



CITY POLICY

POLICY NUMBER: C433D

REFERENCE:

City Council 2001 12 18
City Council 1998 02 17
City Council 1991 02 26
City Council 1989 09 26
Municipal Taxation Act
Council Minutes, 1984 11 27

ADOPTED BY:

City Council

SUPERSEDES:

C433C, C433B, C433A

PREPARED BY: Transportation and Streets Department

DATE: 2001 11 13

TITLE: Determination of Assessable Roadway-Related Local Improvements

Policy Statement:

Construction will be assessed as roadway-related local improvements in accordance with criteria outlined in the attached procedures and the Municipal Government Act, SA 1994, c. M-26.1 (MGA)

The purpose of this policy is to:

Provide clear and consistent guidelines regarding the identification of construction to be assessed as roadway-related local improvements.

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



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1. DEFINITIONS

1.01 Roadway-Related Local Improvements - As including the following:

- street and alley construction
- curb and gutter construction
- alley grading and gravelling
- sidewalk construction
- sidewalk reconstruction
- auxiliary lane construction
- miscellaneous minor construction
- streetscape improvements
- alley resurfacing
- decorative street lighting
- street/alley lighting
- other

1.02 Rehabilitation - as construction required to upgrade an improvement because of deterioration prior to expiry of the local improvement serviceable lifetime.

1.03 Local Improvement Serviceable Lifetime - is the original estimated lifetime of a local improvement. The serviceable lifetime for roadway related local improvements are as follows:

<u>Type of Improvement</u>	<u>Local Improvement Serviceable Lifetime</u>
street, auxiliary lane, concrete alley, and heavy-duty base alley construction	20 years
curb, gutter and sidewalk construction	20 years
sidewalk reconstruction	20 years
streetscape improvements	20 years
decorative street lighting	15 years
asphalt alley construction	10 years
asphalt alley resurfacing	10 years
alley grade and gravelling	5 years
street/alley lighting	5 years
other	as applicable

1.04 New Construction - as one of the following types:

- (a) the initial work performed at a location; or
- (b) construction necessitated because:



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- (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.

- 1.05 Reconstruction - as the construction required to rebuild an improvement due to deterioration after the expiry of the serviceable lifetime of the improvements.
- 1.06 Arterial Roadways - as those roadways defined as Arterial Roadways and identified in the City of Edmonton Transportation System Bylaw. (Excluding service roads adjacent to Arterial Roadways)
- 1.07 Auxiliary Lane - as a traffic lane appended to a roadway, and constructed for the purpose of providing access that benefits the properties.
- 1.08 Miscellaneous Minor Construction - as minor work required to reduce traffic congestion, increase the operating efficiency at existing intersections, and to reduce hazardous traffic operating conditions (e.g., intersection channelization, roadway widening, improvements to turning radii, construction of bays, etc.).
- 1.09 Streetscape Improvements - as those 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.
- 1.10 Alley Resurfacing - as the construction required to place an asphalt overlay on an existing paved alley in order to extend the local improvement serviceable lifetime of the improvement after the expiry of the local improvement serviceable lifetime of the improvement.
- 1.11 Street/Alley Lighting - as the construction required to provide lighting or illumination of a public roadway or alley.
- 1.12 Decorative Street Lighting - as the construction required to provide lighting or illumination of a public roadway with decorative street light poles and or luminaires.

2. RESPONSIBILITIES

- 2.01 City Council to approve any amendments to the Policy.
- 2.02 General Manager, Transportation and Streets Department to determine a prioritized rating for the planning of roadway related improvements and to determine the benefiting properties and assessable lengths benefited by City-initiated construction.

3. PROCEDURES

The Transportation and Streets Department will identify which types of construction are to be assessed as roadway related local improvements.

