

Authority: Item 1, Committee of the Whole
Report; 04-014
(FCS04150/PW04127)
CM: December 15, 04

Bill No. 315

City of Hamilton

BY-LAW NO. 04-315

To impose a watermain rate under the Municipal Act, 2001 upon owners of land abutting Freelton Road, in the City of Hamilton.

WHEREAS at its meeting of November 10, 2004, the Council of the City of Hamilton did approve Item 5 of Report 04-019 of the Public Works, Infrastructure & Environment Committee did thereby approve construction of a watermain extension on Freelton Road from Given Road to approximately 255 metres northerly, in the City of Hamilton as a project under the Municipal Act, 2001.

AND WHEREAS at its meeting of November 10, 2004, the Council of the City of Hamilton did also approve that the capital cost of the construction of the watermain extension be paid by those property owners whose land abuts Freelton Road, and who choose to connect to the said watermain.

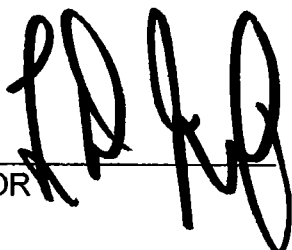
AND WHEREAS that \$120,682.00 of the cost of the watermain extension be funded by the Lions Freelton Villa at No. 390 Freelton Road, and that the remaining amount of \$51,812.00 be funded from the remaining benefiting property owners.

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

1. A "watermain rate" consisting of a charge for the capital cost of the Watermain Work described below (herein called the "Watermain Rate"), is hereby imposed upon the owners of land who derive, will derive or may derive a benefit from the construction of a watermain on Freelton Road from Given Road to approximately 255 metres northerly (herein called the "Watermain Work").
2. The Watermain Rate of \$10,362.40, as set out in Schedule "A" attached to this by-law, shall be imposed upon the owners of each of the lands described in said Schedule "A".
3. The Watermain Rate shall be indexed annually in accordance with the percentage change in the composite Canadata Construction Cost Index (Ontario Series), commencing one year from the date of the passage of this by-law.

- 4. (a) Subject to section 6, the Watermain Rate shall be payable when an owner of a parcel of land described in Schedule "A" attached to this by-law connects to the Watermain Work and shall be collected at the time of water permit issuance in addition to the regular permit fees.
 - (b) The owners of the parcels of land described in Schedule "A" attached to this by-law who connect to the Watermain Work have the option of paying the Watermain Rate by way of annual payments over a period of 15 years by entry on the collector's roll, to be collected in the same way, as nearly as may be, as municipal taxes are collectable.
 - (c) The interest rate utilized for the 15 year payment shall be the annual interest rate approved for the City's Municipal Act Program (2004 rate – 5.75%) or the Council approved rate substituted therefor.
- 5. The Watermain Rate shall be a lien and a charge upon the land and, if the Watermain Rate or any part thereof remains unpaid after the due date established in 4(a) or section 6 of this by-law, the amount unpaid may be entered on the collector's roll to be collected in the same way, as nearly as may be, as municipal taxes are collectable.
 - 6. Should an owner sever or subdivide his or her parcel of land, then the amount owed to the City, whether the parcel of land is connected to the Watermain Work or not, shall be paid to the City as a condition of severance or subdivision approval.
 - 7. That Schedule "A" attached hereto forms part of this by-law.
 - 8. 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 thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.
 - 9. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

PASSED and ENACTED this 15th day of December, 2004


MAYOR


CLERK

City of Hamilton
Schedule "A" To By-Law No. 04-315

Freelton Road Water Municipal Act Project

	Property	Watermain Rate
1	362 Freelton Road 302 910 01400	\$10,362.40
2	369 Freelton Road 302 910 03250	\$10,362.40
3	370 Freelton Road 302 910 01300	\$10,362.40
4	408 Freelton Road 302 910 01000	\$10,362.40
5	413 Freelton Road 302 910 03200	\$10,362.40
	Total:	\$51,812.00