

ITEM 4
MANAGER'S REPORT NO. 73
COUNCIL MEETING 85/11/18

RE: 1985 LOCAL IMPROVEMENT PROGRAM - STREETS

MUNICIPAL MANAGER'S RECOMMENDATION:

1. *THAT the recommendation of the Director Engineering be adopted.*

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TO: MUNICIPAL MANAGER 1985 11 13

FROM: DIRECTOR ENGINEERING

SUBJECT: 1985 LOCAL IMPROVEMENT PROGRAM - STREETS

RECOMMENDATION:

THAT Projects 85-018 (Trinity Street) and 85-020 (MacDonald Avenue) not be proceeded with as Local Improvement Projects.

REPORT:

For this evening's Council Meeting, the Municipal Clerk is submitting his Certificate of Sufficiency covering the 1985 Local Improvement Program.

The following statistics pertain to the Program as presented by the Municipal Clerk:

	<u>As Initiated</u>	<u>As Approved</u>	<u>%</u>
Total Number of Projects	66	55	83.3
Total Estimated Cost	\$6,207,000	\$5,121,000	82.5
Total Length of Work (ft.)	71,887	57,793	80

The following comments pertain to the three projects on which only one of the two conditions required for defeating a project have been met but are included in the Municipal Clerk's Certificate of Sufficiency because both conditions required for a clear defeat have not been met:

"85-018 Trinity Street, Ingleton Avenue to MacDonald Avenue.

A total of 15 owners are affected by this project which would require 8 valid objections to defeat the works. A total of 10 objections were received which is two more than required, however, the total petitioner assessment does not represent more than one half of the assessed value of the affected parcels, the difference being \$27,525.

(Cont'd.)

85-020 MacDonald Avenue, Trinity Street to McGill Street.

110

A total of 4 owners are affected by this project which would require 3 valid objections to defeat the works. A total of two objections were received and the combined value represents exactly 50% of the total combined assessed value of the 4 properties involved.

85-050 Kitchener Street, Willingdon Avenue to Westlawn Drive.

A total of 5 owners are affected by this project which would require 3 valid objections to defeat this works. One valid objection was received from the Parish of Christ the King regarding property at 4514, 4550 and 4556 Kitchener Street. The total combined assessed property value of these 3 properties is greater than one half of the assessed value of the affected parcels."

In these cases, the Council is able to elect to proceed with the projects if it so desires. In past instances of this type, the policy has been generally to not "force" a project and to be guided by the wishes of the majority of the number of owners, while setting aside the value of the parcels as being the less significant of the two requirements.

Application of this policy to the three projects at hand causes the Director Engineering to recommend that the petitions concerning projects 85-018, and 85-020 be considered sufficient to defeat the projects. With respect to Project 85-020, having exactly 50% of both the numbers of property owners and of parcel value, it is deemed to be a better choice to not "force" the issue. With respect to Project 85-050, it is clear that a majority of four out of the five owners have elected to not oppose the works and, although the one valid objection (from the Church) represents three individual properties, the work should proceed because of the clear majority not opposed.

It should be added that all works in this Program were placed there in the first instance by request from the property owners and, particularly in light of that fact, it is considered that the majority rule in numbers is the most fair and equitable means of deciding whether to proceed with a project or not. As far as can be determined, there are no extenuating circumstances that would warrant over-riding what are local residents' wishes as expressed by a majority in numbers.

EEO:cf

cc: Municipal Clerk


DIRECTOR ENGINEERING