

Authority: Item 17, Public Works Committee
Report 07-011
(TOE02005(b)/PED07248)
CM: September 26, 2007

Bill No. 004

CITY OF HAMILTON

BY-LAW NO. 17-004

To Impose Watermain and Storm Sewer Charges upon owners of land abutting Baseline Road from Lockport Way to East Limit of Subdivision, in the City of Hamilton

WHEREAS the Council of the City of Hamilton authorized recovering a portion of the costs associated with the construction of Watermain and Storm Sewer Works by a developer, by approving, on September 26, 2007, Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248);

AND WHEREAS a developer, Fifty Road Joint Venture Inc., in satisfaction of terms and conditions of subdivision agreement "Fifty Road Joint Venture Phase 3, Plan 62M-1057", did construct certain Watermain and Storm Sewer Works, in the City of Hamilton, as more particularly described in Schedule "A" attached to this By-law;

AND WHEREAS the costs of the said Watermain and Sewer Works to be recovered from all benefiting home owners is \$46,081.46.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Watermain and Sewer Charges are hereby imposed upon the owners or occupants of land who benefit from the construction. (the "Assessed Owners")
2. The Assessed Owners' lands and the respective Watermain and Sewer Charges are more particularly described in Schedule "A", which Schedule is attached to and forms part of this By-law.
3. The Watermain and Sewer Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE02005b/FCS02026b/ PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update), establishing a Watermain Charge of \$207.04 per metre of property frontage attributable to each Assessed Owner of an existing lot and a Storm Sewer Charge of \$232.44 per metre of property frontage attributable to each Assessed Owner of an existing lot. The Watermain and Sewer Charges shall be indexed in accordance with the percentage change in the composite Canadata Construction Cost Index (Ontario Series), commencing from the completion date of construction December 2005, to the

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date of payment.

4. The amount resulting from the application of the Watermain and Sewer Charges (the "Indebtedness"), shall be collected at the time of permit issuance for any connection to the said Watermain and Sewer Works, in addition to any applicable permit fee.
5. The Assessed Owners have the option of paying the Indebtedness by way of annual payments over a period of 15 years from the date of permit issuance for connection by entry on the collector's roll, to be collected in like manner as municipal taxes. The interest rate utilized for the 15 year payment shall be the City of Hamilton's then-current 15 year borrowing rate (2017 rate – 3.25%). A 5% administration fee will be added to the total Watermain and Sewer Charges if the property owner chooses not to pay in full at the time of permit issuance.
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "A" may pay the commuted value of the Indebtedness without penalty, but including interest, at any time.
7. Should an Assessed Owner sever or subdivide their parcel of land, the Watermain and Sewer Charges owed to the City of Hamilton, whether the parcel of land is connected or not, and whether or not the Assessed Owner has previously exercised the repayment option set out in Section 5 above, shall be paid forthwith to the City of Hamilton in a lump sum as a condition of the severance or subdivision approval.
8. The developer, Fifty Road Joint Venture Inc., upon satisfying the City of Hamilton that it has completed its obligations with respect to the construction of the said Watermain and Sewer Works, shall receive repayment of that portion of the associated cost of the construction collected under this By-law, pursuant to the terms and conditions of its subdivision agreement.
9. Unpaid Watermain and Sewer Charges constitute a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.
10. If any provision or requirement of this By-law, or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.

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11. This By-law comes into force on the day following the date of its passing.

PASSED this 25th day of January, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk

Schedule "A" to By-Law No. 17-004

Baseline Road

Watermain and storm sewer from Lockport Way to East Limit of Subdivision

Property Address		Sewer Frontage (M)	Sewer Charge	Watermain Frontage (M)	Watermain Charge	Total Charge
1400	Baseline Road	49.50	\$11,505.78	167.00	\$34,575.68	\$46,081.46