

CITY OF SURREY

BY-LAW NO.14622

A by-law to authorize the construction, operation and maintenance of a water main and related appurtenances and service connections to service parcels on 40 Avenue from the Nicomekl River to address 16520 - 40 Avenue; to authorize the acquisition of all appliances, equipment, materials, real property, easements and rights-of-way required to construct, operate and maintain the works; to define the benefiting lands; and to establish that the cost of the works and services shall be borne by the owners of real property within such defined area.

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WHEREAS Council has been petitioned to construct a water main to service parcels on 40 Avenue from the Nicomekl River to address 16520 - 40 Avenue, pursuant to Section 631(2) of the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended (*the "Local Government Act"*);

AND WHEREAS the City Clerk has certified that the petition received for the works does constitute a sufficient petition signed by majority of the owners, representing at least half of the value of the parcels, which are liable to be specially charged;

AND WHEREAS it is deemed expedient to grant the prayers of the petitioners in the manner hereinafter provided and proceed with the works;

AND WHEREAS "Surrey Water Main Extension Regulation By-law, 1992, No. 11345", as amended, provides that the cost of constructing water system extensions shall be recovered in part or in whole from each of the existing parcels of land that will be served by the water system extension;

NOW THEREFORE, the City Council of City of Surrey ("the City"), in open meeting assembled, ENACTS AS FOLLOWS:

1. This By-law shall be cited for all purposes as "Local Improvement Water Main Construction [Agricultural Lands - Project # 1200-903] By-law, 2002, No. 14622".

2. A water main, together with the necessary related appurtenances and service connections ("the Works") shall be constructed to service parcels on 40 Avenue from the Nicomekl River to address 16520 - 40 Avenue, as a local improvement under Part 19 of the *Local Government Act*.
3. The specific area of the City for the benefit of which the Works are to be established, operated and maintained is defined as the area outlined in the attached Schedule "A", which is appended hereto and forms part of this By-law.
4. The General Manager, Engineering, has compiled the report and estimates of the costs relating to the Works as shown in the attached "Schedule "B", which is appended hereto and forms part of this By-law.
5. The General Manager, Engineering is directed to have the necessary plans and specifications for the Works prepared and to have the Works carried out or to provide the specifications necessary for the preparation of a contract to construct the Works, or any part thereof.
6. The General Manager, Finance & Technology may, subject to the approval of Council, agree with any bank or person for temporary advances of money to meet the cost of the Works pending the completion of the Works.
7. The Mayor and City Clerk are authorized to cause a contract for the construction of the Works to be made and entered into with some person or persons, firm or corporation, subject to the approval of Council to be declared by resolution.
8. The Works shall be carried out under the supervision and according to the directions of the General Manager, Engineering.
9. The General Manager, Finance & Technology upon completion of the Works shall prepare a certified statement setting out the final cost of the Works and submit the statement to Council.

10. The General Manager, Engineering shall prepare revised Schedules "B" and "C" setting out the final cost of the Works and apportionment thereof to the benefiting property owners and bring forth to Council these revised schedules as an amendment insertion to this By-law.
11. Upon Council's adoption of the revised Schedules "B" and "C", the General Manager, Finance & Technology shall charge the proportion of the owner's individual cost against the Existing Parcels as a special assessment.
12. The City's proportionate capital cost of servicing the Future Participating Parcels is levied on the potential Future Participating Parcels and shall be recovered as a Specified Charge from the owners of the Future Participating Parcels as follows:
 - a. If the use of an additional connection is required on a Future Participating Parcel, a Specified Charge for the provision of the water system and a service connection to the property, as set out in Schedule "C" which is appended hereto and forms part of this By-law, shall be payable by the owner of the Future Participating Parcel as set out in Schedule "C".
 - b. The Specified Charge shall incur an annual financing charge calculated at the compound rate specified within Schedule "C". The annual financing charge shall be added to the Specified Charge annually until such time as the Specified Charge, together with the accrued financing charge, is paid in full.
 - c. The Specified Charge, together with the accrued financing charge, shall be capped at the end of ten years and when a person makes application to use the works thereafter, the amount that is capped as aforesaid, shall be the Specified Charge applicable for service connection to the Future Participating Parcel.
13. Upon Council's approval of the revised Schedules "B" and "C" with finalized costs, the City Clerk is authorized to append them to this By-law and they shall then form part of this By-law, superseding the original Schedules "B" and "C" with estimated costs.

