



Local Improvement Process

Presented By: Virgilio Mendoza

Capilano Information Session

February 2, 2011

What is a Local Improvement?

- A project Council considers of greater benefit to an area of the municipality than to the whole municipality.
- A project to be paid for in whole or in part by a local improvement tax.

How are Local Improvements Initiated?

- By the City of Edmonton

OR

- By the Property Owners via an “Expression of Interest”

What are Considered Local Improvement Projects?

- Alley Paving
- Alley Lighting
- Curb Crossing
- Streetscaping
- Sidewalk Reconstruction
 - 50/50 Cost Share with City

What is in the Local Improvement Process?

- City Prepares Local Improvement Plan
- Notices Sent to Owners
- Bylaw Prepared
- 30-Day Petition Period
- Bylaw Passed by City Council
- Construction
- Taxation

Local Improvement Notices

- Based upon the local improvement plan, the City must send a notice to all of the persons who will be liable to pay the local improvement tax (the property owners). The City also includes:
 - A Petition Form
 - Affidavit of Execution

Canadian Municipalities with Local Improvements

- Vancouver
- Calgary
- Regina
- Winnipeg



Sample Notice



17TH FLOOR, CENTURY PLACE
9803 - 102A AVENUE
EDMONTON, ALBERTA
T5J 3A3

FAX (780) 944-7707

Project # 22

January 17, 2011

Tax Roll # 9696969
Ref: A

MR. HOMEOWNER
MRS. HOMEOWNER
9999 666 STREET NW
EDMONTON AB X5X 6K9

RE: Proposed Local Improvements

Local improvements are proposed for construction in 2011 adjacent to property that is registered under your name, at 9999 666 STREET NW.

The proposed local improvement is the construction of the following:

Sidewalk Reconstruction, Residential, to be assessed to owners of land benefiting from the proposed improvement at the 2011 uniform unit rate of **\$12.12** per assessable metre per annum for 20 years. The owner(s) may at any time pay the remaining balance.

The owner(s) of any lands affected may pay cash for the improvements. The cash cost for this type of improvement is **\$154.17** per assessable metre.

Based on your estimated assessed width of **15.24** metres, the **estimated** charge to you would be **\$184.71** per annum for **20** years, or **\$2,349.55** cash cost. The actual charge will be determined after construction is complete, at the time of assessment.

The total estimated cost of the local improvement is **\$299,384**. The portion of the estimated cost of the proposed local improvement to all the benefiting property owners is 50% and 50% is to be borne by the City at large.

This local improvement is being constructed in accordance with Section 393(1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (MGA). As per City Policy C433D, this local improvement may be constructed unless the majority of the assessable owners, representing at least one half (1/2) of the value of the assessments prepared under Part 9 of the MGA for the parcels of land, petition against this proposed improvement within 30 days of this notice.

Sample Petition Against

Tax Roll No.: _____

Project _____

Petition Against the Proposed Local Improvement

We, the registered owners, are opposed to the above local improvement project, as notified by the Capital Construction Department, and do not wish it to proceed.

Owner's Name (Print)	Owner's Address (Where You Live)	Property Address (Improvement Location)	Owner's & (Signature)	Date	Witness (Signature)
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____	_____

PLEASE NOTE:

1. To cancel this project, two conditions must be met. First, a majority (50% plus 1) of the benefiting owners must submit a petition opposing this local improvement. Second, the value of the petitioners' properties must equal at least one half of the total value of the assessments of all the benefiting properties. This form may be used.
2. If a parcel of land is owned by more than one owner, all owners must sign the petition. The owners are considered as one owner for the purpose of counting the number of owners that reply.
3. If a corporation, church, organization, estate or other entity is entitled to sign a petition, the petition may be signed on its behalf by a person who is at least 18 years old and who can produce a certificate authorizing the person to sign the petition.
4. The WITNESS must fill in the "Affidavit of Execution of Witness", (attached).

