

Authority: Item 10, Public Works, Environment
and Infrastructure Committee
Report 05-009
(PW03165(b)/FCS03166(b))
CM: May 25,2005

BILL NO. 199

City of Hamilton

BY-LAW NO. 05-199

To impose a sanitary sewer charge under the Municipal Act 2001, upon owners of land abutting Hamilton Drive, in the City of Hamilton.

WHEREAS the Council of the City of Hamilton authorized the construction of a sanitary sewer on Hamilton Drive from development limits to 274 metres northerly to the bridge over Highway 403, including private drain' connections, in the City of Hamilton, hereinafter, referred as the "Sewer Works" by approving Item 10 of Public Works Infrastructure & Environment Committee Report 05-009, on May 25, 2005. In addition, a developer 288178 Ontario Ltd., in satisfaction of terms and condition of a subdivision agreement with the City of Hamilton dated, July 9, 2003 for a development known as Miller's Pond, did construct a sanitary sewer and private drains on Hamilton Drive from Garner Road to 424.5 metres northerly to the development limits.

AND WHEREAS at its meeting of May 25, 2005, the Council of the City of Hamilton did approve that a full cost recovery of the construction of the Sewer Works by way of the Municipal Act 2001, by imposing a sewer rate upon the owners of land who derive, will derive, or may derive a benefit from the Sewer Works and full recovery of the costs for each private drain connection, all in accordance with the provisions of the Municipal Act 2001.

AND WHEREAS at the time of the passage of this By-law, the estimated construction cost of the Sewer Works is \$289,139.28, be recovered in total from benefiting property owners.

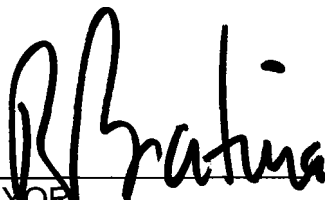
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. A sewer rate is hereby imposed, pursuant to the Municipal Act 2001, upon the owners or occupants of land who derive, will derive or may derive a benefit from the construction of the Sewer Works, hereinafter referred to as "Assessed Owners".

2. The Assessed Owners' lands and the estimated sewer rate are more particularly described in Schedule "A" attached to this by-law which Schedule forms part of this by-law.
3. The sewer rate has been established using the approved method for cost apportionment per City of Hamilton Report TOE02005 (Funding Methodologies for Municipal Infrastructure Extensions), at an estimated construction cost of \$289,139.28 shall be attributed to each Assessed Owner on a per lot basis of \$10,394.32 which includes one private drain connection.
4.
 - (a) Subject to section 6, the sewer rate shall be due and payable when an Assessed Owner of a parcel of land described in Schedule "A" attached to this by-law connects to Sewer Work and shall be collected at the time of permit issuance in addition to the regular permit fees.
 - (b) The Assessed Owners of the parcels of the land described in Schedule "A" attached to this by-law who connect to the sewer work have the option of paying the sewer rate by annual payments over a period of fifteen (15) years by entry on the collector's roll, to be collected in the same way as municipal taxes are collected.
 - (c) The interest rate utilized for the 15 year payment shall be the annual interest rate approved for the City's Municipal Act Program (2005 rate-5.00%)
5. Notwithstanding Section 4, an Assessed Owner of a parcel of land described in Schedule "A" attached to this by-law may pay the commuted value of the sewer rate at any time.
6. Should an Assessed Owner sever or subdivide their parcel of land, then the amount owed to the City, whether the parcel of land is connected to the Sewer Works or not, shall be paid to the City as a condition of the severance or subdivision approval.
7. The sewer rate shall be a lien and a charge upon the Assessed Owner's lands and, if the sewer rate, or any portion thereof, remains unpaid after the due date established in 4 (a) or section 6 of this by-law, the unpaid amount may be entered on the collector's roll and collected in the same manner as municipal taxes.

8. The developer, 288178 Ontario Ltd., upon satisfying the City that it has completed its obligation with respect to the construction of the sewer work shall receive repayment of the associated cost pursuant to the terms and conditions of the Subdivision agreement.
9. That Schedule "A" attached hereto forms part of this by-law.
10. If any provision or requirement of this by-law, or the application thereof to any person or land 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.
11. 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 13th day of July, 2005.


MAYOR


CLERK

Schedule "A" to By-Law No. 05-199

City of Hamilton (As Constructed - Sanitary Sewer)

SECTION ' i '	\$135,666.68	
Hamilton Drive (Repay the Developer)		
SECTION ' ii '	\$128 750.76	Per Private
Hamilton Drive (Repay the City)		Drain
		\$950.84
TOTAL\$ (not including private drains)	\$264,417.44	

Address			Blended Cost San Sewer	Cost Per Private Drain	t Cost
SECTION ' i '					
1	Hamilton Dr	445	\$9443.48	\$950.84	\$10,394.32
2	Hamilton Dr	450	\$9443.48	\$950.84	\$10,394.32
3	Hamilton Dr	452	\$9443.48	\$950.84	\$10,394.32
4	Hamilton Dr	453	\$9443.48	\$950.84	\$10,394.32
5	Hamilton Dr	459	\$9443.48	\$950.84	\$10,394.32
6	Hamilton Dr	462	\$9443.48	\$950.84	\$10,394.32
7	Hamilton Dr	467	\$9443.48	\$950.84	\$10,394.32
8	Hamilton Dr	473	\$9443.48	\$950.84	\$10,394.32
9	Hamilton Dr	479	\$9443.48	\$950.84	\$10,394.32
10	Hamilton Dr	485	\$9443.48	\$950.84	\$10,394.32
11	Hamilton Dr	495	\$9443.48	\$950.84	\$10,394.32
12	Hamilton Dr	505	\$9443.48	\$950.84	\$10,394.32
13	Hamilton Dr	515	\$9443.48	\$950.84	\$10,394.32
SECTION ' ii '					
14	Hamilton Dr	387	\$9443.48	\$950.84	\$10,394.32
15	Hamilton Dr	388	\$9443.48	\$950.84	\$10,394.32
16	Hamilton Dr	397	\$9443.48	\$950.84	\$10,394.32
17	Hamilton Dr	400	\$9443.48	\$950.84	\$10,394.32
18	Hamilton Dr	404	\$9443.48	\$950.84	\$10,394.32
19	Hamilton Dr	405	\$9443.48	\$950.84	\$10,394.32
20	Hamilton Dr	409	\$9443.48	\$950.84	\$10,394.32
21	Hamilton Dr	* 429	\$9443.48	\$0	\$9443.48
22	Hamilton Dr	430	\$9443.48	\$950.84	\$10,394.32
23	Hamilton Dr	* 431	\$9443.48	\$0	\$9443.48
24	Hamilton Dr	433	\$9443.48	\$950.84	\$10,394.32
25	Hamilton Dr	441	\$9443.48	\$950.84	\$10,394.32
26	Hamilton Dr	442	\$9443.48	\$950.84	\$10,394.32
27	Hamilton Dr	443	\$9443.48	\$950.84	\$10,394.32
28	Hamilton Dr	446	\$9443.48	\$950.84	\$10,394.32
Total			\$264,417.44	\$24,721.84	\$289,139.28

* did not request a private drain