**Agenda – Council – February 22, 2024**

**Report – Executive Policy Committee – February 13, 2024**

**Item No. 8 Results of the October 3rd 2023 Advertisement of the Proposed Asphaltic Concrete Lane Pavement Local Improvement Project (North Kildonan Ward)**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 2024, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona 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 in the block bounded by Oakview Avenue, Dunrobin Avenue, Woodvale Street, and Kildonan Drive. |

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 – February 13, 2024**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 2024, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 24, 2024, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee.

# ADMINISTRATIVE REPORT

**Title:** Results of the October 3rd 2023 advertisement of the proposed Asphaltic Concrete Lane Pavement local improvement project.

**Critical Path:** East Kildonan-Transcona Community Committee – Executive Policy Committee - Council

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| T. Yanchishyn | T. Austin | C. Kloepfer | |

## EXECUTIVE SUMMARY

This Administrative Report provides information regarding local improvement advertisement and subsequent objections 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 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 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 in the block bounded by Oakview Avenue, Dunrobin Avenue, Woodvale Street, and Kildonan Drive. |

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 this proposed Local Improvement Project is within the North Kildonan Ward boundary, the East Kildonan -Transcona Community Committee is requested to review and provide a recommendation to Council as to whether the proposed Local Improvement Project 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 improvement is within the local improvement capital budget and the Public Works Granular Road capital accounts.

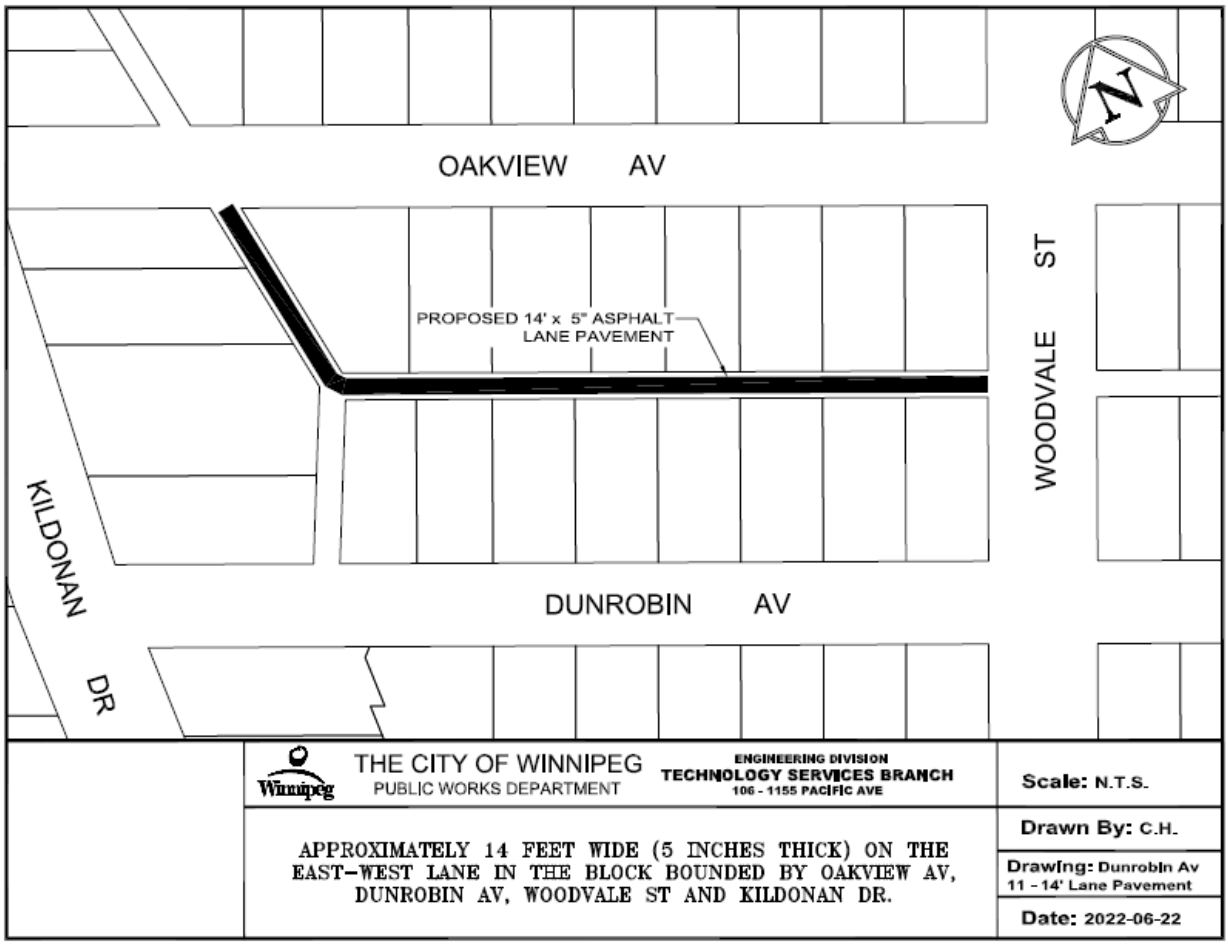
## HISTORY/DISCUSSION

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 2025, 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 in the block bounded by Oakview Avenue, Dunrobin Avenue, Woodvale Street, and Kildonan Drive.*

On Monday June 29, 2023, a "Petition For" was issued to Christine Ranick who resides at 11 Dunrobin Avenue for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the North Kildonan Ward boundary which is depicted in the following drawing.




