

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 1289

BEING a By-law to authorize the construction of a sanitary sewer and laterals on Esquimalt Road to serve Lots 1, 2, 3, 4, 5, 6 & 7 of Plan 6247; Lot 1 of Plan 5950, as a work of Local Improvement under the provisions of Part XVI of the "Municipal Act".

WHEREAS E. B. Erskine and others have lodged with the Clerk a petition to the Council to construct as a work of 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 a report has been received by the Municipal Council from the Municipal Engineer which states:

- (a) The estimated lifetime of the work is Forty (40) years;
- (b) The estimated cost of the work is \$12,150.00;
- (c) The share of the total estimated cost which will be specially charged against the parcels benefiting from or abutting on the work is \$8,000.00.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT in open meeting assembled, 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 laterals of such diameter as the Engineer shall determine, on Esquimalt Road to serve Lots 1, 2, 3, 4, 5, 6 & 7 of Plan 6247; Lot 1 of Plan 5950.
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. The following shall be established as the annual charge for each foot of taxable foot frontage to be specially charged against the parcels benefiting from or abutting the said work and the number of years for which the annual charge is to be imposed and the percentage of the aggregate specified which will be accepted as the commuted value:-

<u>Annual Charge Per Foot</u>	<u>No. of Years</u>	<u>Percentage for Commutation</u>
\$2.3366	15	57.063%

5. For the purpose of calculating the owner's portion of the cost of the work, each parcel benefiting from or abutting the said work shall be deemed to have a taxable foot-frontage of fifty (50) feet; provided that in respect of any parcel of land that may be lawfully subdivided the same shall be deemed an irregular shaped lot and shall be charged on the basis of having a taxable foot-frontage of fifty (50) feet for each potential lot into which such lot could be subdivided.

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 a 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, the specific rate of interest shall be determined by a resolution of the Council prior to the preparation of the Special Assessment Roll.

8. The cost of the said work which is to be specially assessed upon the lots abutting directly on the said work shall be financed from the "Local Improvement Fund" set up and established under By-law No. 1260, cited as the "Local Improvement Fund Establishment By-law, 1969" and the said special assessments, being the share of the cost of the said work to be borne by the owners of the lots abutting thereon, shall be paid into the said "Local Improvement Fund" not later than the 31st day of December in each year in which the said special assessments are levied.

9. This By-law may be cited as the "Esquimalt Street Sewer Local Improvement By-law, 1970"

PASSED by the Municipal Council on FEB - 9 1970

RECONSIDERED AND ADOPTED by the Municipal Council on MAR - 2 1970

M.W.E. Allen
Clerk

A. G. Young
Mayor