- 3.01 FOR ALL ROADWAYS WITHIN THE CITY LIMITS EXCEPT ARTERIAL ROADWAYS (See 3.02 for Arterial Roadways)



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- (a) Paving Rehabilitation: The cost of paving rehabilitation will be borne by the City-at-large.
- (b) Curb and Sidewalk Rehabilitation: The cost of curb and sidewalk rehabilitation will be borne by the City-at-large.
- (c) New Construction of Streets, Curbs, Alleys, Sidewalks, Auxiliary Lanes, and Street/Alley Lighting: New construction costs will be recovered 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 benefits 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 to accommodate increased traffic volume or turning movement for City-at-large usage and does not benefit the property.
- (d) Reconstruction of Streets, Curbs, and Auxiliary Lanes: Reconstruction costs will be borne by the City-at-large and reconstruction will be in accordance with the prioritized rating list prepared and recommended by the Transportation and Streets Department and approved by Council except for the following, for which the costs will be borne by the benefiting property owners:
 - (i) when a petition signed by two-thirds (2/3) of the assessable owners is received with the agreement to pay for all applicable new costs by the assessable property owners. Work undertaken in this manner can be done to the petitioner's schedule.
 - (ii) streetscaping projects that are done at the time of reconstruction, when approved by Council directive, will be undertaken and assessed to benefiting property owners in the following manner: 100 percent of the streetscaping costs to be paid by the benefiting property owners through the local improvement assessments except for the following, for which costs will be borne by the City-at-large:
 - (i) where portions of property do not receive benefits from the construction of the roadway because of grade separation (e.g. property adjacent to retaining walls, grade structures, and berms).
 - (iii) when reconstruction is required to accommodate new construction of auxiliary lanes for the benefit of property owners (e.g. sidewalk, curb and gutter reconstruction for auxiliary lanes).

COST SHARING PROGRAM

- (e) Reconstruction of Sidewalks : Sidewalks meeting the criteria identified in the Transportation and Streets Department Revised Guidelines for Applying Local Improvement Assessment to Sidewalk Reconstruction (May 1995) will have the costs shared as follows:



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50 percent of the reconstruction costs will be borne by the City-at-large with 50 percent of the reconstruction costs to be paid by the benefiting property owners through the local improvement assessments. Reconstruction will be in accordance with the prioritized rating list prepared and recommended by the Transportation and Streets Department and approved by Council. Reconstruction costs as noted above will be recovered 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 benefits from the reconstruction of the sidewalk because of grade separation (e.g. property adjacent to retaining walls, grade structures, and berms); or
- ii) where miscellaneous minor construction is required for City-at-large usage and does not benefit the property.
- iii) 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).

Costs for sidewalks not meeting the criteria set out in this City Policy for cost sharing will be borne by the benefiting property owners when a petition signed by two-thirds (2/3) of the assessable owners is received with the agreement to pay for all applicable new costs by the assessable property owners. Work undertaken in this manner can be done to the petitioner's schedule.

- (f) Resurfacing of Alleys: Alleys that are identified on the prioritized rating list prepared and recommended by the Transportation and Streets Department and will have the costs shared as follows:

25 percent of the resurfacing costs of alleys will be borne by the City-at-large with 75 percent of the resurfacing costs to be paid by the benefiting property owners through the local improvement assessments. Resurfacing will be in accordance with the prioritized rating list prepared and recommended by the Transportation and Streets Department and approved by Council. All costs required for reconstruction will be borne by the City-at-large. Resurfacing costs as noted above will be recovered 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 alley resurfacing is a direct result of utility replacement and would be funded by the Utility Department budget; or
- (ii) where alley resurfacing is required in advance of the expiry of an existing Local Improvement assessment; or
- (iii) where portions of property do not receive benefits from the alley because of grade separation (e.g. property adjacent to retaining walls, grade structures, and berms).



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Costs for alleys not meeting the criteria for cost sharing will be borne by the benefiting property owners when a petition signed by two-thirds (2/3) of the assessable owners is received with the agreement to pay for all applicable new costs by the assessable property owners. Work undertaken in this manner can be done to the petitioner's schedule.

