

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 701

BEING a By-law to authorize the construction of a sanitary sewer on Lampson Place, from the easterly boundary of Lampson Street to the easterly limit of Lampson Place as a work of local improvement under the "Local Improvement Act".

WHEREAS Thor Loan & Investment Ltd., and others, have lodged with the Clerk a petition to the Council to construct as a local improvement the work hereinafter described, and the Clerk has certified that the said 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 WHEREAS the Council is of the opinion that it would be inequitable to assess the owners' portion of the cost of the said work upon the lots abutting directly thereon according to the extent of their respective frontages on such work, and it is deemed expedient to declare that such method of assessment is inequitable and to provide that such costs shall be assessed upon the land immediately benefited by the said work according to the proportion of benefit received therefrom, and to apportion such cost in the manner hereinafter more particularly described;

AND WHEREAS pursuant to Section 30 of the "Local Improvement Act" the Council has procured to be made by the Municipal Engineer a report as to the various matters in the said Section referred to, and it appears by the said report that the estimated cost of the said work including engineering expenses, interest on temporary loans and the estimated cost of the issue and sale of debentures, is \$2,500.00 and that the estimated lifetime of the said work is not less than twenty years;

NOW THEREFORE the Municipal Council of the Corporation of the Township of Esquimalt enacts as follows:

1. That there be constructed as a work of local improvement under the provisions of the "Local Improvement Act" a sanitary sewer on Lampson Place from the easterly boundary of Lampson Street to the easterly limit of Lampson Place and as well private drain connections connecting the said sewer with lots abutting directly thereon.
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 said Municipal Engineer and according to the said plans, profiles and specifications and to the directions and orders of the said Municipal Engineer.

4. That the Council being of the opinion that it would be inequitable to assess the owners' portion of the cost of that part of the aforesaid work which shall not consist in private drain connections upon the lots abutting directly thereon according to the extent of their respective frontages on the said work, and this By-law being passed by vote of three-quarters of all of the members of the said Council, it is hereby determined and declared that such method of assessment is inequitable.

5. (a) That the owners' portion of the cost of the aforesaid part of the said work be assessed upon the lands immediately benefited by the said work according to the proportion of the benefit received therefrom.

(b) (i) To the intent that the said owners' portion shall be apportioned on a fair and equitable basis, such portion shall be divided into as many equal parts as there are parcels of land as hereinafter described abutting directly on the said work, and each and every lot in which one or more of such parcels is comprised shall be assessed with one such equal part for every such parcel comprised therein;

(ii) For the purposes of Section (b)(i) of this Section "lot" shall mean a lot as defined by Section 2 of the "Local Improvement Act" and every lot abutting on the said work shall be deemed to contain as many parcels of land for assessment purposes as might be created or laid out by any reasonable or convenient method of subdivision of such lot, providing for two or more parcels of not less than 7,200 square feet each in superficial area;

(iii) "Parcel of land" shall mean any parcel of land which might be created or laid out as aforesaid and every lot abutting on the said work shall be deemed to include at least one such parcel.

6. (a) The cost of each private drain connection shall be specially assessed upon the particular lot for or in connection with which it is constructed.

(b) The special assessment for the cost of all work performed hereunder shall be paid in twenty annual installments.

7. Any person whose lot is specially assessed may commute for payment in cash the special rates imposed thereon by paying the portion of the cost of construction assessed upon such lot without interest within thirty days after the special assessment roll has been certified by the Clerk.

8. The debentures to be issued and sold to meet the cost of the aforesaid work cash when completed shall bear interest at the rate of not more than five per cent per annum and shall be twenty years serial debentures, the interest on which is to be paid semi-annually and the principal of 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 moneys 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 resolution of the Council prior to the preparation of the special assessment roll.

9. By-law No. 660 being the "Lampson Place Sewer Local Improvement By-law, 1956" is hereby REPEALED.
10. This By-law may be cited as the "LAMPSON PLACE SEWER LOCAL IMPROVEMENT BY-LAW, 1956 (No. 2)."

PASSED by the Municipal Council on the 3rd day of December, A.D., 1956.

RECONSIDERED, ADOPTED and FINALLY PASSED as aforesaid by the Municipal Council on the 17th day of December, A.D., 1956.

"J. W. Allan"
Clerk

"Alfred C. Wurtele"
Reeve