

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

Bill No. 052

City of Hamilton

By-law No. 11-052

To Impose a Storm and Sanitary Sewer Charge upon owners of land abutting Watershore Drive from approximately 52 metres east of Aquamarine Drive to Glover 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, 1573209 Ontario Inc., in satisfaction of terms and conditions of subdivision agreement "Bridgeport-Phase 1", Plan 62M-1073, did construct certain Sewer Works including dual private sanitary drain connections, in the City of Hamilton, as more particularly described in Schedule "A" attached to this by-law;

AND WHEREAS the costs of the said Sewer Works to be recovered from all benefiting home owners is \$196,335.63.

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 Storm Sewer Charge of \$287.96 per metre of property frontage and a Sanitary Sewer Charge of \$111.60 per metre of property frontage and \$1,583.09 for each dual private drain connection attributable to each Assessed Owner of an existing residential lot. The Sewer Charges shall be

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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.

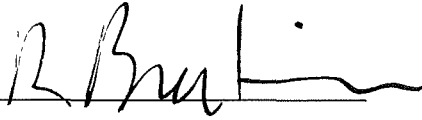
4. The amount resulting from the application of the Sewer Charges, hereinafter referred to as the "Indebtedness", shall be collected at the time of permit issuance for any connection to the said Sewer Works, in addition to any applicable permit fee.
5. The Assessed Owners have the option of paying the 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, 1573209 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

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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 this 9th day of February, 2011.

R. Bratina
Mayor



R. Caterini
City Clerk



Schedule "A" to By-Law No. 052

300mm diameter, 375mm diameter, 450mm diameter and 1350mm diameter storm sewers and 300mm diameter sanitary sewer on Watershore Drive from approximately 52 metres east of Aquamarine Drive to Glover Road at \$287 96 per metre of property frontage for storm sewers and \$111 60 per metre of property frontage for sanitary sewers

150mm dual private drain connection at \$1,583 09 per connection

Schedule "B" to By-Law No 052

City of Hamilton
 Cost Break-Down Storm & Sanitary Sewer & Dual Private Drain Connection

Watershore Drive ("Bridgeport Phase 1", Plan 62M-1073)

Property Address	Frontage in Metres	Storm Sewer	Sanitary Sewer	Dual Private Drain Connection	Total For Each Property	
507	Glover Road	30 69	\$8,837 49	\$3,425 00	\$1,583 09	\$13,845 59
8	Watershore Drive	30 82	\$8,874 93	\$3,439 51	\$1,583 09	\$13,897 53
10	Watershore Drive	30 21	\$8,699 27	\$3,371 44	\$1,583 09	\$13,653 80
12	Watershore Drive	10 37	\$2,986 15	\$1,157 29	\$1,583 09	\$5,726 53
14	Watershore Drive	9 14	\$2,631 95	\$1,020 02	\$1,583 09	\$5,235 07
16	Watershore Drive	11 58	\$3,334 58	\$1,292 33	\$1,583 09	\$6,209 99
18	Watershore Drive	15 87	\$4,569 93	\$1,771 09	\$1,583 09	\$7,924 11
20	Watershore Drive	14 20	\$4,089 03	\$1,584 72	\$1,583 09	\$7,256 84
22	Watershore Drive	16 17	\$4,656 31	\$1,804 57	\$1,583 09	\$8,043 98
24	Watershore Drive	8 23	\$2,369 91	\$918 47	\$1,583 09	\$4,871 47
26	Watershore Drive	16 06	\$4,624 64	\$1,792 30	\$1,583 09	\$8,000 02
30	Watershore Drive	25 96	\$7,475 44	\$2,897 14	\$1,583 09	\$11,955 67
32	Watershore Drive	21 34	\$6,145 07	\$2,381 54	\$1,583 09	\$10,109 70
34	Watershore Drive	22 86	\$6,582 77	\$2,551 18	\$1,583 09	\$10,717 03
42	Watershore Drive	36 58	\$10,533 58	\$4,082 33	\$1,583 09	\$16,198 99
44	Watershore Drive	30 48	\$8,777 02	\$3,401 57	\$1,583 09	\$13,761 68
48	Watershore Drive	41 45	\$11,935 94	\$4,625 82	\$1,583 09	\$18,144 85
52	Watershore Drive	21 95	\$6,320 72	\$2,449 62	\$1,583 09	\$10,353 43
54	Watershore Drive	22 14	\$6,375 43	\$2,470 82	\$1,583 09	\$10,429 35
		416.10	\$119,820.16	\$46,436.76	\$30,078.71	\$196,335 63