3.02 FOR ARTERIAL ROADWAYS

- (a) Paving Rehabilitation: The cost of paving rehabilitation will be borne by the City-at-large.
- (b) Curb and Sidewalk Rehabilitation: The cost of curb and sidewalk rehabilitation will be borne by the City-at-large.
- (c) New Construction of Streets, Curbs, Sidewalks, and Auxiliary Lanes: New construction costs will be recovered as a local improvement assessment against benefiting properties provided that the construction benefits or allows access to the benefiting property and/or is the direct requirement of the adjacent development. Properties abutting an arterial roadway, which are exempt from local improvement assessment under this City Policy, for which costs will be borne by the City-at-large, are as follows:
 - (i) where properties zoned RF1, RF2, RF3, RF4, RF5, RF6, RPL, RR, PU, US, A, AG, AGU, AP, and RMH do not receive access.
 - (ii) where portions of property do not receive benefits from the construction of the roadway because of grade separation (e.g. property adjacent to retaining walls, grade structures, and berms).
 - (iii) where miscellaneous minor construction is required to accommodate increased traffic volume or turning movement for City-at-large usage and does not benefit the property.
- (d) Reconstruction of Streets, Curbs, and Auxiliary Lanes: Reconstruction costs will be borne by the City-at-large and reconstruction will be in accordance with the prioritized rating list prepared and recommended by the Transportation and Streets Department and approved by Council except for the following, for which the costs will be borne by the benefiting property owners:
 - (i) when a petition signed by two-thirds (2/3) of the assessable owners is received with the agreement to pay for all applicable new costs by the assessable property owners. Costs associated with the removal of the previous or existing local improvement will be borne by the City-at-large. Work undertaken in this manner can be done to the petitioner's schedule.
 - (ii) streetscaping projects that are done at the time of reconstruction, when approved by Council directive, will be undertaken and assessed to benefiting property owners in the following manner: 100 percent of the streetscaping costs to be paid by the benefiting property owners through the local improvement assessments. Properties abutting an arterial roadway, which are exempt from local



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improvement assessment under this City Policy, for which costs will be borne by the City-at-large, are as follows:

- (a) where properties zoned RF1, RF2, RF3, RF4, RF5, RF6, RPL, RR, PU, US, A, AG, AGU, AP, and RMH do not receive access.
- (b) where portions of property do not receive benefits from the construction of the roadway because of grade separation (e.g. property adjacent to retaining walls, grade structures, and berms).
- (iii) when reconstruction is required to accommodate new construction of auxiliary lanes for the benefit of the property (e.g. sidewalk, curb and gutter reconstruction for auxiliary lanes).

COST SHARING PROGRAM

- (e) Reconstruction of Sidewalks : Sidewalks meeting the criteria identified in the Transportation and Streets Department Revised Guidelines for Applying Local Improvement Assessment to Sidewalk Reconstruction (May 1995) will have the costs shared as follows:

50 percent of the reconstruction costs will be borne by the City-at-large with 50 percent of the reconstruction costs to be paid by the benefiting property owners through the local improvement assessments. Reconstruction will be in accordance with the prioritized rating list prepared and recommended by the Transportation and Streets Department and approved by Council. Properties on an arterial roadway, which are exempt from local improvement assessment under this City Policy, for which costs will be borne by the City-at-large, are as follows:

- (i) where properties zoned RF1, RF2, RF3, RF4, RF5, RF6, RPL, RR, PU, US, A, AG, AGU, AP, and RMH do not receive access.
- (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).
- (iii) where construction is required as part of a capital project for City-at-large usage.
- (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).

Costs for sidewalks not meeting the criteria set out in this City Policy for cost sharing will be borne by the benefiting property owners when a petition signed by two-thirds (2/3) of the assessable owners is received with the agreement to pay for all applicable new costs by the assessable property owners. Work undertaken in this manner can be done to the petitioner's schedule.

- 3.03 On a City initiated local improvement under section s.393(1) of the Municipal Government Act, SA 1994, c. M-26.1 (MGA)), the City will choose not to proceed with a local improvement



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pursuant to section 396(4) of the MGA, if a majority of owners, who would be liable to pay the local improvement tax, representing at least 1/2 of the value of assessments prepared under Part 9 of the MGA 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.

4. ENCLOSURE

- I Revised Guidelines for Applying Local Improvement Assessment to Sidewalk Reconstruction (May 1995)
- II Guidelines for Frontage Assessment Reduction for Existing Curb Crossings.