This personal information is being collected under the authority of sections 392 & 396 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 and will be used to process your petition against the Local Improvement project. It is protected by the privacy provisions Section 33 (c) of the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-26. If you have any questions about the collection contact the Branch's Administrative Assistant at (780) 944-7657.

Sample Witness Affidavit

AFFIDAVIT OF EXECUTION of WITNESS

(Must be filled in by the WITNESS and sworn before a Commissioner for Oaths)

CANADA) I, _____ (Witness) of the
PROVINCE OF ALBERTA) City of Edmonton, in the Province of Alberta,
TO WIT) MAKE OATH AND SAY:

1. That I was personally present and did see (Print Owner Name(s))

(1) _____, (4) _____,
(2) _____, (5) _____,
(3) _____,

named in the within instrument who is (are) personally known to me to be the person(s) named therein, duly sign and execute the same for the purpose named therein.

2. That the same was executed at the City of _____ in the Province of Alberta, and that I am subscribing witness thereto.

3. That I know the said (Print Owner Name(s))

(1) _____, (4) _____,
(2) _____, (5) _____,
(3) _____,

and (s)he (they) is (are) in my opinion the full age of eighteen years.

SWORN BEFORE ME at the)
City of _____)
In the Province of Alberta, this)
____ day of _____,
20____,

(Signature of Witness)

A COMMISSIONER FOR OATHS in and for
the Province of Alberta

(Print Name & Expiry Date or Affix Stamp)

Local Improvement Outcomes

- Once the Local Improvement Bylaw is approved, the City must proceed with construction within **3 years**.
- If Council receives a sufficient petition against the Local Improvement within the 30-day petition period, it will not proceed.

What is Required for a Petition to be Valid?

- Petitions against the Local Improvement must be signed by a majority of the property owners who would be liable to pay the local improvement tax.
- Signatures must be witnessed and have a witness affidavit signed by Commissioner for Oaths attached.
- In the case of a property with multiple owners, all owners of that property are counted as “one owner”, but all owners of that property must sign the petition.

What is Required for a Petition to be Valid? (Cont'd...)

- Owners signing must represent a majority (50 plus 1) and at least 1/2 of the total value of the property assessment.
- Petitions must be received on or before **February 17, 2011.**
- The City of Edmonton does not count itself in determining the sufficiency of a petition.

Bylaw

- The City must prepare a Bylaw for the local improvement.
- The Bylaw must pass three (3) readings at City Council.

Construction

- Construction of any part of the Local Improvement Project may be started after the Bylaw has passed three(3) readings.

Taxation

- Local Improvements must be imposed on the tax roll within three(3) years of the date of the sending of the notice.
- Local Improvement charges will appear on your **Tax Notice** in the year following construction.

Sidewalk Reconstruction

- There are two methods of payment; a one time cash payment or a yearly payment amortized over 20 years.
- Rates and Sample Costs to property owners are as follows:

Sidewalk Reconstruction

○ 2011 Rates:

- CASH RATE: \$154.17/metre
- YEARLY RATE: \$12.12 / metre per year for 20 years

○ Sample Costs to Property owner:

- For a 15.24 metre (50 foot) Lot.
- Cash: $\$154.17 \times 15.24 \text{ metres} = \$2,349.55$

