

CITY POLICY



POLICY NUMBER: C619

REFERENCE:

Municipal Government Act, RSA 2000
c M-26 (as amended)

ADOPTED BY:

City Council June 18, 2019

SUPERSEDES:

New

PREPARED BY: Integrated Infrastructure Services

DATE: May 3, 2019

TITLE: LOCAL IMPROVEMENTS - SURFACE

Policy Statement:

Construction of surface local improvements will be assessed in accordance with this Policy and the *Municipal Government Act*, as amended.

The purpose of this policy is to:

Provide clear and consistent guidelines regarding the identification and assessment of surface improvements that will be considered for local improvement funding.

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1. Definitions

- a. Alley Lighting - the construction required to provide lighting or illumination of a public alley.
- b. Decorative Street Lighting – the construction required to provide lighting or illumination of a public roadway with decorative street light poles and or luminaires.
- c. Expression of Interest (EOI) - a non-legal document that Administration provides to the owner requesting an improvement for the other owners, who would be responsible for payment of the local improvement, to sign indicating support.
- d. Local Improvement Borrowing Term - the length of time that the City will borrow the money for and it will not exceed the useful life of the capital improvement. The borrowing term for local improvements are as follows:

<u>Type of Improvement</u>	<u>Borrowing Term</u>
street and concrete alley construction	20 years
curb, gutter and sidewalk construction	20 years
sidewalk reconstruction	20 years
streetscape improvements	20 years
decorative street lighting	15 years
street lighting	15 years
asphalt alley construction	10 years
alley lighting	5 years
other	as applicable

- e. Miscellaneous Minor Construction - minor work required to reduce traffic congestion, increase the operating efficiency at existing intersections, and to reduce hazardous

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traffic operating conditions (e.g., intersection channelization, roadway widening, improvements to turning radii, construction of bays, etc.).

- f. New Construction - one of the following types:
 - (a) the initial work performed at a location; or
 - (b) construction required because:
 - (i) a change in either grade or alignment of an improvement; or
 - (ii) redevelopment of adjacent properties has rendered the existing improvements inadequate to service the redeveloped properties.
- g. Reconstruction - construction required to rebuild a City asset.
- h. Streetscape Improvements - improvements that exceed the City's normal standard of construction and/or reconstruction and may include landscaping, street furniture, ornamental lighting, decorative signs, banners, unistone work, gates, art and secondary electrical works.
- i. Street Lighting - construction required to provide streetlight bases, poles and luminars for lighting or illumination of a public roadway.

2. Responsibilities

- a. City Council to approve any amendments to, or replacement of, this Policy.
- b. Administration to determine a prioritized list for the planning of surface improvements and to determine the benefiting properties and assessable lengths or portions.

3. Considerations For All Roadways

Administration will identify which types of construction are to be assessed as surface related local improvements.

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(a) **New Construction**

New construction costs will be recovered 100% as a local improvement assessment against benefiting properties except for the following, for which costs will be borne by the City-at-large:

- (i) where portions of property do not receive benefit from the construction of the roadway because of grade separation (e.g. property adjacent to retaining walls, grade structures, and berms); or
- (ii) where miscellaneous minor construction is required.

(b) **Reconstruction of Surface Infrastructure**

Reconstruction costs will be borne 100% by the City-at-large and reconstruction will be in accordance with the prioritized list prepared and recommended by Administration, except for the following for which the costs will be borne 100% by the benefiting property owners:

- (i) when an expression of interest signed by an appropriate number of assessable owners is received with the agreement to pay for all applicable new costs by the assessable property owners.
- (ii) if the properties in question are not due for renewal (i.e. outside of Administration prioritization of the alley program or neighbourhood renewal sidewalk program).
- (iii) when new construction causes the requirements for the reconstruction of existing infrastructure.

4. **Sidewalk Cost Sharing Program**

- (a) **Reconstruction of Sidewalks:** Sidewalk reconstruction will be in accordance with the prioritized list prepared and recommended by Administration and will have the costs shared as follows:

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50% of the reconstruction costs will be borne by the City-at-large with 50% of the reconstruction costs to be paid by the benefiting property owners through local improvement assessments. Exceptions for which costs will be borne 100% by the City-at-large are as follows:

- (i) arterial roads
- (ii) where portions of property do not receive benefits from the reconstruction of the sidewalk because of grade separation (e.g. property adjacent to retaining walls, grade structures, and berms); or
- (iii) where miscellaneous minor construction is required for City-at-large usage and does not benefit the property;
- (iv) for sidewalk reconstruction required by Streetscaping Projects where the streetscaping construction directly affects the condition of the sidewalk (e.g. secondary electrical, unistone work, tree grates).

This City Policy also applies to existing asphalt channel, asphalt, and wooden walks, which for the purposes of these guidelines will be treated as concrete walks. Asphalt channel walks not meeting these guidelines will continue to receive an asphalt overlay at appropriate maintenance intervals.

