administrative recommendation and the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

On April 6, 2004, the Standing Policy Committee on Public Works laid over the matter to its meeting scheduled for May 4, 2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 17, 2004, the Executive Policy Committee referred the following recommendation of the Standing Committee on Fiscal Issues to the Standing Policy Committee on Public Works, namely:

1. That the following proposed Local Improvement Projects to be funded and constructed in 2005 be proceeded with, namely:

    A. Work Order No. 99-03-020-1-03, Land Drain Sewer (Lateral Only) in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

    B. Work Order No. 99-03-010-1-02, Waste Water Sewer in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

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DECISION MAKING HISTORY (Continued):

C. Work Order No. 99-03-060-1-02, Watermain in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

D. Work Order No. 99-03-200-1-04, 25'X 6'' Concrete Street Pavement on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;

E. Work Order No. 99-03-270-1-03, Ornamental Street Lighting on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

2. That the private property owners having rearage on John Huyda be deemed to benefit from the proposed local improvements and the local improvement levies not be deferred.

Further, the Executive Policy Committee received as information the recommendation of the Standing Committee on Fiscal Issues, namely, that Lot 12 (David Scott, Certificate of Title No. 1253365) be protected from a planning (development) perspective to ensure the ability to service any future subdivision of Lot 12.

STANDING COMMITTEE DECISION:

On March 9, 2004, the Standing Committee on Fiscal Issues concurred in the administrative recommendation and received the report as information.

STANDING COMMITTEE RECOMMENDATION:

On March 9, 2004, the Standing Committee on Fiscal Issues recommended to the Executive Policy Committee:

1. That the following proposed Local Improvement Projects to be funded and constructed in 2005 be proceeded with, namely:

A. Work Order No. 99-03-020-1-03, Land Drain Sewer (Lateral Only) in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

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DECISION MAKING HISTORY (Continued):

B. Work Order No. 99-03-010-1-02, Waste Water Sewer in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

C. Work Order No. 99-03-060-1-02, Watermain in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

D. Work Order No. 99-03-200-1-04, 25'x 6'' Concrete Street Pavement on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;

E. Work Order No. 99-03-270-1-03, Ornamental Street Lighting on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

2. That the private property owners having rearage on John Huyda be deemed to benefit from the proposed local improvements and the local improvement levies not be deferred.

Further, the Standing Committee on Fiscal Issues recommended to the Executive Policy Committee that Lot 12 (David Scott, Certificate of Title No. 1253365) be protected from a planning (development) perspective to ensure the ability to service any future subdivision of Lot 12.

On November 4, 2003, the Standing Committee on Fiscal Issues requested a report containing information on the ownership status of the properties on John Huyda Drive that could potentially be affected by local improvement levies.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Public Works that the Standing Committee on Fiscal Issues be requested to review the recommendation from the East Kildonan-Transcona Community Committee for a deferral of local improvement taxes and allow the work to proceed in 2005.

Report - Standing Policy Committee on Public Works - May 4, 2004

DECISION MAKING HISTORY (Continued):

STANDING COMMITTEE RECOMMENDATION:

On October 7, 2003, the Standing Policy Committee on Public Works passed the following motion, namely:

> WHEREAS the East Kildonan-Transcona Community Committee is desirous that the following proposed Local Improvement Projects to be funded and constructed in 2005 be proceeded with, namely:
>
> 1. Work Order No. 99-03-020-1-03, Land Drain Sewer (Lateral Only) in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;
>
> 2. Work Order No. 99-03-010-1-02, Waste Water Sewer in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;
>
> 3. Work Order No. 99-03-060-1-02, Watermain in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;
>
> 4. Work Order No. 99-03-200-1-04, 25'X 6'' Concrete Street Pavement on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;
>
> 5. Work Order No. 99-03-270-1-03, Ornamental Street Lighting on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.
>
> AND WHEREAS a deferral of any local improvement taxes is allowed under Section 423 (1) of the City of Winnipeg Charter;
>
> THEREFORE BE IT RESOLVED that the Standing Committee on Fiscal Issues be requested to review the recommendation from the East Kildonan-Transcona Community Committee for a deferral of local improvement taxes and allow the work to proceed in 2005;

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DECISION MAKING HISTORY (Continued):

> THEREFORE BE IT FURTHER RESOLVED that the Standing Committee on Fiscal Issues notify Councillor Lubosch when this item will be considered.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted the matter to the Standing Policy Committee on Public Works.

