

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 714

BEING a By-law to authorize the construction of certain sewerage works and ancillary works in the Parklands area of the Corporation of the Township of Esquimalt along Parklands Drive, Alexander Road, Cunningham Road and Kingsmill Road, and through Lots 4 and 5, Plan 4333, and Lot "A" in Plan 10619, and Lots 3 and 10, Block 3, in Plan 6570, as a work of Local Improvement under the "Local Improvement Act".

WHEREAS notice of the intention of the Council to undertake the construction as a local improvement of the work hereinafter described has been duly given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed, and the publication and service of such notice has been proved as to publication by a statutory declaration filed by the Clerk and as to service by a statutory declaration filed by the Clerk and as to service by a statutory declaration filed by John Taylor Melvin, and no petition against the work signed by a majority of the owners representing at least one-half of the value of the lots which are liable to be specially assessed has been presented,

AND WHEREAS the said work is the construction of a sewer having a sectional area of not less than one-third of a foot nor more than four feet and it is deemed expedient that the Corporation assume such portion of the cost thereof as shall together with so much of the cost of the said work as is incurred at street intersections be equal to one-third of the cost thereof excluding nevertheless the cost of private drain connections,

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 cost 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 on the basis 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, compensation for lands taken for the purposes of the said work and the estimated cost of the issue and sale of debentures is \$33,000.00 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 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 and ancillary works in the Parklands area of the Township of Esquimalt along Parklands

Drive, Alexander Road and Cunningham Road and Kingsmill Road for their full length, and through Lots 4 and 5, in Plan 4333, and Lot "A" in Plan 10619, and Lots 3 and 10 in Block 3 of Plan 6570, to serve the said lots and the lands abutting upon the aforementioned streets.

2. That the Municipal Engineer do forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the making of a contract for the execution of the said work.
3. That the work, if done by the said Corporation, or so much thereof as may be done by the said Corporation, will 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 Municipal Engineer, and if done by contract such work or so much thereof as shall be done by contract, shall be carried on and executed in all respects in conformity with the said plans, profiles and specifications, and to the satisfaction of the Municipal Engineer.
4. If the Council by resolution determines that the said work shall be done in whole or in part by contract, the Reeve and the Clerk shall be and they are hereby authorized to affix the seal of the Corporation to such contract, subject nevertheless to the approval thereof by the Council.
5. That the Council being of the opinion that it would be inequitable to assess the owners' portion of the cost of the aforesaid work 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 a vote of three-quarters of all of the members of the Council, it is hereby determined and declared that such method of assessment is inequitable.
6. That the owners' portion of the cost of the aforesaid work is assessed upon the lands immediately benefited by the said work according to the proportion of the benefit received therefrom.
7. (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 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 subsection (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 so abutting 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 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.
8. That in addition to that portion of the cost of the said work which is incurred at street intersections, the Corporation shall assume so much of the cost of the said work not consisting in private drain connections as shall together with the aforesaid portion of the cost incurred at street intersections be equal to one-third thereof.

9. The cost of each private drain connection shall be specially assessed upon the particular lot for or in connection with which it is constructed.
10. A special assessment for the cost of the said work shall be paid in twenty annual installments.
11. 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 the interest within thirty days after the special assessment roll has been certified by the Clerk.
12. 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 5% per annum, and shall be twenty year 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.
13. This by-law may be cited as the "PARKLANDS AREA SEWER LOCAL IMPROVEMENT BY-LAW (1957)".

PASSED by the Municipal Council on the 21st day of January, A.D., 1957.

RECONSIDERED, ADOPTED AND FINALLY PASSED as aforesaid by the Municipal Council on the 11th day of February, A.D., 1957.

"Alfred C. Wurtele"  
Reeve

"J. W. Allan"  
Clerk