

CITY OF KELOWNA
BYLAW NO. 8657

A bylaw of the City of Kelowna to establish a specified area for the purpose of providing a sanitary sewer system for the special benefit of the specified area and to authorize the borrowing of the estimated cost thereof

(Sewer Specified Area No.22A - Gerstmar Road)

WHEREAS pursuant to the provisions of Part 19, Division 2 of the *Local Government Act*, the Council of the City of Kelowna is empowered by bylaw to undertake any work or service coming within the powers of the municipality for the special benefit of a specified area of the municipality;

AND WHEREAS the Council of the City of Kelowna has proceeded on the initiative plan, in compliance with Sections 629 and 630 of the *Local Government Act*, by mailing to the owners of the parcels liable to be specially charged notice of the intention of the Council to undertake the work herein authorized for the special benefit of the specified area of the municipality created by this bylaw, and notice of the intention of the Council to undertake the work has been given by publication of a notice under Sections 629 and 630 of the *Local Government Act*;

AND WHEREAS any petition received against the proposed work was not sufficient to prevent Council from proceeding with the work pursuant to Sections 629 and 630 of the *Local Government Act*;

AND WHEREAS the provisions of Part 19, Division 2, of the *Local Government Act* have been complied with;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained;

AND WHEREAS the maximum term for which debentures may be issued to secure the debt created by this bylaw is twenty (20) years;

AND WHEREAS the debt to be created by this bylaw is the sum of One Hundred Thirty-Nine Thousand, Eight Hundred Sixty-Eight Dollars (\$139,868.00);

AND WHEREAS the object for the debt is as set out in the bylaw;

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. The portion of the City of Kelowna, more particularly described in Schedule A attached hereto and as shown outlined on the plan contained in Schedule A, shall be the area of the City of Kelowna benefited by the works and services hereinafter set forth, which area is hereinafter referred to as the "Benefiting Area".

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2. The City of Kelowna is hereby authorized to provide, operate, maintain and to undertake and carry out, or cause to be carried out, the construction of the sewer system shown and described in the general plans and specifications for Sanitary Sewer Specified Area No. 22A - Gerstmar Road and to do all things necessary in connection therewith for the special benefit of the benefiting area.
3. The City of Kelowna is hereby authorized to borrow, upon the credit of the City of Kelowna, a sum not exceeding One Hundred Thirty-Nine Thousand, Eight Hundred Sixty-Eight Dollars (\$139,868.00) for the purpose of constructing the works more particularly described in Section 2 for the special benefit of the benefiting area.
4. The City of Kelowna is hereby authorized to acquire all such real property, easements and rights-of-way and to enter into leases, and to obtain other rights and authorities as may be required or desired in connection with the construction of the works described in Section 2 of this bylaw.
5. The entire capital costs of the work paid for out of money borrowed, pursuant to the authorization of this bylaw shall be borne by the benefiting area and shall be raised by Council by way of an annual user charge under Section 363 of the *Local Government Act*, levied in 20 annual instalments.
6. Should the sums recovered through the levy of the annual user charge at any time be insufficient to meet the costs of repayment of the debt, the Council may levy and impose within the benefiting area an additional rate on land and improvements over and above all other rates sufficient to meet such deficit in the same manner and time as other general municipal levies.
7. Any person whose parcel is subject to being specially charged under Section 5 of this bylaw, may elect to make a one-time payment of the portion of the cost of construction assessed upon their parcel within sixty days of receipt of written instructions from the Collector or on any anniversary date of the loan borrowed under this bylaw. The amount of the one-time cash payment after the loan has been incurred will vary depending upon a number of factors including the year of payment, interest rate of the loan and the rates of return on the sinking fund and cash commutation fund.
8. The Council may by bylaw merge this benefiting area with any other specified area created to provide sanitary sewer works whether contiguous or not, for the purpose of providing, consolidating or completing necessary work for such merged areas.
9. This bylaw shall take effect on the date of its adoption by Council.
10. This bylaw shall be cited as "Sanitary Sewer Specified Area No. 22A Bylaw No. 8657 (Gerstmar Road)".

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Read a first, second and third time by the Municipal Council this 2nd day of April, 2001.

Received the Approval of the Inspector of Municipalities this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