14. The Collector is hereby directed to prepare an assessment roll for each Existing Parcel.
15. Each parcel of land shall be deemed to have the same taxable frontage. The special rate to be imposed upon each existing parcel of land shall be a single amount for each parcel.
16. The special assessment on the Existing Parcels shall be payable by fifteen (15) annual installments and shall be levied pursuant to the provisions of Section 5(a) of "Local Improvements Cost Sharing By-law, 1970, No. 3250," as amended.
17. Any person whose parcel of land is specially assessed under this By-law may commute for a payment in cash the special rates imposed thereon, by paying the portion of the cost assessed upon such lot, without interest, forthwith after the special assessment roll has been confirmed and authenticated by a Court of Revision.

PASSED THREE READINGS by Council on the 4th day of February, 2002.

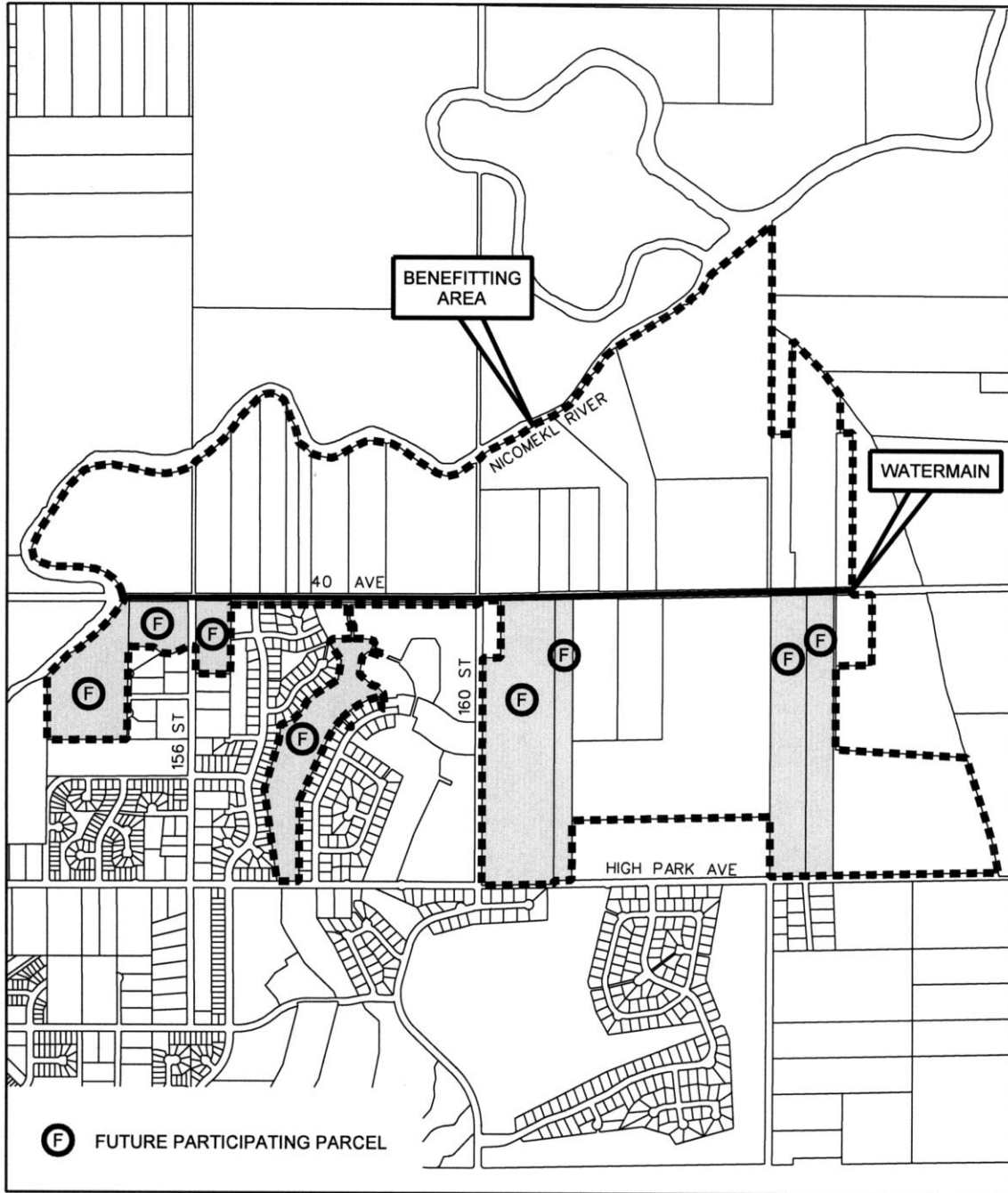
RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 18th day of February, 2002.

