

**Authority:** Item 9, Public Works,  
Infrastructure and Environment  
Committee Report 06-009  
(PW06063/FCS06053)  
CM: May 24, 2006

**Bill No. 252**

## **CITY OF HAMILTON**

### **BY-LAW NO. 06-252**

#### **To Impose a Watermain Rate Under the Municipal Act, 2001 Upon Owners of Land Abutting Binbrook Road – Regional Road 56 to Approximately 800m Westerly**

**WHEREAS** a developer, Bay-Area Infrastructure Inc., in satisfaction of terms and conditions of the Glanbrook Leachate Removal Design/Build and Binbrook Development Charge Financing Agreement, did construct a municipal distribution watermain on Binbrook Road from Regional Road 56 to approximately 800m westerly at the Municipal Water Tower Site (Binbrook Road Watermain);

**AND WHEREAS** at it's meeting of May 24, 2006, the Council of the City of Hamilton did approve Item 9 of Public Work Infrastructure and Environment Committee Report 06-009 and did thereby approve that in order to fulfill the City of Hamilton's best efforts obligations under the Glanbrook Leachate Removal Design/Build and Binbrook Development Charge Financing Agreement, the capital cost of the said distribution watermain would be recovered from benefiting property owners at such time as they connect;

**AND WHEREAS** the costs of the watermain works to be recovered is \$250,915.00, to be recovered from benefiting property owners.

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

1. A watermain 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 watermain works, hereinafter referred to as "Assessed Owners".
2. The Assessed Owners' lands and the watermain rate are more particularly described in Schedule "A" hereto, which Schedule forms part of this By-law.
3. The capital costs recovered by the City, for the Watermain, are to be remitted to Bay-Area infrastructure Inc. in accordance with the terms and conditions of the Glanbrook Leachate Removal Design/Build and Binbrook Development Charge Financing Agreement.

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Upon Owners of Land Abutting Binbrook Road**

4. Subject to section 7, the watermain rate shall be due and payable when an Assessed Owner connects to the watermain and shall be collected at the time of permit issuance in addition to the regular permit fees.
5. The Assessed Owners have the option of paying the watermain rate and service connection charge by way of 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. The interest rate utilized for the 15 year payment shall be the annual interest rate approved for the City's Municipal Act Program (2006 rate – 5.00%).
6. Notwithstanding Section 5, an Assessed Owner may pay the commuted value of the Indebtedness at any time.
7. Should an Assessed 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 or not, shall be paid to the City as a condition of severance or subdivision approval.
8. The watermain rate and the resulting Indebtedness imposed by this By-law shall be a lien and charge upon the Assessed Owner's lands and, if the Indebtedness, or any portion thereof, remains unpaid after the due date established in section 4 herein, the unpaid amount may be entered on the collector's roll and collected in the same manner as municipal taxes.
9. Schedule "A" attached hereto forms part of this bylaw.
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 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 13<sup>th</sup> day of September, 2006.

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MAYOR

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CLERK

Schedule "A" to By-Law No. 06-252

City of Hamilton

**Binbrook Road**

from Hwy. No. 56 westerly to water tower

Property Address			Cost (\$)
1	3020	BINBROOK RD	\$ 7,169.00
2	3028	BINBROOK RD	\$ 7,169.00
3	3034	BINBROOK RD	\$ 7,169.00
4	3038	BINBROOK RD	\$ 7,169.00
5	3042	BINBROOK RD	\$ 7,169.00
6	3048	BINBROOK RD	\$ 7,169.00
7	3060	BINBROOK RD	\$ 7,169.00
8	3072	BINBROOK RD	\$ 7,169.00
9	3078	BINBROOK RD	\$ 7,169.00
10	3084	BINBROOK RD	\$ 7,169.00
11	3092	BINBROOK RD	\$ 7,169.00
12	3100	BINBROOK RD	\$ 7,169.00
13	3106	BINBROOK RD	\$ 7,169.00
14	3114	BINBROOK RD	\$ 7,169.00
15	3120	BINBROOK RD	\$ 7,169.00
16	3130	BINBROOK RD	\$ 7,169.00
17	3140	BINBROOK RD	\$ 7,169.00
18	3150	BINBROOK RD	\$ 7,169.00
19	3160	BINBROOK RD	\$ 7,169.00
20	3170	BINBROOK RD	\$ 7,169.00
21	Woodview Estates	BINBROOK RD	0
22	s/w corner	BINBROOK RD/RR56	0
23	3015	BINBROOK RD	\$ 7,169.00
24	3021	BINBROOK RD	\$ 7,169.00
25	3027	BINBROOK RD	\$ 7,169.00
26	3033	BINBROOK RD	\$ 7,169.00
28	3047	BINBROOK RD	\$ 7,169.00
29	3055	BINBROOK RD	\$ 7,169.00
30	3063	BINBROOK RD	\$ 7,169.00
31	3073	BINBROOK RD	\$ 7,169.00
32	3079	BINBROOK RD	\$ 7,169.00
33	3089	BINBROOK RD	\$ 7,169.00
34	0	HWY 56	0
35	3105	BINBROOK RD	\$ 7,169.00
36	3115	BINBROOK RD	\$ 7,169.00
37	3125	BINBROOK RD	\$ 7,169.00
38	3135	BINBROOK RD	\$ 7,169.00
39	3205	BINBROOK RD	\$ 7,169.00
40	3215/3225	BINBROOK RD	0
<b>Total</b>			<b>\$ 250,915.00</b>