

Authority: Item 17, Public Works Committee
Report 07-011
(TOE02005(b)/FCS02026(b)/PED07248)
CM: September 26, 2007
Ward: 9

Bill No. 240

CITY OF HAMILTON

BY-LAW NO. 20-240

To Repeal and Replace By-law No. 19-112 Imposing a Sanitary Sewer Charge Upon Owners of Land Abutting Upper Mount Albion Road from Centreline of Times Square Boulevard to South Limit of Lot 4, in the City of Hamilton

WHEREAS By-law No 19-112 incorrectly set out the costs of the Sanitary Sewer Charge upon owners of land abutting Upper Mount Albion Road from Times Square Boulevard to Columbus Gate;

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

WHEREAS a developer, 2324780 Ontario Limited, in satisfaction of terms and conditions of subdivision agreement "Central Park", Plan 62M-1250 did construct certain Sewer Works, in the City of Hamilton, as more particularly described in Schedule "A" attached to this By-law; and

WHEREAS to the extent that the construction of the said Sewer Works benefits the property owners described in Schedule "A", such works were services or activities that were provided or done on behalf of the City of Hamilton with the express intention that section 391(1)(a) of the Municipal Act, S.O. 2001, c. 25 as amended would apply thereto;

WHEREAS the cost of the Sewer Works, including storm and sanitary drain connections, that relate to the benefitting property owners described in Schedule "A" is \$569,055.48, and this amount is to be recovered from all benefitting property owners as set forth in this By-law; and,

WHEREAS the said Sewer Charges are imposed pursuant to Part XII of the Municipal Act, S.O. 2001, c. 25 as amended and pursuant to section 14 of The City of Hamilton Act, 1999, S.O., 1999, c. 14, Schedule C as amended:

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 of the Sewer Works (the "Assessed Owners").
2. The Assessed Owner's 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 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 fee of \$14,983.62 based on an apportioned share of the total project cost attributable to each Assessed Owner of an existing residential lot, in addition to the actual cost of \$2,501.82 for each 150mm sanitary drain connection and the actual cost of \$2,501.82 for each 150mm storm drain connection. 26 Upper Mount Albion Road Sewer charge of \$64,370.34 is based on the frontage of their property as a percent of the total frontage of the properties abutting the project. The Sewer Charges shall be indexed in accordance with the percentage change in the composite Canadata Construction Cost Index (Ontario Series) commencing from November 1, 2020, to the date of permit issuance.
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 tax roll, to be collected in the same 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 (2020 rate 3.00%).
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 as 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. By-law No. 19-112 is repealed.

To Repeal and Replace By-law No. 19-112 Imposing a Sanitary Sewer Charge Upon Owners of Land
Abutting Upper Mount Albion Road from Centreline of Times Square Boulevard to South Limit of Lot 4, in
the City of Hamilton

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11. This By-law comes into force on the day following the date of its passing.

PASSED this 25th day of November, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule "A" to By-law No. 20-240

Upper Mount Albion Road
Sanitary Sewer including Storm and Sanitary Drain Connections on Upper Mount Albion Road from Centreline of Times Square Boulevard to South Limit of Lot 4

Sewer Charges

| Property Address | Sanitary Sewer Charge | Sanitary Drain Connection Charge | Storm Drain Connection Charge | Total Charge |
|--|------------------------------|---|--------------------------------------|---------------------|
| 25 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 26 Upper Mount Albion Rd., Existing Residence & Commercial Lands | \$64,370.34 | \$2,501.82 | \$2,501.82 | \$69,373.98 |
| 29 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 30 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 31 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 32 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 33 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 36 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 37 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 38 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 40 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 41 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 45 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 46 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 50 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 53 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 54 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 55 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 57 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 58 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 60 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 61 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 66 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 70 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 74 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| 86 Upper Mount Albion Rd. | \$14,983.62 | \$2,501.82 | \$2,501.82 | \$19,987.26 |
| | | | | |
| TOTAL | \$438,960.84 | \$65,047.32 | \$65,047.32 | \$569,055.48 |

NOTE: The City of Hamilton is to pay the portion of the sewer cost fronting the park block abutting Upper Mount Albion Road of \$86,285.38.