5. **Petition Requirements for City Initiated Local Improvements:**

On a City-initiated local improvement under Section 393(1) of the *Municipal Government Act*, as amended, the City will choose not to proceed with a local improvement pursuant to section 396(4) of the *Municipal Government Act*, if a majority of owners, who would be liable to pay the local improvement tax, representing at least half of the value of assessments prepared under Part 9 of the *Municipal Government Act* for the parcels of land in respect of which the tax will be imposed, petition against the local improvement within 30 days of the last delivery or mailing of the local improvement notice.

6. **Minimum Length Requirements:**

This policy is subject to any specific provisions of the *Municipal Government Act* or other relevant legislation or Union Agreement.

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This City Policy is intended to address those locations where a visual inspection indicates that concrete sidewalk reconstruction is required to address safety and/or advanced physical deterioration. Locations would be candidates for regular maintenance which may include spot concrete replacement, asphalt overlay, asphalt patch or other repair techniques unless Local Improvement Assessment can be secured. The following will be taken into account when determining whether a Local Improvement can be considered:

- minimum one block length.
- locations less than one block, but not less than 100 metres, where possible given drainage and grade requirements.
- locations less than 100 metres that may form part of a larger sidewalk replacement project.

In establishing the minimum length, existing asphalt patch areas are to be included.

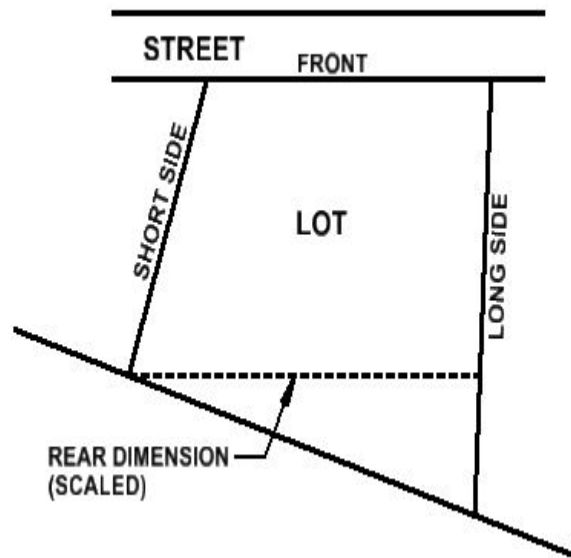
7. **Formula Applied to Unusual Shaped Properties:**

With respect to parcels of land for any local improvement construction;

- (a) the assessed frontage (the abutting portion of the parcel) shall be calculated, dependent on the parcel shape and dimensions by using one of the following methods:
- (i) for parcels of land having equal front and rear parcel dimensions, the assessed frontage shall be equal to the abutting parcel dimension;
 - (ii) for irregularly shaped parcels of land having a front and rear parcel dimension that are different but do not exceed the other by more than twice as much, the assessed frontage shall be equal to the average lot dimensions of the front and rear of the parcel;
 - (iii) for odd or pie-shaped parcels of land having a front and rear parcel dimension that are different and exceed the other by more than twice as much, the assessed frontage shall be equal to the average of the front length of the parcel and the scaled

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dimension of the rear of the parcel (based on a projection of the shortest parcel flankage length being imposed to that point on the longest parcel flankage length) and this average shall not exceed by more than two times the front length of the parcel.



(b) with respect to the side or flankage of such parcels, they shall be assessed 15% of the total number of lineal metres along the side or flankage thereof abutting the road where the local improvement is undertaken.

9. Formula Applied to Condominium / Strata Titled Properties:

For condominium titled units the assessable metres for the frontage and/or flankage of the condominium plan, where the local improvement is undertaken, will be divided by the number of titled condominium units. Each titled condominium unit or strata title will bear a per parcel share of such amount as calculated originally by linear metres or hectares or per parcel as the case might be and as applicable as calculated in under the unusually shaped parcel formula.

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10. Frontage Assessment Reduction for Existing Curb Crossings:

(a.) General Requirements:

The following applies to local improvement assessment reductions to existing owner built curb crossings during sidewalk construction and/or reconstruction. During local improvement construction and/or reconstruction of sidewalks affected property owners who have a curb crossing that was:

- i). not constructed by the City; and
- ii). is less than 20 years old, may have their assessed frontage reduced to compensate for the curb crossing.

The affected property owners, not the City, must start the process by requesting that the City do a reduction. and must show a City permit allowing the construction of the curb crossing. The assessed frontage may be reduced with a calculation based on the age of the crossing.

(b.) Curb Crossing Process and Formula:

- i). property owner provides Administration with an approved curb crossing permit or other appropriate City approval.
- ii). Administration determines the frontage of the curb crossing.
- iii). Administration calculates assessed frontage for the curb crossing based on the age of the curb crossing (years) using the following formula:

frontage of curb crossing x (age of curb crossing, in years/20)

e.g.: for a 10.0 metre curb crossing that is 8 years old, the owner would be assessed as follows:

10.0 metres x (8 years / 20 years) = 4.0 metres