I) Revised Guidelines for Applying Local Improvement Assessment to Sidewalk Reconstruction (May, 1995/November, 2001)

Candidate locations for sidewalk reconstruction are developed on the basis of overall city priority, as follows:

1. Locations identified as a priority based on roadway condition, with sidewalk condition reviewed to determine what work is required at the time roadway rehabilitation takes place.
2. Sidewalk locations identified as a safety concern by Roadway Maintenance and/or advanced deterioration (condition rating less than 3.5).
3. Either boulevard walk or monolithic sidewalk may be considered.

When the majority of monolithic sidewalks throughout a neighbourhood require reconstruction (condition rating less than 3.5), only those neighbourhoods with average pavement rating of less than 5.0 will be considered.

Eligible locations for Local Improvement assessment

1. Residential and Collector Roadways

All locations on residential or collector roadways meeting the minimum length and condition criteria are eligible for Local Improvement assessment on the basis of 50% city/50% benefiting property owner cost sharing. Exceptions where the City has 100% responsibility for costs to maintain and/or reconstruct the sidewalk to maintain safety are:

- location has an existing Local Improvement agreement in place, and concrete is seriously deteriorated, in which case the City is responsible for costs to maintain the sidewalk in a safe condition.
- benefiting property owner shall not be assessed the cost of pararamps.
- concrete replacement is a result of utility reconstruction.

The **benefiting** property owner is 100% responsible for the costs of concrete reconstruction when a site inspection indicates that the condition of the sidewalk is not deteriorated or a safety concern relative to city-wide priorities. The benefiting property owner is also fully responsible for the costs of sidewalk reconstruction required to accommodate site development or redevelopment.

2. Arterial Roadways

All locations on arterial roadways meeting the minimum length criteria and eligible for assessment under section 3.02(e) of Local Improvement Policy C433D are to be assessed on the basis of 50% city/50% benefiting property owner cost sharing, using the same guidelines as outlined above.

3. Minimum Length

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 guidelines are suggested:

- 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.

- for sections where Local Improvement assessment cannot be secured or recommended, Roadway Maintenance would recommend an appropriate course of action based on field inspection.

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

4. Public Consultation

Locations that are included in Transportation and Streets arterial/collector or residential/local roadway rehabilitation program that meet the above guidelines for minimum length and are eligible for assessment will be subject to the following public consultation process:

- Property owners to be advised, that sidewalk reconstruction will be undertaken, and the owners have the option of cost sharing in replacement of existing sidewalk with a concrete replacement, or the city will pay the full costs of appropriate sidewalk maintenance.
- Advertisement of planned Local Improvements for concrete replacement on the basis of cost sharing.
- On a City initiated local improvement under section s.393 (1) of the MGA, the City will choose not to proceed with a local improvement pursuant to section 396(4) of the MGA, if a majority of owners, who would be liable to pay the local improvement tax, representing at least 1/2 of the value of assessments prepared under Part 9 of the MGA 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.

For locations identified by Roadway Maintenance as safety concerns and meeting the minimum length and eligibility criteria, the same process would be followed as outlined above.

For neighbourhood programs, the Transportation and Streets Department will initiate contact with the community in the year prior to planned construction.

5. Application to Existing Asphalt Channel, Asphalt, and Wooden Walks

These guidelines also apply 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.

II) **Frontage Assessment Reduction for Existing Curb Crossings**

These guidelines apply 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:

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

The affected property owners 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.

Conditions:

1. The affected property owners, not the City, must initiate the process.
2. Curb crossing locations identified as a safety concern by Roadway Maintenance and/or advanced deterioration (condition rating less than 3.0) will not be eligible.
3. Either boulevard walk or monolithic sidewalk curb crossings may be considered.

Process:

1. Property owner provides the City Department with an approved curb crossing permit or other appropriate City approval.
2. Department determines the condition rating of the curb crossing (must be greater than 3.0) and frontage of the curb crossing.
3. Department calculates assessed frontage for the curb crossing based on age of the curb crossing (years) using the following formula:

$$\text{frontage of curb crossing} \times (\text{age of curb crossing, in years} / 20)$$

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

$$10 \times (8 \div 20) = 4.0 \text{ metres}$$