

**Authority:** Item 13, Public Works,  
Infrastructure and Environment  
Committee Report 06-015  
(PW06135/PED06420)  
CM: October 25, 2006

**Bill No. 041**

## **CITY OF HAMILTON**

### **BY-LAW NO. 07-041**

#### **To Impose a Sanitary Sewer and Watermain Rate Under the Municipal Act, 2001 Upon Owners of Land Abutting Regional Road 56 - Approximately 150m North of Southbrook Dr. to Approximately 300m Northerly**

**WHEREAS** 1583121 Ontario Limited, in satisfaction of terms and conditions of a subdivision agreement with the City of Hamilton dated June 22, 2006 for a development known as Elizabeth Gardens Phase 3, hereinafter referred to as the "Subdivision Agreement", did construct a municipal sanitary sewer and private drains and a municipal watermain, and water service connections, on land abutting Regional Road 56 from approximately 150m north of Southbrook Drive to approximately 300m northerly (municipal address 3087 Regional Road 56), in the City of Hamilton, hereinafter referred to as the "Sewer and Water Works";

**AND WHEREAS** at it's meeting of October 25, 2006, the Council of the City of Hamilton did approve Item 13 of Public Work Infrastructure and Environment Committee Report 06-015 did thereby approve imposing a sewer and water works rate recovered from benefiting property owners at such time as they connect;

**AND WHEREAS** the costs of the sanitary sewer works to be recovered is an estimated \$204,407.70, and the costs of the watermain works to be recovered is an estimated \$117,059.60, to be recovered from benefiting property owners.

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

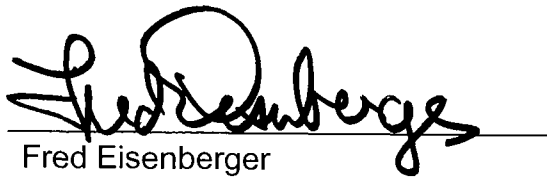
1. A sewer and watermain rate is hereby imposed, pursuant to the Municipal Act 2001, upon the owners or occupants of land who derive, will derive, or may derive a benefit from the construction of the sewer and water works, hereinafter referred to as "Assessed Owners".
2. The Assessed Owners' lands and the sewer and watermain rate are more particularly described in Schedule "A" hereto, which Schedule forms part of this By-law.

3. Subject to section 6, the sewer and watermain 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 the sewer and/or watermain works and shall be collected at the time of permit issuance in addition to the regular permit fees. The city will adjust the sewer and watermain rate to reflect the benefiting owner's share of the actual construction costs.
4. The Assessed Owners have the option of paying the sewer and watermain rate and service connections charges 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%). A 5% administration fee will be added to the costs if the owner chooses not to pay in full at the time of permit issuance.
5. Notwithstanding Section 4, an Assessed Owner may pay the commuted value of the Indebtedness at any time.
6. 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 sewer and watermain or not, shall be paid to the City as a condition of severance or subdivision approval.
7. The sewer and 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 3 herein, the unpaid amount may be entered on the collector's roll and collected in the same manner as municipal taxes.
8. The developer, 1583121 Ontario Limited, upon satisfying the City that it has completed its obligation with respect to the construction of the sewer and watermain works shall receive repayment of the associated cost pursuant to the terms and conditions of the Subdivision agreement.
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 15<sup>th</sup> day of February, 2007.

A handwritten signature in black ink, appearing to read "Fred Eisenberger", written over a horizontal line.

Fred Eisenberger  
Mayor

A handwritten signature in black ink, appearing to read "Kevin C. Christenson", written over a horizontal line.

Kevin C. Christenson  
Clerk

**City of Hamilton**  
**Cost Break-Down Sanitary Sewer and Watermain**

**Regional Road 56 (Elizabeth Gardens Phase 3)**  
 From: approx. 150m north of Southbrook Dr.  
 To: approx. 300m northerly (#3087 Regional Road 56)

**Estimated Tendered Costs**  
 Sanitary Sewer and Private Drain: \$204,407.70  
 Watermain and Water Service: \$117,059.60  
**Total:** \$321,467.24

SANITARY SEWER AND PRIVATE DRAIN					
Property Address			Sanitary Sewer	Sanitary Private Drain	Total Estimated Tendered Cost (\$)
1	3100	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
2	3110	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
3	3120	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
4	3140	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
5	3160	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
6	3168	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
7	3190	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
8	3087	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
9	3097	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
10	3111	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
11	3125	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
12	3137	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
13	3167	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
14	3181	Regional Road 56	\$11,987.65	\$2,612.90	\$14,600.55
<b>Total</b>			<b>\$167,827.10</b>	<b>\$36,580.60</b>	<b>\$204,407.70</b>

WATERMAIN AND WATER SERVICE					
Property Address			Watermain	Water Service	Total Estimated Tendered Cost (\$)
1	3100	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
2	3110	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
3	3120	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
4	3140	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
5	3160	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
6	3168	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
7	3190	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
8	3087	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
9	3097	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
10	3111	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
11	3125	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
12	3137	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
13	3167	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
14	3181	Regional Road 56	\$6,541.59	\$1,819.81	\$8,361.40
<b>Total</b>			<b>\$91,582.26</b>	<b>\$25,477.34</b>	<b>\$117,059.60</b>

**Note:** 5% administration fees will be added to the "Total Estimated Tendered Cost" if property owner chooses not to pay in full at the time of permit issuance.