

THE CORPORATION OF THE CITY OF WINDSOR
POLICY

Manual:	Public Works	Policy #:	PW.A1.05
Section:	Engineering	Approval Date:	March 29, 2005
Department:	Engineering and Corporate Projects	Effective Date:	March 29, 2005
		Approved By:	CR179/2005
Subject:	Local Improvement Policy – Cost Assessments – Rehabilitation of Deteriorated Roads	<i>Pages:</i>	Replaces:
			Date:

1.0 POLICY

1.1 In accordance with the described purpose and scope of this policy, the policy specifies cost-sharing arrangements in cases where rehabilitation and reconstruction roadwork has been undertaken, and where abutting property owners have requested curbs and gutters be installed or rehabilitated during the same project.

1.1.1 The abutting property owners will be assessed for:

- the cost of curbs and gutters and boulevard restoration

The City will absorb:

- the cost of intersections not attributable to lot frontage;
- seventy-five percent (75%) of the cost of the first 45.72 meters of lot frontage;
- the cost of drainage;
- the cost of rehabilitating or reconstructing the existing deteriorated pavement;
- The curbs and gutters, and rehabilitated or reconstructed pavements will be of geometric design, as the City Engineer should determine to be appropriate.

2.0. DEFINITIONS

2.1 The definition of “deteriorated” will be as defined by the City’s Road Condition Rating System.

2.2 Section 1(1) of Ontario Regulation 119/03 defines the terminology used throughout the Regulation.

3.0. PURPOSE

3.1 The goal of the policy is to address a deficiency in the current local improvement policies with respect to deteriorated pavements without curbs and gutters, to encourage the construction of curbs and gutters and boulevard restoration at the abutting owners’ expense, while the deteriorated pavement is being rehabilitated or reconstructed by the City at its cost.

3.2 There are two policies in place for the reconstruction of pavements in established neighbourhoods as Local Improvements:

- CR292/2003 (**Attachment A**) establishes the policy for the assessment of costs for construction of pavements following Local Improvement sewer construction, providing a favourable assessment rate to property owners to encourage the construction of pavements, including curbs and gutters.
- CR1215/85 (**Attachment B**) establishes the policy for the assessment of costs for the construction of pavements on rights-of-way serviced by full underground services and **not** serviced by full underground services. In both instances, the City absorbs the cost of intersections and drainage. In the instance of full underground services existing, the City will absorb sixty-seven percent (67%) of the remainder of the total cost of the work. In the instance of full underground services **not** existing, the City will absorb fifty percent (50%) of the remainder of the total cost of the work.

Neither of the above policies addresses the situation where a pavement does not have curbs and gutters and is deteriorated to the extent that it requires rehabilitation or reconstruction at the City's cost, and where abutting property owners, or the City, wish to construct curbs and gutters and boulevard restoration at the same time as the pavement rehabilitation or reconstruction.

4.0 **SCOPE**

- 4.1** This Policy applies to all roads and highways within the Municipal Boundaries of the Corporation of the City Of Windsor.
- 4.2** This policy describes the conditions for the undertaking of local improvements as described in sec 3.1 and how abutting property owners will be assessed for the cost of the curbs and gutters and boulevard restoration.
- 4.3** This policy is for the assessment of costs for the construction of curbs and gutters and boulevard restoration on pavements which are (i) presently without curbs and gutters and (ii) deteriorated to the extent that they require rehabilitation or reconstruction, to be undertaken as Local Improvements under the *Municipal Act, 2001-Ontario Regulation 119/03*:
- (a) That this policy applies only to curbs and gutters constructed on assumed streets.
 - (b) That this policy applies only to streets presently serviced by either (i) separated storm and sanitary sewers, or (ii) combined sewers.

5. **RESPONSIBILITY**

- 5.1** The responsibilities of the City, through City Council, the Court of Revision, the City Engineer, the City Treasurer, the City Clerk and the abutting property owners are enunciated in the Municipal Act, 2001-Ontario Regulation 119/03.
- 5.2** The local improvement role, or record of assessment, shall be maintained by the City Treasurer.

6. GOVERNING RULES AND REGULATIONS

6.1 The Municipal Act, 2001-Ontario Regulation 119/03 is the governing Regulation.

- Section 1(2) of Regulation 119/03 provides that the City may construct curbs and gutters and boulevard restoration as a local improvement.
- Section 9(1) of Regulation 119/03 provides that the City may specially assess property owners (a) abutting directly on the work according to the extent of their respective frontages by imposing an equal special charge per meter frontage, and (b) not abutting on the work but immediately benefiting by it to the extent of their respective frontages by imposing an equal special charge per meter frontage.
- Section 12(a) of Regulation 119/03 provides that the City pay the cost of drainage of a pavement.
- Section 12(b) of Regulation 119/03 provides that the City pay the cost of intersections.

The Municipal Act, 2001-Ontario Regulation 119/03 enunciates:

- The rules that apply for passing a local improvement charges by-law to undertake a proposed work.
- The required notice to be given before passing a local improvement charges by-law.
- How applications can be made to the Ontario Municipal Board to undertake a work as a local improvement.
- The requirement for and sufficiency of petitions for local improvement works.
- How local improvement costs are borne.
- The establishment and authority of a Court of Revision.
- The establishment of a local improvement role and how the role should be set out.
- Public Notices required before special local improvement charges are imposed.
- The rules that apply for passing a local improvement by-law to provide the amount to be specially charged property owners as set out in the local improvement role.

7. RECORDS, FORMS AND ATTACHMENTS

7.1 Attachment A: CR292/2003
Attachment B: CR1215/85