Further, on September 16, 2003, the East Kildonan-Transcona Community Committee submitted the following resolution to the Standing Policy Committee on Public Works, namely:

> WHEREAS the proposed local improvements are undefeatable by private property owners;
>
> AND WHEREAS the majority of private property owners have stated they will receive no benefit from the proposed local improvements;
>
> AND WHEREAS the property owners on John Huyda Drive would be the primary benefactors of the proposed local improvements;
>
> AND WHEREAS there is precedence for deferring local improvement levies to private property owners within the context of development agreement and related local improvement requirements;
>
> THEREFORE BE IT RESOLVED that the proposed local improvements be proceeded with and forwarded to the Standing Policy Committee on Public Works;
>
> BE IT FURTHER RESOLVED that the private property owners that have rearage on John Huyda Drive, and do not benefit by the proposed local improvements, be granted a deferment of the local improvement levies until such time as the property on John Huyda Drive is further subdivided.

On September 16, 2003, Herb Bodnaruk also submitted to the East Kildonan-Transcona Community Committee a map depicting properties with rearage on John Hudya Drive. Doug Henne, Doug Henne Planning Services, also submitted communication dated September 15, 2003 with respect to the proposed local improvements.

TO: Ms. Inga Skundberg, East Kildonan – Transcona Community Committee Clerk

FROM: Mr. Tim Austin, Co-ordinator of Tax Accounting & Administration

SUBJECT: RESULTS OF JULY 31, 2003 LOCAL IMPROVEMENT ADVERTISEMENT

DATE: September 9, 2003

Attached is the 'Local Improvement Project Status Report' indicating proposed Local Improvement projects within your Community & Ward boundary that were advertised on Thursday July 31, 2003 in the Winnipeg Free Press newspaper. The East Kildonan - Transcona Community Committee is, therefore requested, to specifically review and recommend to the Standing Committee on Public Works on the Local Improvement projects as follows:

Work Order No.	Local Improvement	Location
99-03-020-1-03	*Land Drain Sewer (Lateral Only)*	*In the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.*

It is estimated that the total cost of the project is $10,500 of which **92.16**% is to be recovered from the property owners' share. Mr. Herb Bodnaruk of 738 Bonner Avenue requested an 'Objection Against Petition Form' on August 6, 2003 and subsequent to receipt of said 'Objection Against Petition Form' on August 25, 2003, no other objections apart from the petition were filed. In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the City Treasurer that the signatures obtained from the benefiting property owners represents 15.49% of the total assessable frontage.

Please note, with not including developer-owned lands at the time the 'Objection Against Petition Form' was issued, signatures obtained from the benefiting property owners represents 23.42% of the total assessable frontage, short of the necessary 60% to defeat the project. However, since the 'Objection Against Petition Form' was issued, it has come to our attention that the developer has acquired additional lands, therefore the signatures obtained from the benefiting property owners represents 56.85% of total assessable frontage, which is still short of the required 60% to defeat the project.

City's Administration Recommendation: The undertaking of this Local Improvement should proceed, since the petitioners were unable to attain the required 60% of the total assessable frontage.

Work Order No.	Local Improvement	Location

99-03-010-1-02	*Waste Water Sewer*	*In the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.*

It is estimated that the total cost of the project is $**22,000** of which **92.86**% is to be recovered from the property owners' share. Mr. Herb Bodnaruk of 738 Bonner Avenue requested an 'Objection Against Petition Form' on August 6, 2003 and subsequent to receipt of said 'Objection Against Petition Form' on August 25, 2003, no other objections apart from the petition were filed. In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the City Treasurer that the signatures obtained from the benefiting property owners represents 15.49% of the total assessable frontage.

