

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 807

BEING a By-law to authorize the construction of a sanitary sewer on Fernhill Road from Esquimalt Road to the south westerly boundary of Lot 5, Plan 1356, as a work of local improvement under the provisions of Part XVI of the "Municipal Act".

WHEREAS H.L. McQuade 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 the whole of the cost of the said work is to be assessed upon the lots abutting directly thereon according to the extent of their respective frontages by an equal special rate per foot of such frontage sufficient to defray the costs,

AND WHEREAS certain of the said lots are either irregularly shaped or situate at corners 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 30 of the "Local Improvement Act", being R.S.B.C. 1948, Chapter 237, the Council has procured to be made by the Municipal Engineer a report as to the various matters in the said Section referred to, which report covers the matters and things referred to in Section 600 of the "Municipal Act", 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 \$4,000.00, 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 Part XVI of the "Municipal Act" a sanitary sewer on Fernhill Road from Esquimalt Road to the south westerly boundary of Lot 5, Plan 1356.
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 except as hereinafter provided the entire cost for the said work shall be specially assessed upon the lots abutting directly on the said work according to the extent of their respective frontages thereon by an equal special rate per foot of such frontage sufficient to defray such costs.
5. That a reduction in the special assessment which would otherwise be chargeable on the following described irregularly shaped lots shall be made by deducting from the total frontage of the said lots liable to the special assessment as much thereof as is sufficient to adjust the assessment on a fair and equitable basis, that is to say, as to Lot 1, Plan 11596, a reduction of 27', as to Lot 2, Plan 11596, a reduction of 11', as to Lot 3, Plan 11596, a reduction of 11', as to Lot 7, Block 2, Plan 4709, a reduction of 15.4', as to Lot 8 and W. 26.3' of Lot 9, Block 2, Plan 4709, a reduction of 69.11', as to Lot 9 except W. 26.3' and W 13.14' of Lot 10, Block 2, Plan 4709, a reduction of 26.4', as to Lot 10, except W. 13.14', Block 2, Plan 4709, a reduction of 26.41', as to Lot 11, Block 2, Plan 4709, a reduction of 49.96', as to Lot 12, Block 2, Plan 4709, a reduction of 49.96', as to Lot 13, Block 2, Plan 4709, a reduction of 49.96', as to Lot 14, Block 2, Plan 4709, a reduction of 49.96', as to Lot 5, Plan 1356, a reduction of 17'.
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 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 said work when completed shall bear interest at the rate of not more than 7% per annum and shall be fifteen 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 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.

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9. This By-law may be cited as the Fernhill Road Sewer Local Improvement By-law, 1958".

PASSED by the Municipal Council on MAR 17 1958

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Municipal Council on MAR 31 1958

Alfred C. Wurtele
Reeve

J.W. Allan
Clerk