Minutes – Council – February 22, 2024

Minute No. 155
Report – Executive Policy Committee – February 13, 2024

Item No. 7 **Results of the October 3rd 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 Riverwood Avenue, Oakenwald Avenue, Point Road, and Netley Street.

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:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 2024, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 24, 2024, the City Centre 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: City Centre 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 Councillors. The letter submitted 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"	Approximately 14' feet wide (5 inches thick) on the east-west lane in the block bounded by Riverwood Avenue, Oakenwald Avenue, Point Road, and Netley Street.

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 Fort Rouge – East Fort Garry Ward boundary, 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 improvement project should proceed.

A by-law to authorize the proposed local improvement project 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.

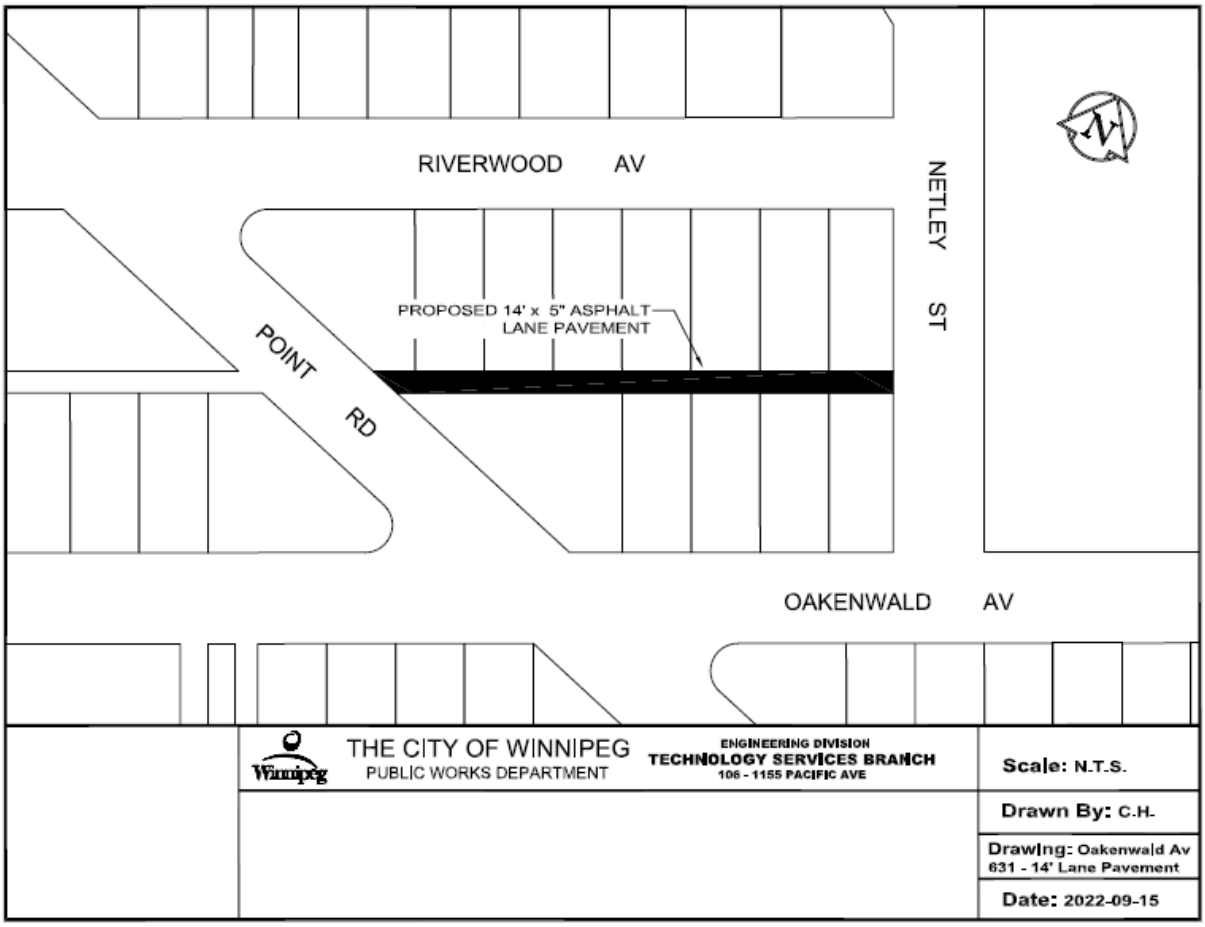
HISTORY/DISCUSSION

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 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 Riverwood Avenue, Oakenwald Avenue, Point Road, and Netley Street.

On Friday June 16, 2023, a "Petition For" was issued to Tom Obendoerfer who resides at 631 Oakenwald Drive for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the Fort Rouge – East Fort Garry Ward boundary which is depicted in the following drawing**.**



A filling date of September 14, 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 21, 2023. As the petition was signed by the registered owners representing 78% of the total assessable frontage, it was recommended that this project proceed to be advertised.

On September 25, 2023 the City Centre 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, the Manager of Taxation and Finance confirmed that a “*Notice of Objection”* was not requested, however, a letter of objection was received by the City Clerk’s office.

The City Clerk's Department received the signed letter of objection before the advertisement deadline of November 2, 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 signature obtained from the benefiting registered property owner on letter of objection represent 7% of the total assessable frontage, as summarized below:

Total Assessable Frontage	703 Feet
Less City Share (Flankage)	0 Feet
Total Assessable Frontage (City Share Factored Out)	703 Feet
Petitioners Object Represent	50 Feet
Percentage Signed	***7%***

In analysis it has been noted that one property owner submitted a letter of objection, the total frontage feet for this property is 50 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 7%, and that the 3/5 threshold 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 $225,000 of which 39.09% 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	$ 232,313	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	232,313	-	-	-	-
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		$ 24,362	$ 24,362	$ 24,362	$ 24,362
Less: Incremental Revenue/Recovery	7,313	12,485	12,485	12,485	12,485
Net Cost/(Benefit)	$ (7,313)	$ 11,877	$ 11,877	$ 11,877	$ 11,877
Less: Existing Budget Amounts	(7,313)	11,877	11,877	11,877	11,877
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 2022 Local Improvement Program and 2024 Local Street Program.
2. The costs to be recovered from the registered property owners is 39.09%. 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 $12,485 per year using the Local Improvement Financing Rates of 5.25% plus 1% administration fee. The Recovery from property owners beyond 2028 is $74,909.
3. Annual Debt & Finance Charges are calculate at 5.25% interest per annum over the term of each local improvement. The Debt & Finance charges beyond 2028 is $146,619.
4. Incremental Revenue/Recovery in year 2024 represents the corporate administration and interest overheads.

original signed by T. 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

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 Riverwood Avenue, Oakenwald Avenue, Point Road, and Netley Street.

TOTAL ESTIMATED COST **$225,000.00**

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 , 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