

# ***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.*



# ***What are considered local improvement projects?***

- *alley paving*
- *alley lighting*
- *sidewalk reconstruction (50/50 cost share with City)*
- *curb crossing*
- *streetscaping*
- *sanitary sewer and storm sewer drainage*
- *water distribution system (in conjunction with sewers)*



# ***How Are Local Improvements Started ?***

■ *Initiated by the City of Edmonton*



OR

■ *Petitioned for by the Property Owners*



THE CITY OF  
**Edmonton**

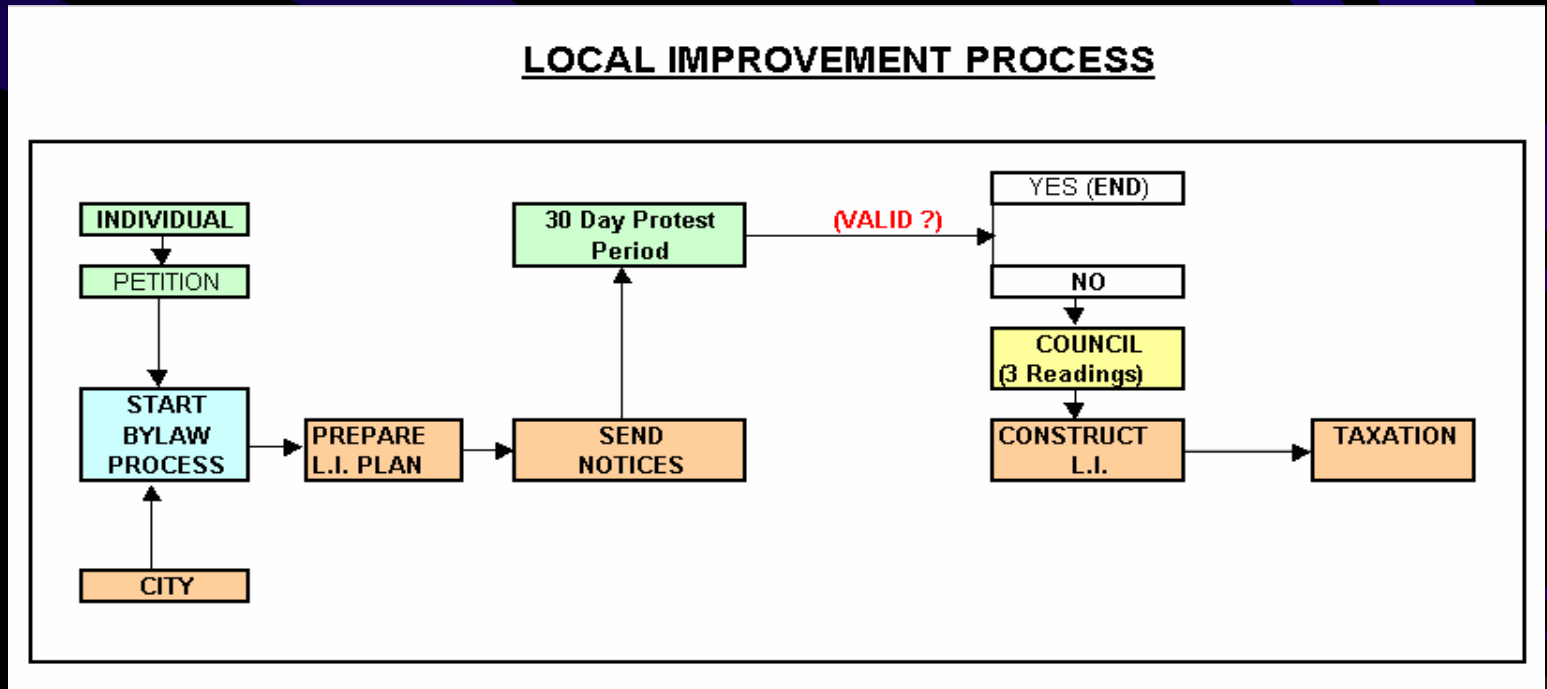
Transportation Department

# ***What's in the Local Improvement Process?***

- City prepares Local Improvement Plan
- Notices sent to owners
- Bylaw prepared
- 30-day Protest Period
- Bylaw passed by City Council
- Construction
- Taxation



# ***The Local Improvement Process***



# ***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 form of protest petition and an Affidavit of Execution which can be used by the property owner).*







TRANSPORTATION  
AND STREETS

15TH FLOOR, CENTURY PLACE  
9803 - 102A AVENUE  
EDMONTON, ALBERTA  
T5J 3A3  
(780) 496-2801  
FAX: (780) 496-2803

FAX (780) 944-7707

**Project # 200**

**January 16, 2008**

Tax Roll # 200000  
Ref: B

MR. HOMEOWNER  
MRS. HOMEOWNER  
10000 295 AVENUE NW  
EDMONTON AB T5K 0B4

RE: Proposed Local Improvements

Local improvements are proposed for construction in 2008 adjacent to property that is registered under your name, at 100000 86 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 2008 uniform unit rate of **\$19.24** 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 **\$239.52** per assessable metre.