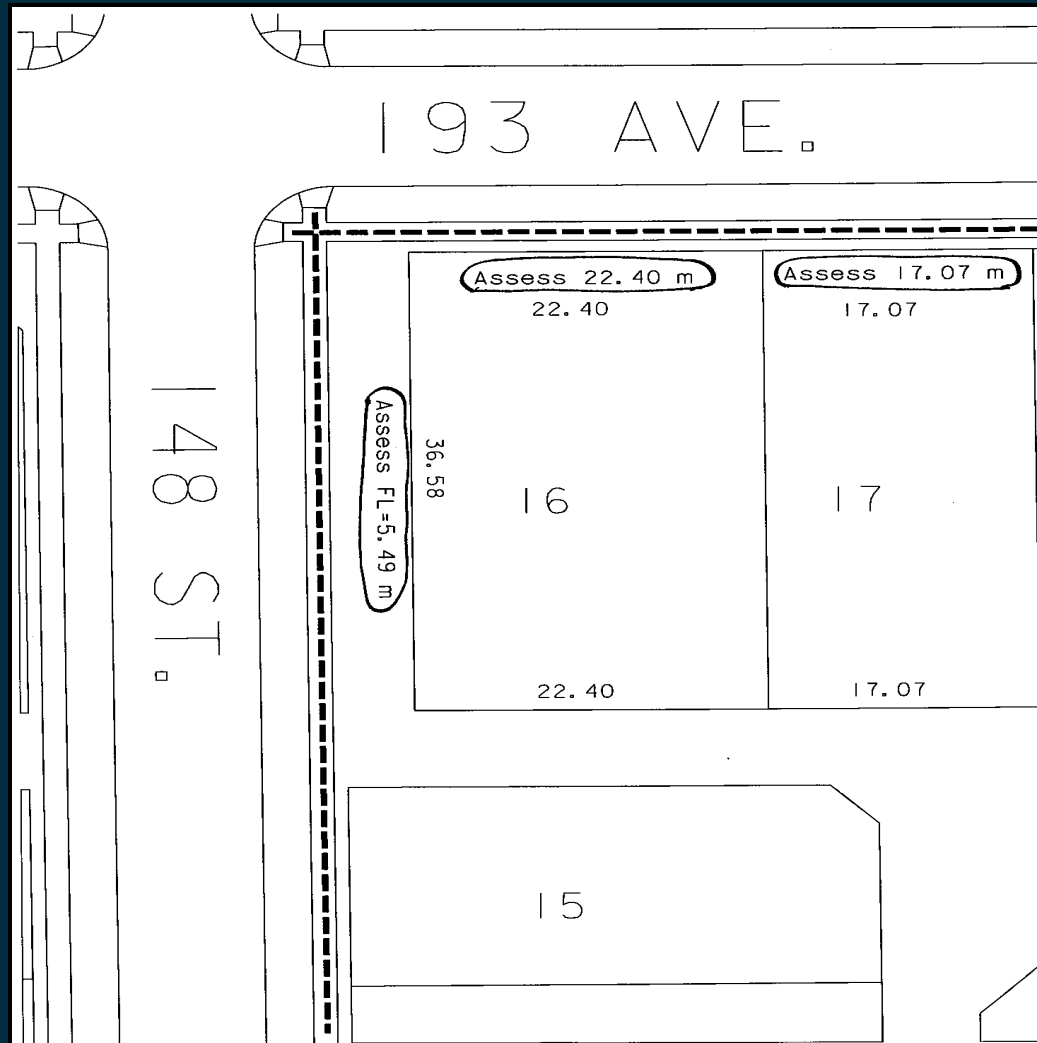
OR

- Yearly: $\$12.12 \times 15.24 \text{ metres} = \$184.71 \text{ per year for 20 years}$

What is Flankage?

- Flankage is the longer side of the lot or parcel.
 - Flankage shall be assessed fifteen (15%) percent of the total number of lineal metres along the side or flankage thereof abutting the road where the local improvement is undertaken.

