

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 864

BEING a By-Law to authorize construction of a sanitary sewer extension on Heald Avenue to serve Lots A, B and C, in Plan 12838, as a work of local improvement under the provisions of Part XVI of the Municipal Act.

WHEREAS Douglas Hawkes and Violet Hawkes 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 that 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 known and described as: Lot A, B and C, in Plan 12838, 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 the said lots have varying frontages and it is necessary in order to adjust the assessment on a fair and equitable basis to make the additions to the foot frontages hereinafter referred to,

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, and it appears from the said report that the estimated cost of the said work is \$316.00, 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 Heald Avenue, commencing at the point at which the existing sewer ends on the said Heald Avenue, and continuing for a distance westerly of 75 feet more or less to the boundary of Lot A, Plan 12838.
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 said plan, 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 being served by the said sewer according to the extent of their respective frontage on Heald Avenue, by an equal special rate per foot of such frontage sufficient to defray such cost.
5. That an addition in the special assessment which would otherwise be chargeable upon the following described lots shall be made by adding to 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 A, in Plan 12838	10.98 feet
As to Lot B, in Plan 12838	18.48 feet
As to Lot C, in Plan 12838	4.70 feet
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 "Heald Avenue Sewer Local Improvement By-Law, 1959"

PASSED by the Municipal Council on **APR 1 1959**

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

Alfred C. Wurtele
Reeve.

J.W. Allan
Clerk