Based on your estimated assessed width of **15.24** metres, the **estimated** charge to you would be **\$293.22** per annum for 20 years, or **\$3,650.28** 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 **\$81,228**. 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.

.../2

# Sample Notice



Transportation Department

# ***Local Improvement Choices***

- *If no sufficient petition is received, the City may proceed with construction of Local Improvement within **3 years**.*
- *If Council receives a sufficient petition against the L.I. within 30 days of the sending of the L.I. Notices, it must **not** proceed.*





# ***What Does a Petition Require in Order to be a Valid Petition?***

- *Petitions against the Local Improvement must be signed by a majority of the owners who would be liable to pay the local improvement tax.*
- *Signatures must be witnessed and have a witness affidavit 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 Does a Petition Require in Order to be a Valid Petition?***

- *Owners signing must represent at least 1/2 of the value of the property assessment.*
- *Petitions must be received within 30 days of the Notice receipt.*
- *The City of Edmonton, does not count itself in determining the sufficiency of a petition.*



# Sample Protest Petition

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 Transportation and Streets, and do not wish it to proceed.

Name (Print)	Owner's Address (Where You Live)	Property Address (Improvement Location)	Signature & DATE	WITNESS
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

### 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 protest opposing this local improvement. Second, the value of the protestors' 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-25. If you have any questions about the collection contact the Branch's Administrative Assistant at (780) 944-7657.



THE CITY OF  
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Transportation Department

# Witness Affidavit

## AFFIDAVIT OF EXECUTION of WITNESS

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

CANADA ) I, \_\_\_\_\_ 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 \_\_\_\_\_  
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 \_\_\_\_\_ 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 \_\_\_\_\_, ) (Signature of Witness)  
20\_\_\_\_,

\_\_\_\_\_  
A COMMISSIONER FOR OATHS in and for  
the Province of Alberta

# Bylaw

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

## CITY OF EDMONTON

### BYLAW 13934

A Bylaw to authorize the City of Edmonton to construct, finance, and assess Sidewalk Reconstruction Local Improvements (2005)

#### WHEREAS:

The Council of the City of Edmonton has decided to issue a bylaw pursuant to Sections 251, 263, 404, and 405 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 to authorize the City of Edmonton to construct, finance, and assess Sidewalk Reconstruction Local Improvements (2005);

The Council has also decided to set uniform tax rates based on average costs throughout the municipality pursuant to Section 398(2) of the *Municipal Government Act*, R.S.A. 2000, c. M-26 for the types of local improvements authorized by this bylaw;

These rates will apply whether the actual cost of the local improvement is greater or less than the uniform tax rate;

The total estimated cost of the project is \$2,316,242.00 of which \$1,158,121.00 will be financed by the City at large and \$1,158,121.00 will be financed by way of local improvement assessment against the abutting property owners as calculated using the unit tax rates established in this bylaw;



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Transportation Department

# 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***

- *Sidewalk reconstruction is a 50% / 50% cost shared Local Improvement program between property owners and the City.*
- *There are two methods of payment; a one time cash payment or a yearly payment spread over 20 years.*
- *Rates and Sample Costs to property owners are as follows:*



# ***Sidewalk Reconstruction***

## ■ ***2008 Rates:***

- *CASH RATE: \$239.52/metre*
- *YEARLY RATE: \$19.24 / metre per year for 20 years.*

## ■ ***Sample Costs to Property owner:***

- *For a 15.24 metre (50 foot) Lot.*
- *Cash:  $\$239.52 \times 15.24 \text{ metres} = \$3,650.28$*   
*OR*
- *Yearly:  $\$19.24 \times 15.24 \text{ metres} = \$239.22 \text{ per year for 20 years.}$*



