

REPORT TO COUNCIL



Date: May 1, 2012
File: 0600-10
To: City Manager
From: City Clerk
Subject: Sufficiency Report for the Owner Initiated Local Area Service for Lawson Avenue
Report Prepared by: Corinne Boback, Legislative Coordinator

Recommendation:

THAT Council receives for information, the Report from the City Clerk, dated May 1, 2012 regarding the petition received on April 27, 2012, for the Establishment of a Local Area Service for additional street improvements on Lawson Avenue;

AND THAT Council receives the Certificate of Sufficiency dated May 1, 2012 certifying that insufficient petitions were received in relation to the Owner Initiated Local Area Service Petition for Lawson Avenue.

Purpose:

Council is to receive the Certificate of Sufficiency as per the *Community Charter*.

Background:

The City of Kelowna is preparing detailed design to replace aging water and sewer mains on Lawson Avenue, between Richter and Ethel Streets. Construction is anticipated to begin in July 2012, lasting approximately 10 weeks. The road is to be reconstructed in its existing location, which includes the gravel shoulder.

In March, a letter was circulated to the affected residents advising them of the opportunity in conjunction with this project for property owners to petition for additional street improvements. These improvements could include curb, gutter, landscaped boulevard, trees, and sidewalks. The cost of any improvement would be paid for by the effected property owners through a Local Area Service (LAS) petition.

In March 2012, Mr. David Emond, the initiator of the above mentioned Local Area Service(LAS) Petition reviewed the feasibility of the construction of the LAS with Infrastructure Planning and circulated the petition to his neighbors.

Under the Community Charter, for a petition to be sufficient, over 50% of total affected owners and more than 50% of the total assessed values must be submitted. As of 4pm, Friday, April 27, 2012, the Office of the City Clerk received 18 petition forms. Out of the forms submitted, 16 are

94

considered to be valid and 2 invalid. Those that deemed invalid are because the majority of the property owners failed to sign on behalf of the subject properties.

As this LAS petitioning does not meet the requirements of the Community Charter, the construction of the requested improvements will not occur unless directed further by Council.

Staff have contacted Mr. Emond and informed him that the petition is insufficient and did not meet the requirements of the Community Charter.

Legal/Statutory Authority:

Community Charter - Section 212 - Requirements for the Owner initiated Local Area Service.

Community Charter - Section 212(2) to (6) - Petitioning requirements and corporate officer sufficiency determination.

Internal Circulation:

Infrastructure Planning

Financial Services

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

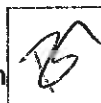
Alternate Recommendation:

Submitted by:



S. Fleming, City Clerk

Approved for inclusion



R. Mayne, Director Corporate Services

cc:

F. Schaad, Design Technician, Infrastructure Planning

G. King, Manager Financial Services

CITY OF KELOWNA

OFFICE OF THE CITY CLERK

CORPORATE OFFICER CERTIFICATE OF SUFFICIENCY

I hereby certify that **insufficient** petitions were received in relation to the Owner Initiated Local Area Service petitioning opportunity for the Establishment of a Local Area Service for Lawson Avenue between Richter Street and Ethel Street for creating curbs, gutters, landscaped boulevards, trees and sidewalk repairs.

Dated this 1st day of May 2012.


S. Fleming, City Clerk

Lawson Avenue Local Area Service for creating curbs, gutters, landscaped boulevards, trees and sidewalk repairs					
Total No. Of Affected Parcels	No. of Required Valid Petitions to Create the LAS for Lawson Avenue (More than 50% of Total Parcels Affected)	Total No. of Valid Petitions Received	Total Assessed Value of Land and Improvements for the Affected Parcels	Total Assessed Value Required to Create the LAS for Lawson Avenue (More than 50% of Total)	Total Petitioners' Assessment
45	23	16	\$16,715,600.00	More than \$8,357,800.00	\$5,573,500.00