Minute No. 361
Report – Executive Policy Committee – April 18, 2023

Item No. 7 **Result of the January 9, 2023 Advertisement of the Proposed Asphaltic Concrete Lane Pavement Local Improvement Project (Fort Rouge-East Fort Garry Ward)**

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 14’ x 5”	Approximately 14 feet wide (5 inches thick) on the east-west lane in the block bounded by Oakenwald Avenue, Manchester Boulevard North, Wildwood Street and Point Road.

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

Report – Executive Policy Committee – April 18, 2023

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2023, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 17, 2023, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Executive Policy Committee:

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”	Approximately 14 feet wide (5 inches thick) on the east-west lane in the block bounded by Oakenwald Avenue, Manchester Boulevard North, Wildwood Street and Point Road.

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

ADMINISTRATIVE REPORT

Title: Result of the January 9, 2023 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	T. Austin	C. Kloepfer	

EXECUTIVE SUMMARY

This Administration 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 Councilors. The local improvement project proposed by this report has not received sufficient objection to defeat the said local improvement project and therefore is considered by the Public Service to be successful.

The Public Services recommends that this proposed local improvement project proceed as part of the Local Improvement program in conjunction with the City of Winnipeg's pilot project for Asphaltic 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"	Approximately 14 feet wide (5 inches thick) on the east-west lane in the block bounded by Oakenwald Avenue, Manchester Boulevard North, Wildwood Street and Point Road.

2. That City Council enact a by-law to authorize the proposed local improvement outlined in the 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 forgoing.

REASON FOR THE REPORT

Since the proposed Local Improvement Project is within the City Centre Community, the City Centre Community Committee is request to specifically 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.