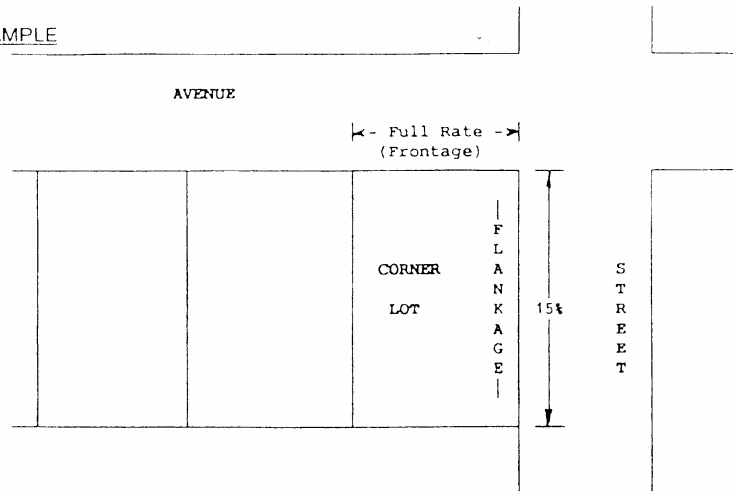
# What is Flankage ?

## INFORMATION NOTICE FOR LOCAL IMPROVEMENT ASSESSMENT

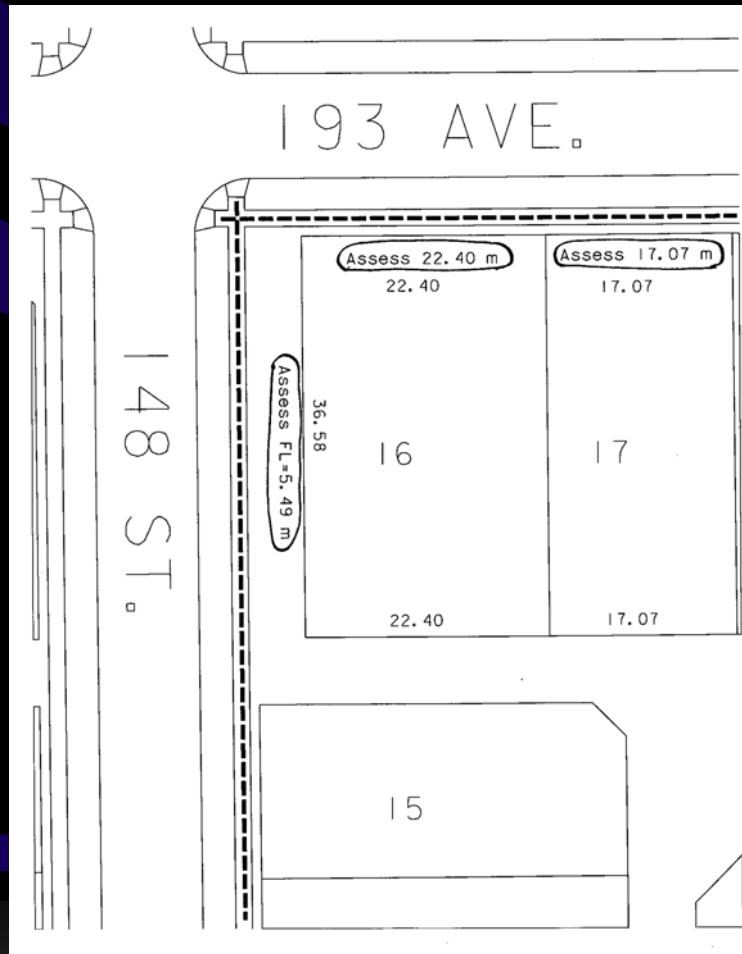
### ASSESSMENT OF RESIDENTIAL CORNER LOTS

Please be advised that all residential lots with frontage abutting local improvement construction will be assessed the full rate. Corner lots that abut and flank proposed local improvement construction will be assessed the full rate on the short side (frontage) and 15% of the rate on the long side (flankage), provided construction is undertaken on both sides of the corner lot. However, if construction is only undertaken on one side the applicable portion shall be assessed accordingly.

#### EXAMPLE



# ***Example of Flankage***



# How does the City Assess Odd Shaped Lots ?

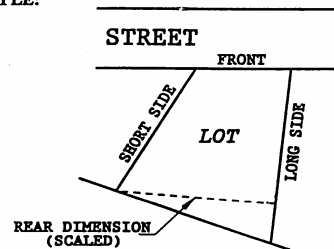


## LOCAL IMPROVEMENT CHARGES FOR IRREGULAR SHAPED PARCELS

Odd or pie shaped parcels of land abutting local improvement construction will be assessed charges on the basis of the 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.

In cases where one side (flankage) dimension is longer than the other, the rear dimension is the scaled distance between the short side and its production imposed on the longer side.

### EXAMPLE:



**ASSESSMENT:**  
$$= \frac{\text{Front Dimension} + \text{Rear Dimension}}{2}$$

This calculated distance will be the number of metres that the lot will be charged.





# ***The Local Improvement Process - Review***