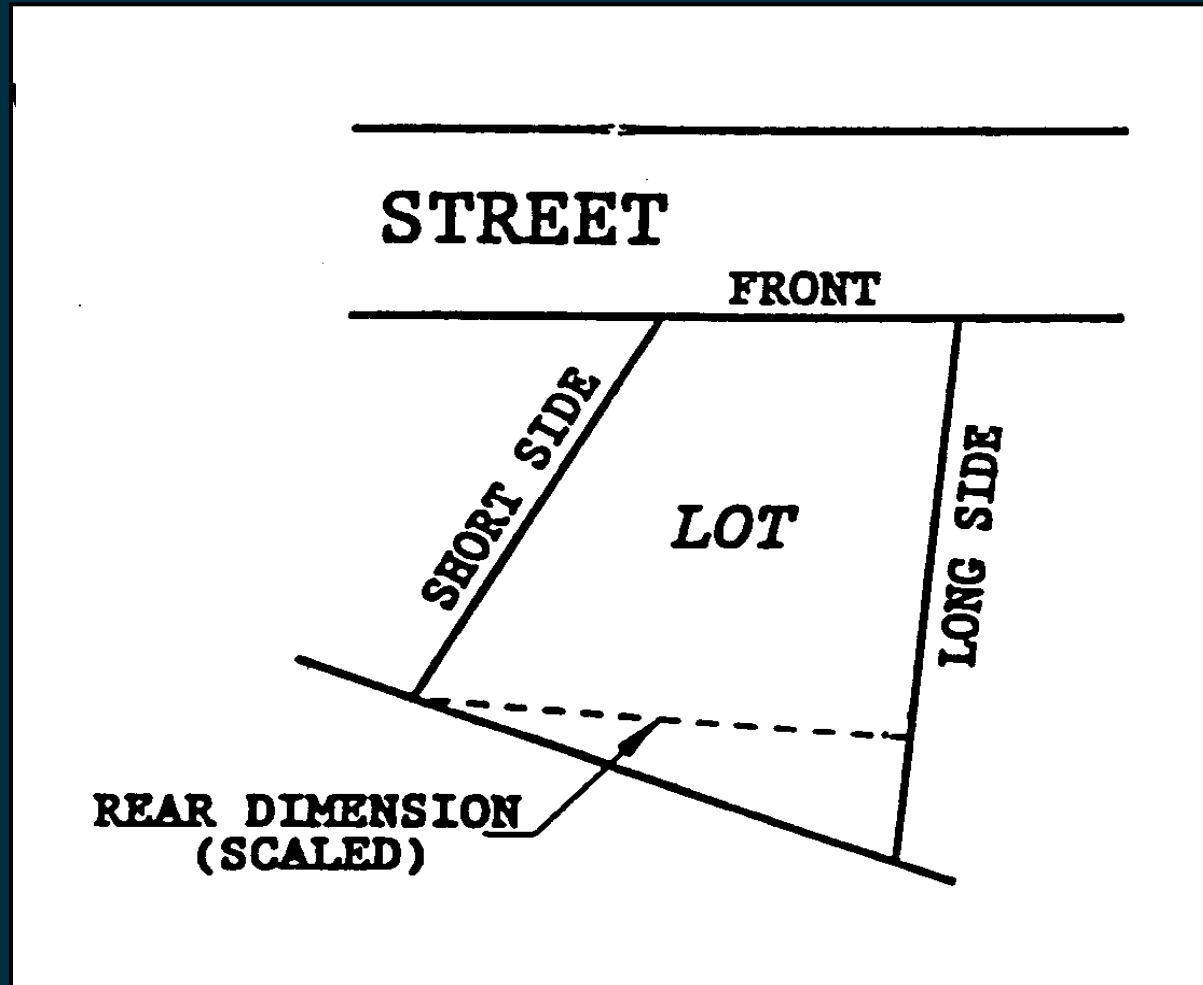
Example of Flankage



How Does the City Assess Odd Shaped Lots?

- Assessment is based on adding together of the lot dimensions of the front and the rear of the parcel and dividing the total by two.
 - This average may not be more than 2 times the front parcel dimension.

Example of Odd Shaped Lots





For More Information Contact:

Virgilio Mendoza

*Neighbourhood Renewal, Roadways Construction
Roads Design & Construction Branch*

Phone: 780-944-7663

E-mail: virgilio.mendoza@edmonton.ca