

Authority: Item 17, Public Works Committee  
Report 07-011 (TOE02005b/  
FCS02026b/PED07248)  
CM. September 26, 2007

**Bill No. 045**

City of Hamilton

By-law No. 11-045

To Impose a Sanitary Sewer Charge upon owners of land abutting Garner Road West from Shaver Road to 125 metres west of Shaver Road, in the City of Hamilton.

**WHEREAS** the Council of the City of Hamilton authorized recovering a portion of the costs associated with the construction of Sewer Works by a developer in the City of Hamilton, by approving Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248); and approved by council on September 26, 2007.

**AND WHEREAS** a developer, 1315596 Ontario Inc., in satisfaction of terms and conditions of subdivision agreement "Shaver Estates", Plan 62M-1056, did construct certain Sewer Works in the City of Hamilton, as more particularly described in Schedule "A" attached to this by-law,

**AND WHEREAS** the cost of the said Sewer Works to be recovered from all benefiting home owners is \$44,197.34.

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

- 1 Sewer Charges are hereby imposed upon the owners or occupants of land who benefit from the construction, hereinafter referred to as "Assessed Owners".
2. The Assessed Owners' lands and the respective Sewer Charges are more particularly described in Schedule "B" hereto, which Schedule forms part of this By-law.
- 3 The Sewer 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 Sewer Charge of \$358.57 per metre of property frontage attributable to each Assessed Owner of an existing residential lot. The Sewer Charges shall be indexed annually in accordance with the percentage change in the composite Canada Construction Cost Index (Ontario Series), commencing one year from the date of the passage of this by-law.

To Impose a Sanitary Sewer Charge upon owners of land abutting Garner Road West from Shaver Road to 125 metres west of Shaver Road, in the City of Hamilton

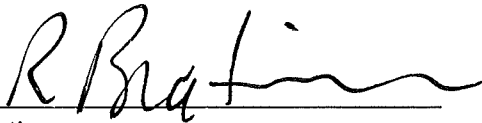
4. The amount resulting from the application of the Sewer Charges, hereinafter referred to as the "Indebtedness", shall be collected at the time of permit issuance for any connection to the said Sewer Works, in addition to any applicable permit fee.
5. The Assessed Owners have the option of paying the Indebtedness by way of annual payments over a period of fifteen (15) years from the date of permit issuance for connection by entry on the collector's 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 (2010 rate – 5.00%).
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "B" may pay the commuted value of the Indebtedness without penalty, but including interest, at any time
7. Should an Assessed Owner sever or subdivide their parcel of land, the amount owed to the City hereunder, 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 in a lump sum as a condition of the severance or subdivision approval.
8. The developer, 1315596 Ontario Inc., upon satisfying the City that it has completed its obligations with respect to the construction of the said Sewer Works, shall receive repayment of that portion of the associated cost of the construction collected hereunder, pursuant to the terms and conditions of its subdivision agreement.
9. The Sewer Charge and the resulting Indebtedness imposed by this By-law shall be a lien and charge upon the Assessed Owner's lands. If the Indebtedness, or any portion thereof, remains unpaid after the due date established in Section 5 above, the unpaid amount may be entered on the collector's roll and collected in like manner as municipal taxes
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

To Impose a Sanitary Sewer Charge upon owners of land abutting Garner Road West from Shaver Road to 125 metres west of Shaver Road, in the City of Hamilton.

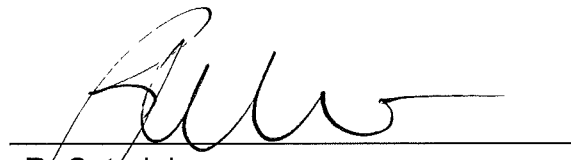
unenforceable, shall not be affected thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.

11. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

**PASSED** this 9<sup>th</sup> day of February, 2011.



R. Bratina  
Mayor



R. Caterini  
City Clerk

**Schedule "A" to By-Law No. 11-045**

375mm diameter sanitary sewer on Garner Road West from Shaver Road to 125 metres west of Shaver Road at \$358 57 per metre of property frontage

Schedule "B" to By-Law No. 11-045

City of Hamilton  
Cost Break-Down Sanitary Sewer

Garner Road West ("Shaver Estates", Plan 62M-1056)

| Property Address |                  | Frontage in Metres | Sanitary Sewer     |
|------------------|------------------|--------------------|--------------------|
| 1022             | Garner Road West | 50 960             | \$18,272 73        |
| 1028             | Garner Road West | 50 300             | \$18,036 07        |
| 1034             | Garner Road West | 22 000             | \$7,888 54         |
| <b>Total</b>     |                  | 123 260            | <b>\$44,197.34</b> |