A filling date of September 27, 2023 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 July 25, 2023. As the petition was signed by the registered owners representing 69% of the total assessable frontage, it was recommended that this project proceed to be advertised.

On September 6, 2023 the East Kildonan -Transcona Community Committee received as information that the advertisement of the proposed Asphaltic Concrete Lane Pavement Local Improvement Project proceed.

On October 3, 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 November 2, 2023 was published for filing of objections for this proposed Local Improvement Project.

Subsequent to the advertisement, on October 17, 2023, a “*Notice of Objection”* was released to Peter Kerr, who resides at 81 Dunrobin Avenue.

The City Clerk's Department received the signed *"Notice of Objection*" on November 2, 2023 before the end of day of the advertisement deadline.

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 *"Notice of Objection"* represent 15.95% of the total assessable frontage, as summarized below:

| | |
|---|---|
| Total Assessable Frontage | 1059.1 Feet |
| Less City Share | 118.5 Feet |
| Total Assessable Frontage (City Share Factored Out) | 940.6 Feet |
| Petitioners Object Represent | 150 Feet |
| Percentage Signed | ***15.95%*** |

In analysis of both the petition for and the petition of objection it has been noted that no property owners signed the original petition for and then signed the petition of objection after the advertisement stage of the local improvement process.

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 15.95%, 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 $320,000 of which 36.74% is to be recovered from the registered property owners' share.

**FINANCIAL IMPACT**

## Financial Impact Statement

**Date:** January 9, 2024

**Project Name:**

**First Year of Program** **2024**

Results of the October 3rd 2023 advertisement of the proposed Asphaltic Concrete Lane Pavement local improvement project.

| | 2024 | 2025 | 2026 | 2027 | 2028 |
|---|---|---|---|---|---|
| **Capital** | | | | | |
| Capital Expenditures Required | $ 330,400 | $ - | $ - | $ - | $ - |
| Less: Existing Budgeted Costs | 330,400 | - | - | - | - |
| 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 | | $ 34,647 | $ 34,647 | $ 34,647 | $ 34,647 |
| Less: Incremental Revenue/Recovery | 10,400 | 16,689 | 16,689 | 16,689 | 16,689 |
| Net Cost/(Benefit) | $ (10,400) | $ 17,958 | $ 17,958 | $ 17,958 | $ 17,958 |
| Less: Existing Budget Amounts | (10,400) | 17,958 | 17,958 | 17,958 | 17,958 |
| 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 2021 Local Improvement Program and the 2024 Local Street Program.
2. The costs to be recovered from the registered property owners is 36.74%. 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 $16,689 per year using the Local Improvement Financing Rates of 5.25% plus 1% administration fee. The Recovery from property owners beyond 2028 is $100,113.
3. Annual Debt & Finance Charges are calculated at 5.25% interest per annum over the term of each local improvement. The Debt & Finance charges beyond 2028 is $207,885.
4. Incremental Revenue/Recovery in year 2024 represents the corporate administration and interest overheads.

original signed by Tanis Yanchishyn

Tanis Yanchishyn, CPA, CA
Manager of Taxation and Finance

## CONSULTATION

This Report has been prepared in consultation with:
Legal Services Department (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

Consideration was given as to whether this report connects to the Winnipeg Climate Action Plan (CAP), and it was determined that the CAP is not applicable to this specific report.

## WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS), and it was determined that the PRS is not applicable to this specific report.

## SUBMITTED BY

Department: Assessment and Taxation
Division: Taxation and Finance
Prepared by: Tanis Yanchishyn
Date: January 9, 2024

Attachments: **Schedule "A" – Draft By-law**

**Schedule A**

**THE CITY OF WINNIPEG**

**BY-LAW NO. /2024**

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**

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 East-Kildonan Transcona Community:

**Asphaltic Concrete Lane Pavement** – Approximately 14 feet wide (5 inches thick) On the east-west lane in the block bounded by Oakview Avenue, Dunrobin Avenue, Woodvale Street, and Kildonan Drive.

**TOTAL ESTIMATED COST** **$320,000.00**

**Authorization**

The Local Improvement Projects are hereby authorized to be undertaken.

**Funding**

The Local Improvement Projects shall be funded in accordance with the Asphalt Lane Pavement Pilot Project.

**DONE AND PASSED** this day of , 2024.

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