_____MAYOR

_____CLERK

**SCHEDULE "A"
BY-LAW 14622**

PROJECT * 1200 - 903



PRODUCED BY ENGINEERING DRAFTING: JANUARY 29, 2002



**LOCAL IMPROVEMENT
40 AVE: 15500 TO 16600 BLOCK**

**ENGINEERING
UTILITIES**



Engineer's Report

LOCAL IMPROVEMENT - WATER MAIN EXTENSION By FORMAL PETITION

Pursuant to Section 635 (1) of the Local Government Act, I wish to advise in regard to the following work resolved to be undertaken as a Local Improvement.

Location: **40 Avenue: Nicomekl to Address 16520-40 Ave.**

Total Estimated Cost	\$ 465,000	(*)	(A)
Number of Lots [25 on the LIP + 8 with existing service]	33		(B)
Cost per Lot (A/B)	\$ 14,100	(*)	(C)

Cost Distribution

Local Improvement Scheme:

25 Owner's Individual Share based on per property charge	\$ 14,100	(*)	(C)
Individual Owner's Share (E) Amortized over 15 years at 7 ³ / ₄ % p.a.	\$ 1,850	(*)	p.a.

Properties Not involved within the LIP Scheme:

8 Property Owner's Individual Share front-ended by the City's Water Utility and to be recovered as Specified Charge' (See over)	\$ 14,100	(*)	
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Life of work 40 years

Jorgen Johansen, P. Eng.,
General Manager, Engineering

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(*) All costs are estimates only. A revised Engineer's Report with actual cost and the appropriate interest rate for amortization will be prepared upon completion of the work.

SCHEDULE "C"
BY-LAW 14622

FUTURE PARTICIPATING PARCELS

Specified Charge = \$ 14,100 *

[Including the cost of providing a service connection and incurring annual financing charge at 5%. For details, see Table 1 below.]

**to be levied on the following lands
and payable at the first use of the connection:**

	Lot Identifier	Roll No.	Civic Address
1	N676.92'1 NE SEC 26 T1 PL 7137 5AC	5264 - 00002 - 5	3926 - 156 Street
2	LT 6 DL153 PL70531 PID 002512165	5700 - 05001 - 8	3965 - 156 Street
3	LT 5 NE SC 26 T1 PLLMP42537	5264 - 04008 - 4	15820 - 40 Avenue
4	LT 1 DL 153 PL 8098	5700 - 00044 - 1	15492 - 40 Avenue
5	PCL B NW SEC 25 T1 PL 24398E (EX NW 165 X 530')	5253 - 91006 - 2	16082 - 40 Avenue
6	PCL F NW SEC 25 T1 REF 8794	5253 - 95002 - 3	16126 - 40 Avenue
7	W 5 CHNS OF 106.24AC PT NE SEC 25 T1 REF 902 (EX S33')	5254 - 97102 - 2	16420 - 40 Avenue
8	PCL B NE SEC 25 T1 REF 10737	5254 - 91002 - 1	16480 - 40 Avenue

Table 1

Payment No	Payment Year	Inflation Factor	Interest*	Specified Charge*
	2001	Nil	Nil	\$14,100.00
1	2002	1.00	Nil	\$14,100.00
2	2003	1.05	\$705.00	\$14,805.00
3	2004	1.10	\$740.25	\$15,545.25
4	2005	1.16	\$777.26	\$16,322.51
5	2006	1.22	\$816.13	\$17,138.64
6	2007	1.28	\$856.93	\$17,995.57
7	2008	1.34	\$899.78	\$18,895.35
8	2009	1.41	\$944.77	\$19,840.12
9	2010	1.48	\$992.01	\$20,832.12
10	2011	1.55	\$1,041.61	\$21,873.73
After Year 2011, specified charge will be capped @ \$21,873.73.				

*** All costs are estimates only. "Actual" costs will be determined upon completion of the works.**



Certificate of Sufficiency
of a formal petition for local improvement work

Pursuant to Section 632 of the Local Government Act, R.S.B.C. 1996, c. 323, as amended, I, *Marg Jones*, the Acting City Clerk for City of Surrey, British Columbia certify that a formal petition for undertaking the following work as a Local Improvement has been received and is determined to be sufficient.

General Description of the Work: *WATER MAIN EXTENSION*
Project #1200-903
40 Avenue:
From Nicomekl River to Address 16520

The Council may, by bylaw, undertake the work described above as a local improvement.

A handwritten signature in cursive script, appearing to read "Marg Jones".

Marg Jones, Acting City Clerk
Manager, Legislative Services

Date: Sept 14, 2001