



PETITION INFORMATION PACKAGE

LOCAL IMPROVEMENTS

AN INFORMATION PACKAGE FOR THE GENERAL PUBLIC

CAUTION

The reader is cautioned that this is not a legal document, but only a brief summary of the petitioning requirements.

Do not base your decisions on the sample forms alone but use them in conjunction with the Municipal Government Act and/or appropriate legislation.

This Information Package is intended as guide only.

For a legal opinion, please consult a lawyer/solicitor.

Development and Engineering
City of Wetaskiwin

March 2018

PROPERTY OWNERS' GUIDE

WHAT ARE LOCAL IMPROVEMENTS?

Local improvements are construction projects that Council considers to be of greater benefit to a particular area of the municipality than to the whole municipality. Examples include street or lane paving, driveway crossing construction, new sidewalk, and curb and gutter.

A portion of the costs for these improvements are charged to the benefitting property owners.

HOW ARE LOCAL IMPROVEMENTS GOVERNED?

Sections 391 to 409 of the Municipal Government Act are the Provincial statutory guidelines for the administration of local improvements.

WHO MAY INITIATE A LOCAL IMPROVEMENT?

Property Owners, or

The City of Wetaskiwin may initiate a local improvement. In either case, the City will send a notice to each affected property owner.

WHO IS ASSESSED FOR LOCAL IMPROVEMENTS?

Every property benefiting from a local improvement shares in the cost even if they have not signed the petition.

HOW IS THE ASSESSMENT DETERMINED?

Funding for the work is borrowed by the City of Wetaskiwin and repaid by the affected assessed owners.

Property owners have the option of paying this cost in one lump payment, thereby saving interest charges, or they may choose to pay the amount over a 25 year term depending on the project with interest which is added to the annual property tax bill.

HOW DO I PETITION AGAINST A LOCAL IMPROVEMENT?

If you do not want the proposed local improvement to proceed, you will follow the process as outlined below. In the *purpose or objective of the petition you will clearly note the petition is against the local improvement initiated by the City.*

1. A sample petition is attached as Appendix A.
2. To be valid the petition must be signed by 2/3 of the affected property owners who represent at least 1/2 of the value of the total affected assessment according to the last revised assessment roll.

3. If a parcel of land is owned by more than one owner, the owners are considered as one owner.
4. Each signature must be witnessed by an adult person who signs:
 - a. Opposite the signature of the petitioner, and
 - b. An affidavit that to the best of the person's knowledge that the signatures witnessed are those of persons entitled to sign the petition.
5. If a corporation, church, organization, estate or other entity owns a property, the petition may be signed by a person who is at least 18 years of age and able to produce on request a certificate authorizing the person to sign the petition.
6. The completed petition form and affidavit must be returned to the City Engineering Department within **37 days** of the mailing of the notice. It is important to note that if a petition is returned and found to be insufficient, the petition cannot be sent out again for more signatures. The petition becomes null and void at that point and if the petitioner still wants to petition against a local improvement, they will have to start from the beginning with a new petition.

WHAT IF I DISAGREE WITH MY LOCAL IMPROVEMENT ASSESSMENT?

Early in the year following construction, you will receive a Local Improvement Assessment Notice. You may file a complaint against your local improvement assessment to the Assessment Review Board in the same manner as you would file a complaint against your property assessment.

Some items, which can be appealed, are: incorrect assessable footage and incorrect owners assessed.

In many cases, assessment concerns can be resolved without going through the complaint process. For this reason, we suggest that you phone the Accurate Assessment Group at 1-877-438-2305 to discuss the assessment before loading your concerns; resolving the issue in this manner can save time and expense for both you and the City.

Note: A formal complaint can be made only once after the special assessment has been levied. The rates per foot cannot be appealed.

FURTHER INFORMATION

If you require further local improvement information, please contact the City of Wetaskiwin, Engineering Department at 780-361-4432 or engineering@wetaskiwin.ca

APPENDIX A

PETITION BY LANDOWNER

(Pursuant to the *Municipal Government Act* and amendments thereto)

TO: THE COUNCIL OF THE MUNICIPALITY OF WETASKIWIN, IN THE PROVINCE OF ALBERTA.

The undersigned persons, being landowners of the City of Wetaskiwin, in the Province of Alberta, hereby petition the Council for/to:

ACCURATELY STATE PURPOSE AND OBJECTIVES OF PETITION:

EACH PETITIONER by signing this petition certifies that he (or she) is a landowner of the City of Wetaskiwin.

Signature of Petitioner	Printed Name	Phone and/or email address	Street Address or Legal Land Description	I am a landowner of this municipality	Date	Signature of Adult Witness

NB: The personal information contained within this petition will not be disclosed to anyone except the Chief Administrative Officer (City Manager) and/or his/her delegates, if any, and this information will not be used for any purpose other than validating the petition. For more information regarding the collection, use and disclosure of personal information in this petition, you may contact the City Clerk at 780-361-4459 during regular business hours.

Notes:

1. This form is a suggested form only and is prepared by Alberta Municipal Affairs for the information and convenience of interested individuals. It has no legislative effect. For certainty, legal advice should be sought when a petition is being considered.
2. Each page of the petition shall contain an accurate and identical statement of the purpose and objectives of the petition. As the wording of the petition is critical, legal advice should be obtained.
3. In the absence of a municipal address, specify the legal description of the property on which the petitioner resides.
4. Each petitioner shall indicate that they are an eligible landowner of the municipality by checking this field. An eligible landowner is a Canadian citizen, over 18 years of age, and a resident of the municipality. (See section 47 of the *Local Authorities Election Act (LAEA)* for further information. In the case of summer village, see section 12 of the LAEA.)
5. Each person witnessing a signature on the petition is required to sign an Affidavit that to the best of their belief, the persons whose signatures they witnessed are electors of the municipality. See Appendix B.
6. A statement about the confidentiality of the personal information collected on a petition must be included on each page of the petition.

APPENDIX B

**AFFIDAVIT
(WITNESS OF SIGNATURES)**

I, _____, pursuant to Section to the *Municipal Government Act* and amendments thereto, of the City of Wetaskiwin, in the Province of Alberta, MAKE OATH AND SAY:

1. THAT I was personally present and did witness those signatures on the attached petition where I have signed my name as an adult person.
2. THAT to the best of my knowledge the persons whose signatures I have witnessed on this petition are landowners, or the authorized agent of the landowner of the City of Wetaskiwin.

SWORN (or Affirmed) before me)
)
at the City of Wetaskiwin)
)
in the Province of Alberta,)
)
this ____ day of _____)
)
20____ .)
)

(Signature of person who witnessed signatures on the petition)

A Commissioner for Oaths/Notary Public in
and for the Province of Alberta

*(PRINT OR STAMP NAME HERE)

MY APPOINTMENT EXPIRES _____

***(Must be legibly printed or stamped).**

APPENDIX C

STATEMENT OF REPRESENTATIVE OF PETITIONERS

(pursuant to the *Municipal Government Act* and amendments thereto)

I, (name) _____, (current address including postal code) _____

in the City of Wetaskiwin in the Province of Alberta, state that I represent the petitioners and am the person to whom the municipality may direct any inquires with regard to the petition.

DATED at the City of Wetaskiwin in the Province of Alberta,

this _____ day of _____, 20_____.

Witness Signature

Signature of Representative

(Printed Name)

(Printed Name)

Note: Use this as the last page of a Petition.