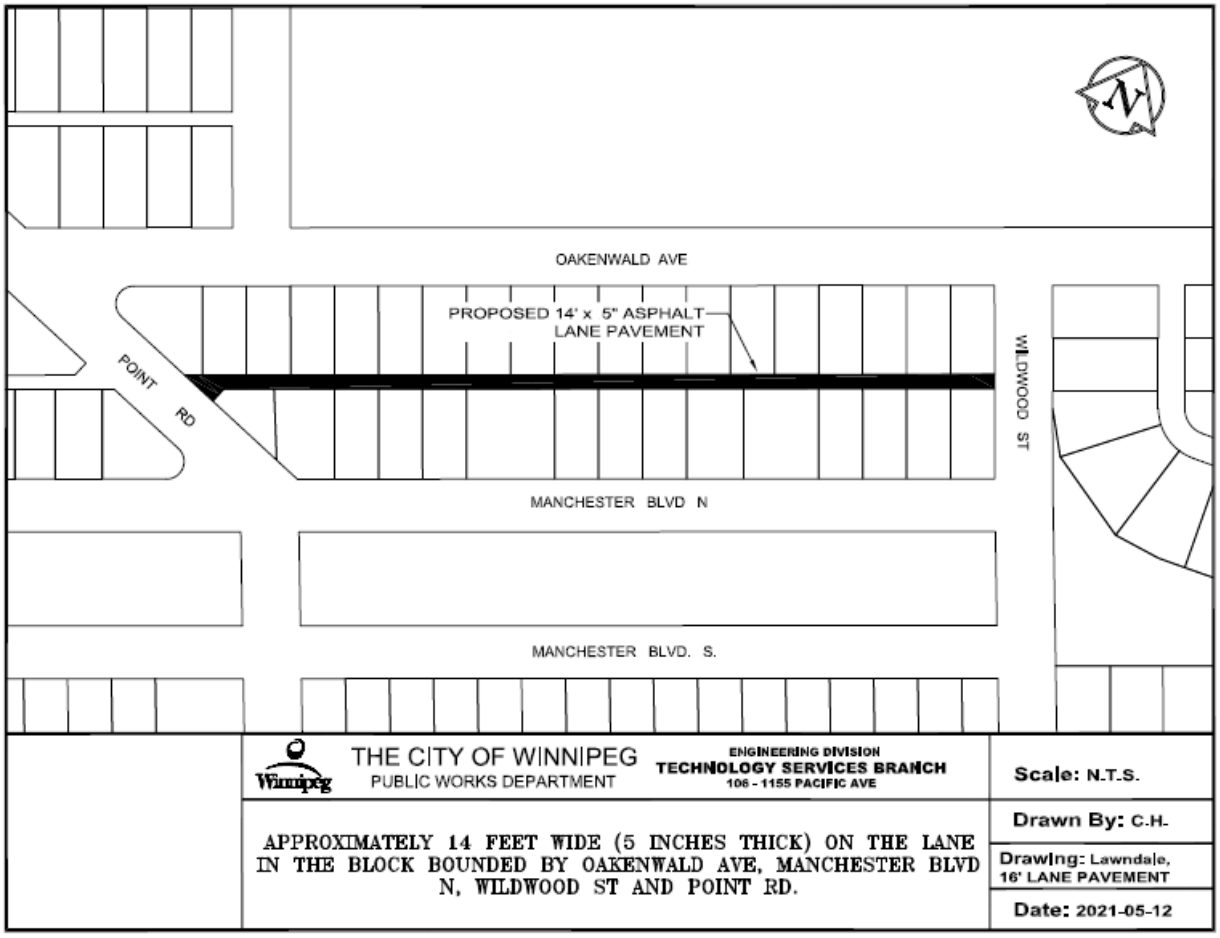
HISTORY/DISCUSSION

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 sewers 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 in the block bounded by Oakenwald Avenue, Manchester Boulevard North, Wildwood Street and Point Road.

On Friday June 17, 2022, a "Petition For" was issued to Sean Macrae who resides at 533 Manchester Blvd North for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the City Centre Community Ward boundary which is depicted in the following drawing*.*



A filing date of September 15, 2022 was determined for the original “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 9, 2022. As the petition was signed by the registered owners representing 61.28% of the total assessable frontage, it was recommended that this project proceed to be advertised.

On November 18, 2022 the City Centre Committee concurred with the recommendation of the Winnipeg Public Service and received as information that the Asphaltic Concrete Lane Pavement Project proceed to be advertised.

On January 9, 2023, 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 February 8, 2023 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, letters of objection were received by the City Clerk's Department.

The City Clerk's Department received the signed *"Letters of Objections"* before the advertisement deadline February 8, 2023.

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 *"Letter of Objections"* represent 30.05% of the total assessable frontage, as summarized below:

Total Assessable Frontage	1780.1 Feet
Less City Share	0 Feet
Total Assessable Frontage (City Share Factored Out)	1780.1 Feet
Objections Represent	535 Feet
Percentage Signed	***30.05%***

In analysis it has been noted that nine property owners submitted letters of objection, the total frontage feet for these nine properties totaled 535 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 proceed with.

Given the result of 30.05%, 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 $400,000.00 of which 40.05% is to be recovered from the registered property owners' share.

FINANCIAL IMPACT

Financial Impact Statement

Date: February 16, 2023

Project Name: **First Year of Program** **2023**

Result of the January 9, 2023 advertisement of the proposed Asphaltic Concrete Lane Pavement local improvement project.

	2023	2024	2025	2026	2027
Capital					
Capital Expenditures Required	$ 413,000	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	413,000	-	-	-	-
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			$ 45,488	$ 45,488	$ 45,488
Less: Incremental Revenue/Recovery	13,000		21,682	21,682	21,682
Net Cost/(Benefit)	$ (13,000)	$ -	$ 23,806	$ 23,806	$ 23,806
Less: Existing Budget Amounts	(13,000)		23,806	23,806	23,806
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

1. Capital expenditures required represent the estimated construction cost for these local improvements which will be funded by the 2020 and 2021 Local Improvement Program and the 2023 Local Street Program.
2. The costs to be recovered from the registered property owners is 40.05%. 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 2025. Recovery from property owners is $21,682 per year using the Local Improvement Financing Rates of 4.25% plus 1% administration fee. The Recovery from property owners beyond 2027 is $151,772.
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 2027 is $318,417.
4. Incremental Revenue/Recovery represents the corporate administration and interest overheads.

Jason Duke - February 16, 2023

Jason Duke, CPA, CGA
Acting Mgr. of Finance and Admin. (Campus)

CONSULTATION

This Report has been prepared in consultation with:
Legal Services (related to By-law preparation)

OURWINNIPEG POLICY ALIGNMENT

The Local Improvement process is generally aligned with the policies provided for in OurWinnipeg 2045, specifically policy 6.7 Fiscally Sustainable Growth of the goal City Building.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Assessment and Taxation Department
Division: Taxation and Finance
Prepared by: Tanis Yanchishyn
Date: February 22, 2023
File No:

Attachments:

Schedule A – Draft By-law

Schedule A

THE CITY OF WINNIPEG

BY-LAW NO. /2023

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 City Centre Community:

(a) **Asphaltic Concrete Lane Pavement** – Approximately 14 feet wide (5 inches thick) on the east-west lane in the block bounded by Oakenwald Avenue, Manchester Boulevard North, Wildwood Street and Point Road.

TOTAL ESTIMATED COST **$400,000.00**

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 , 2023.

DRAFT

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

DRAFT