

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

(2001)

BY-LAW NO. 1036

BEING a By-law to authorize the construction of a sanitary sewer main and laterals to serve Lots 3, 4 and 5, Plan 15493, all on Kindersley Road, as a work of local improvement under the provisions of Part XVI of the "Municipal Act".

WHEREAS A.E. & G.M. Hyde and others have lodged with the Clerk a petition to the Council to construct as a work of local improvement the work hereinafter described, and the Clerk has certified that the petition is sufficient and it is deemed expedient to grant the prayer in the said petition;

AND WHEREAS no part of the said work is to be incurred at street intersections and the whole of the cost of the said work is to be assessed upon the lots served thereby, according to the extent of their respective frontages upon the said work by an equal special rate per foot of such frontage sufficient to defray the cost;

AND WHEREAS all of the said lots are irregularly shaped and in order to adjust the assessment on a fair and equitable basis it is deemed expedient to make in the special assessment which would otherwise be chargeable thereon the reductions hereinafter set forth;

AND WHEREAS pursuant to Section 601 of the Municipal Act the Council has procured to be made by the Municipal Engineer a report as to the various matters and things in the said section referred to, and it appears from the said report that the estimated cost of the said work is \$1,020.00 and that the estimated lifetime of the said work is not less than forty years,

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT in open meeting assembled, enacts as follows:

1. That there be constructed as a work of local improvement under the provisions of Part XVI of the Municipal Act a sanitary sewer main and laterals to serve Lots 3, 4 and 5, Plan 15493, all on Kindersley Road.
2. That the Municipal Engineer do forthwith make such plans, profiles and specifications as may be necessary for the execution of the said work.
3. That the said work shall be carried on and executed under the superintendence of the Municipal Engineer and according to the plans, profiles and specifications and to the directions and orders of the said Municipal Engineer.

4. That the entire cost of the said work shall be specially assessed upon the lots served thereby according to the extent of their respective frontages thereon, by an equal special rate per foot of such frontage sufficient to defray the cost.
5. That the following reductions in the special assessment which would otherwise be chargeable on the following described lots shall be made by deducting from the total frontage of the said lots liable to the special assessment so much thereof as is sufficient to adjust the assessment on a fair and equitable basis, that is to say: As to Lot 3, Plan 15493, a reduction of 24'; as to Lot 4, Plan 15493, a reduction of 26.02'; as to Lot 5, Plan 15493, a reduction of 32'.
6. The special assessment for the cost of the said work shall be paid in fifteen annual instalments.
7. Any person whose lot is specially assessed may commute for a payment in cash the special rates imposed thereon by paying the cost of construction assessed upon such lot without interest within thirty days after the special assessment roll has been certified by the Court of Revision.
8. The debentures to be issued and sold to meet the cost of the said work when completed shall bear interest at the rate of not more than seven percent per annum, and shall be fifteen year serial debentures, the interest on which is to be paid semi-annually, and the principal on which is to be met by the payment of such specific sum in each year during the currency of the said debentures as may be determined by the By-law providing for the borrowing of the said monies required to pay for the construction of the said work, and the specific interest rate to be payable on such debentures shall be determined by a resolution of the Council prior to the preparation of the special assessment roll.
9. This By-law may be cited as the "Kindersley Road Sewer Local Improvement By-law, 1963".

PASSED by the Municipal Council on JAN 7 1963

RECONSIDERED AND ADOPTED by the Municipal Council on JAN 21 1963

J.W. Allan  
Clerk

Alfred C. Wurtele  
Reeve