

Authority: Item 17, Public Works Committee
Report 07-011
TOE02005(b)/FCS020269(b)/PED
07248
CM: September 26, 2007

Bill No. 173

City of Hamilton

BY-LAW NO. 14-173

To Impose a Storm Sewer Charge upon owners of land abutting Binbrook Road West from Lynch Crescent to Regional Road No. 56, 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 Storm Sewer Works by approving, on September 26, 2007, Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248);

AND WHEREAS a developer, Empire Communities (Stoney Creek) Ltd., in satisfaction of terms and conditions of subdivision agreement Summerlea West (Binbrook Road Reconstruction), did construct certain Storm Sewer Works including storm sewer private drain connections, in the City of Hamilton, as more particularly described in Schedule "A" attached to this By-law.

AND WHEREAS the cost of the Storm Sewer Works to be recovered from all benefiting property owners is \$306,686.79.

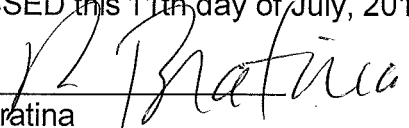
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sewer Charges are hereby imposed upon the owners or occupants of land who benefit from the construction, not including the land with the municipal address of 3078 Binbrook Road West which as a church is exempt from cost recovery, (the "Assessed Owners").
2. The Assessed Owners' lands and the respective Sewer Charges are more particularly described in Schedule "A", which Schedule is attached to and forms part of this By-law.
3. The Sewer Charges 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 \$11,009.22 to each Assessed Owner of an existing residential lot and \$12,694.71 to each Assessed Owner of an existing non-residential lot and \$2,431.29 for each storm sewer private drain connection. The Sewer Charges shall be indexed in accordance with the

percentage change in the composite Canadata Construction Cost Index (Ontario Series), commencing from the completion date of construction September 2012, to the date of payment.

4. The amount resulting from the application of the Sewer Charges (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 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 (2014 rate – 4.25%). A 5% administration fee will be added to the total Sewer Charges if the property owner chooses not to pay in full at the time of permit issuance.
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "A" 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 Sewer Charges owed to the City of Hamilton, 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 of Hamilton in a lump sum as a condition of the severance or subdivision approval.
8. Unpaid Sewer Charges constitute a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.
9. 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, and each provision and requirement of this By-law shall be separately valid and enforceable.
10. This By-law comes into force on the day following the date of its passing and enactment.

PASSED this 11th day of July, 2014



R. Bratina
Mayor



R. Caterini
City Clerk

Schedule "A" to By-Law No. 14-173

Binbrook Road West

Storm sewer and drain connections on Binbrook Road West from
Lynch Crescent to Regional Road No. 56

Residential Property Addresses		Storm Sewer	Storm Drain Connection	Total
3106	Binbrook Road West	\$11,009.22	\$2,431.29	\$13,440.51
3092	Binbrook Road West	\$11,009.22		\$11,009.22
3084	Binbrook Road West	\$11,009.22	\$7,293.87	\$18,303.09
3060	Binbrook Road West	\$11,009.22	\$2,431.29	\$13,440.51
3048	Binbrook Road West	\$11,009.22		\$11,009.22
3042	Binbrook Road West	\$11,009.22		\$11,009.22
3038	Binbrook Road West	\$11,009.22		\$11,009.22
3034	Binbrook Road West	\$11,009.22	\$2,431.29	\$13,440.51
3385	Binbrook Road West	\$11,009.22	\$2,431.29	\$13,440.51
3335	Binbrook Road West	\$11,009.22	\$2,431.29	\$13,440.51
3265	Binbrook Road West	\$11,009.22	\$2,431.29	\$13,440.51
3125	Binbrook Road West	\$11,009.22	\$2,431.29	\$13,440.51
3115	Binbrook Road West	\$11,009.22		\$11,009.22
3079	Binbrook Road West	\$11,009.22	\$2,431.29	\$13,440.51
3073	Binbrook Road West	\$11,009.22	\$2,431.29	\$13,440.51
3063	Binbrook Road West	\$11,009.22	\$2,431.29	\$13,440.51
3055	Binbrook Road West	\$11,009.22		\$11,009.22
3047	Binbrook Road West	\$11,009.22		\$11,009.22
3033	Binbrook Road West	\$11,009.22		\$11,009.22
Total Recoverable Amounts Residential		\$209,175.18	\$31,606.77	\$240,781.95
Non-Residential Properties		Storm Sewer	Storm Drain Connection	Total
3072	Binbrook Road West	\$12,694.71	\$2,431.29	\$15,126.00
3028	Binbrook Road West	\$12,694.71		\$12,694.71
3020	Binbrook Road West	\$12,694.71		\$12,694.71
2666	Regional Road No. 56	\$12,694.71		\$12,694.71
3015-3027	Binbrook Road West	\$12,694.71		\$12,694.71
Total Recoverable Amount Non-Residential		\$63,473.55	\$2,431.29	\$65,904.84