
CITY OF KELOWNA

MEMORANDUM

Date: March 19, 2003
File No.: BL8962

To: City Manager

From: City Clerk

Subject: Petitioned Work – Sewer Specified Area 22E – Dease Road

RECOMMENDATION

THAT Council receive the Certificate of Sufficiency dated March 19, 2003 pertaining to Sewer Specified Area No. 22E – Dease Road;

AND THAT Sewer Specified Area No. 22E Bylaw No. 8962 (Dease Road) be advanced for amendment consideration as outlined in the report from the City Clerk dated March 19, 2003;

AND THAT Dease Road Parcel Tax Bylaw No. 8997 be advanced for reading consideration.

BACKGROUND

Under the provisions of the *Local Government Act* a Council may, by bylaw, create a specified area to provide a service for the benefit of the properties within the boundaries of the area. This can be undertaken either by Council initiative or when requested by petition.

On February 17, 2003, Council gave the first three readings to Bylaw No. 8962, which authorized the borrowing of \$404,306.00 for the Dease Road sewer project. This bylaw was advanced under the provisions of the LGA that provides for a specified area to be undertaken by Council initiative. The appropriate notification to the affected property owners was done and the deadline for receipt of petitions against the project was set at March 25, 2003.

Since that time staff has explored different payment options and now recommend that the specified area be created as a petitioned project. As a specified area is created under a different section of the LGA if it is requested by petition, it is necessary to amend Bylaw No. 8962 as follows:

By replacing the second and third paragraphs of the preamble with the following:

“AND WHEREAS the Council of the City of Kelowna has received a petition from the owners of certain properties to have the municipality undertake the construction of a sewer system within the specified area created by this bylaw;

AND WHEREAS the Municipal Officer assigned the responsibility for Corporate Administration for the City of Kelowna under Section 198 of the *Local Government Act* has determined the sufficiency of the petition under the provisions of Sections 631 and 632 of the *Local Government Act*,”

By replacing Section 8 of the bylaw with the following:

“Any person whose parcel is subject to being specially charged under Section 6 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. Alternatively any person whose parcel is subject to being specially charged under Section 6 of this bylaw, may elect to make a one-time payment, on or before May 2, 2003, of the portion of the estimated cost of the construction of the project prior to the City incurring any borrowing charges assessed upon their parcel. “

When the work has been requested by petition, the petition must be signed by 2/3 of the owners of the affected parcels having at least 50% of the total assessed land value of all the parcels in the area proposed to be included in the specified area. No other notification or petition period is required when the project is petitioned for by a sufficient number of the affected owners.

There are 11 legal parcels within the boundaries of the proposed area. On March 19, 2003 the City Clerks department received a petition signed by the property owners of 9 of the parcels within the area. One of the signatures could not be counted as the signatory was not one of the principals of the company that owns the property. The Clerks Department reviewed the above referenced petition and have found it to be sufficient pursuant to Sections 631 & 632 of the *Local Government Act*.

The Certificate of Sufficiency is attached to this report.

Finally, in order to permit the different payment options it is also necessary to advance the related parcel tax bylaw for consideration.

D.L. Shipclark

LMT/

c.c. Deputy Director of Finance
Wastewater Manager



CITY OF KELOWNA

CLERK'S CERTIFICATE OF SUFFICIENCY

Bylaw No. 8962

(Pursuant to Section 631 of the *Local Government Act*)

I hereby certify that sufficient petitions HAVE been received from the owners in the area shown on the attached Map A for installation of sewer mains and services to the property line as detailed on Schedule "A" below.

Dated this 19th day of March, 2003.

D.L. Shipclark
City Clerk

Schedule "A" Certificate of Sufficiency - Bylaw 8962

Bylaw Number	Description of Work	No. of Parcels	Majority Required for Project (2/3)	No. of Petitioners	Total Assessed of Land	50% Land Assessment Required for Project	Total Petitioner's Assessment
8962	Creation of a Specified Area for the installation of sewer mains and services on a portion of Dease Road & authorize the borrowing of \$404,306 for the project.	11	8	8	7,499,500	3,749,750	4,610,500

