

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 895

BEING a By-law to authorize the construction of a sanitary sewer and ancillary works on and across the following lots, that is to say: Part of Lot B, Plan 1625, the west half of Lot 3, Block B, Plan 195, the remainder of the east half of Lot 3, Block B, Plan 195, Lots 1, 2 and 3, Plan 13122, and Lot 1, Plan 7013, and on Dingley Dell to serve Lots 2, 3 and 4, Plan 7013 as a work of local improvement under the provisions of Part XVI of the "Municipal Act".

WHEREAS the Corporation has given notice in accordance with the provisions of Section 589 of the "Municipal Act" of its intention to proceed with the works hereinafter described to the persons in the said section described and in the manner therein prescribed, and has caused the said notice to be published in the issues of the Victoria Daily Colonist and Victoria Daily Times of Saturday, 26th day of September, A.D. 1959 as required by the said Section.

AND WHEREAS more than one month has elapsed since the publication aforesaid and the Clerk has certified that only one landowner has protested against the said work and no petition has been filed against the said work.

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: the west half of Lot 3, Block B, Plan 195; the east half of Lot 3, Block B, Plan 195; the east 55 feet of Part of Lot B, Plan 1625; Lot 1, 2 and 3, Plan 13122; and Lots 1, 2, 3 and 4, Plan 7013, according to the extent of their respective frontage or abutment thereon, and according to the extent of the benefit to be derived therefrom by an equal special rate per foot of such frontage or abutment sufficient to defray the cost.

AND WHEREAS the said lots have varying frontages and areas and it is necessary in order to adjust the assessment on a fair and equitable basis to make the reductions 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 \$4,450.00 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 and ancillary works on and across Part of Lot B, Plan 1625; the west half of Lot 3, Block B, Plan 195; the remainder of the east half of Lot 3, Block B, Plan 195; Lots 1, 2 and 3, Plan 13122; Lot 1, Plan 7013 and Lots 2, 3 and 4, Plan 7013.
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 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 the lots being served by the said sewer according to the extent of their respective frontage or abutment on the said sewer and according to the relative degrees of benefit derived or to be derived therefrom by an equal special rate per foot of such frontage sufficient to defray such cost.
5. That in order to adjust the said assessment upon an equitable basis and having regard for the differences in areas of the lots subject to the special assessment, and particularly to the varying degrees of benefit derived or to be derived from the said works in particular relation to Lot 3, Plan 13122 and Lot 1, Plan 7013, that the reductions in the special assessment which would otherwise be chargeable on the following described lots shall be made by deducting from 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 the west half of Lot 3, Block B, Plan 195 a reduction of 38.5 feet; as to the east half of Lot 3, Block B, Plan 195 a reduction of 38.5 feet; as to the east 55 feet of Part of Lot B, Plan 1625, a reduction of 5 feet; as to Lot 1, Plan 13122 a reduction of 26.85 feet; as to Lot 2, Plan 13122 a reduction of 28.00 feet; as to Lot 3, Plan 13122 a reduction of 19.58 feet; as to Lot 1, Plan 7013 a reduction of 7 feet; as to Lot 2, Plan 7013 a reduction of 10 feet; as to Lot 3, Plan 7013 a reduction of 10 feet; as to Lot 4, Plan 7013 a reduction of 10 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 Court of Revision.

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 seven percent 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 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.

9. This By-law may be cited as the "Dingley Dell Sewer Local Improvement By-law 1959".

PASSED by the Municipal Council on NOV 23 1959

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Municipal Council on DEC-7 1959

REEVE

CLERK

