

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 863

BEING a By-law to authorize the construction of a sanitary sewer on Foster Street, to serve Lots A & B, Plan 12731, and Lots 2 & 3, Plan 1473 thereon, as a work of local improvement under the provisions of Part XVI of the "Municipal Act".

WHEREAS Edward Dinsdale Young 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 on the easterly side of Foster Street, known and described as Lots A and B of Plan 12731, and Lots 2 and 3, of Plan 1473, according to the extent of their respective frontages by an equal special rate per foot of such frontage sufficient to defray the cost;

AND WHEREAS none of the said lots are either irregularly shaped or situate at corners, and it is not necessary to make any adjustment in the assessment by way of reduction or increase in the foot frontage of the said lots;

AND WHEREAS pursuant to Section 600 of the "Municipal 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, from which it appears that the estimated cost of the said work is \$1,100.00, 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 the easterly side of Foster Street, from Lyall Street to the northerly boundary of Lot A of Plan 12731, or such other point as may be necessary to give effective service to the said Lot A, Plan 12731 and Lots 2 and 3, Plan 1473.
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 Lots A and B of Plan 12731 and Lots 2 and 3, of Plan 1473, 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 no reduction in the special assessment, which would otherwise be chargeable on the said lots shall be made, and no addition thereto shall be made, for the purpose of adjusting the said assessment.
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 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 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 "Foster Street Sewer Local Improvement By-law, 1959".

PASSED by the Municipal Council on APR 13 1959

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Municipal Council on APR 13 1959

Alfred C. Wurtele
Reeve

J.W. Allan
Clerk