Please note, with not including developer-owned lands at the time the 'Objection Against Petition Form' was issued, signatures obtained from the benefiting property owners represents 23.42% of the total assessable frontage, short of the necessary 60% to defeat the project. However, since the 'Objection Against Petition Form' was issued, it has come to our attention that the developer has acquired additional lands, therefore the signatures obtained from the benefiting property owners represents 56.85% of total assessable frontage, which is still short of the required 60% to defeat the project.

City's Administration Recommendation: The undertaking of this Local Improvement should proceed, since the petitioners were unable to attain the required 60% of the total assessable frontage.

Work Order No.	Local Improvement	Location
99-03-060-1-02	*Watermain*	*In the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.*

It is estimated that the total cost of the project is $**21,000** of which **92.16**% is to be recovered from the property owners' share. Mr. Herb Bodnaruk of 738 Bonner Avenue requested an 'Objection Against Petition Form' on August 6, 2003 and subsequent to receipt of said 'Objection Against Petition Form' on August 25, 2003, no other objections apart from the petition were filed. In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the City Treasurer that the signatures obtained from the benefiting property owners represents 15.49% of the total assessable frontage.

Please note, with not including developer-owned lands at the time the 'Objection Against Petition Form' was issued, signatures obtained from the benefiting property owners represents 23.42% of the total assessable frontage, short of the necessary 60% to defeat the project. However, since the 'Objection Against Petition Form' was issued, it has come to our attention

that the developer has acquired additional lands, therefore the signatures obtained from the benefiting property owners represents 56.85% of total assessable frontage, which is still short of the required 60% to defeat the project.

City's Administration Recommendation: The undertaking of this Local Improvement should proceed, since the petitioners were unable to attain the required 60% of the total assessable frontage.

Work Order No.	Local Improvement	Location
99-03-200-1-04	*25'x6" Concrete Street Pavement*	*25 feet by 6 inches thick concrete street pavement on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.*

It is estimated that the total cost of the project is $**251,000** of which **27.84**% is to be recovered from the property owners' share. Mr. Herb Bodnaruk of 738 Bonner Avenue requested an 'Objection Against Petition Form' on August 6, 2003 and subsequent to receipt of said 'Objection Against Petition Form' on August 25, 2003, no other objections apart from the petition were filed. In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the City Treasurer that the signatures obtained from the benefiting property owners represents 15.49% of the total assessable frontage.

Please note, with not including developer-owned lands at the time the 'Objection Against Petition Form' was issued, signatures obtained from the benefiting property owners represents 23.42% of the total assessable frontage, short of the necessary 60% to defeat the project. However, since the 'Objection Against Petition Form' was issued, it has come to our attention that the developer has acquired additional lands, therefore the signatures obtained from the benefiting property owners represents 56.85% of total assessable frontage, which is still short of the required 60% to defeat the project.

City's Administration Recommendation: The undertaking of this Local Improvement should proceed, since the petitioners were unable to attain the required 60% of the total assessable frontage.

Work Order No.	Local Improvement	Location
99-03-270-1-03	*Ornamental Street Lighting*	*On the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.*

It is estimated that the total cost of the project is $**33,000** of which **15.31**% is to be recovered from the property owners' share. Mr. Herb Bodnaruk of 738 Bonner Avenue requested an

'Objection Against Petition Form' on August 6, 2003 and subsequent to receipt of said 'Objection Against Petition Form' on August 25, 2003, no other objections apart from the petition were filed. In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the City Treasurer that the signatures obtained from the benefiting property owners represents 15.49% of the total assessable frontage.

Please note, with not including developer-owned lands at the time the 'Objection Against Petition Form' was issued, signatures obtained from the benefiting property owners represents 23.42% of the total assessable frontage, short of the necessary 60% to defeat the project. However, since the 'Objection Against Petition Form' was issued, it has come to our attention that the developer has acquired additional lands, therefore the signatures obtained from the benefiting property owners represents 56.85% of total assessable frontage, which is still short of the required 60% to defeat the project.

City's Administration Recommendation: The undertaking of this Local Improvement should proceed, since the petitioners were unable to attain the required 60% of the total assessable frontage.

(Original Signed)

Co-ordinator of Tax Accounting & Administration

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