

Authority: Item 17, Public Works Committee
Report 07-11
((TOE02005(b)/PED07248))
CM: September 26, 2007
Ward: 15

Bill No. 072

CITY OF HAMILTON

BY-LAW NO. 18-072

To Impose a Watermain Charge Upon Owners of Land Abutting Centre Road from Approximately 30m Northwest of Warren Street to Approximately 335m Northwest of Warren Street, in the City of Hamilton

WHEREAS the Council of the City of Hamilton authorized the construction of a watermain work by approving the 2014 Capital Budget on December 11, 2013 (Report FCS13096/GIC13-022(a) (the Watermain Works”);

WHEREAS pursuant to the Funding Methodology for Municipal Infrastructure Extensions Policy approved by the Council on September 26, 2007 (Item 17 of Public Works Committee Report (TOE02005b/FCS02026b/PED07248), the Council of the City of Hamilton also authorized full cost recovery for the construction of the Watermain Works, by imposing a Watermain Charge on the owners of land who benefit from the Watermain Works (the “Watermain Charges”); and

WHEREAS the actual construction cost of the Watermain Works, including watermain connections, to be recovered from benefiting property owners, is \$194,614.32.

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

1. Watermain Charges are imposed upon the owners or occupants of land who benefit from the construction of the Watermain Works (the “Assessed Owners”).
2. The Assessed Owners’ lands and the respective Watermain Charges are more particularly described in Schedule “A”, which Schedule is attached to and forms part of this By-law.
3. The Watermain 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 \$19,951.97 to each Assessed Owner of an existing lot and \$4,374.82 for each watermain service connection. The Watermain Charges shall be indexed in accordance with the percentage change in the composite Canadata Construction Index (Ontario Series) commencing from the date of the lifted development freeze to the date of permit issuance.
4. The amount resulting from the application of the Watermain Charges (the “Indebtedness”), shall be collected at the time of permit issuance for any connection to the Watermain 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 tax 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 (2018 rate - 3.25%).
6. Notwithstanding Section 5, as Assessed Owner of a parcel described in Schedule "A" may pay the commuted value of Indebtedness without penalty, but including interest, at any time.
7. Should an Assessed Owner sever or subdivide their parcel of land, the Watermain Charges owned 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. Unpaid Watermain Charges constituted a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.
9. 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.
10. This By-law comes into force on the day following the date of its passing.

PASSED this 28th day of March, 2018.

F. Eisenberger
Mayor

R. Caterini
City Clerk

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Schedule "A" to By-law No. 18-072

Centre Road

Watermain and connections on Centre Road from approximately 30m Northwest of Warren Street to Approximately 335m Northwest of Warren Street

Watermain Charges

Property Address	Watermain Frontage	Watermain Connection	Total
1503 Centre Rd.	\$19,951.97	\$4,374.82	\$24,326.79
1507 Centre Rd.	\$19,951.97	\$4,374.82	\$24,326.79
1510 Centre Rd.	\$19,951.97	\$4,374.82	\$24,326.79
1511 Centre Rd.	\$19,951.97	\$4,374.82	\$24,326.79
1513 Centre Rd.	\$19,951.97	\$4,374.82	\$24,326.79
1517-1519 Centre Rd.	\$19,951.97	\$8,749.64	\$28,701.61
1522 Centre Rd.	\$19,951.97	\$0.00	\$19,951.97
39 William	\$19,951.97	\$4,374.82	\$24,326.79
TOTAL	\$159,615.76	\$34,998.56	\$194,614.32