

# CITY OF KELOWNA

## BYLAW NO. 9621

**A bylaw of the City of Kelowna to establish a local service area for the purpose of providing road drainage, road widening, concrete (roll over) curb and gutter, asphalt pavement widening and topsoil and sod on the boulevard on both sides of the road, for the special benefit of the local service area**

### Local Service Area – Ace Road

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WHEREAS pursuant to the provisions of Section 210(2)(a) of the *Community Charter*, 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 local service area of the municipality;

AND WHEREAS pursuant to the provision of Section 212 of the *Community Charter*, the Council of the City of Kelowna has received a petition from the owners of the properties located within the proposed service area to have the municipality undertake certain road improvements for the special benefit of the local service area;

AND WHEREAS any petition received in favour of the proposed work was sufficient therefore unable to prevent Council from proceeding with the work pursuant to Section 212 of the *Community Charter*;

AND WHEREAS the Municipal Officer assigned the responsibility for Corporate Administration for the City of Kelowna under Section 148 of the *Community Charter* has determined the sufficiency of the petition under the provisions of Section 212 of the *Community Charter*;

AND WHEREAS the provisions of Part 7, Division 5, of the *Community Charter* have been complied with;

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 as shown on Map “A” attached to and forming part of this bylaw, shall be the area of the City of Kelowna benefited by the works and services hereinafter set forth, which area is referred to as the “Benefiting Area”.
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 road improvements (road drainage, road widening, concrete [roll over] curb and gutter, asphalt pavement widening and topsoil and sod on the boulevard on both sides of the road) shown and described in the general plans and specifications for Local Service Area – Ace 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 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.

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4. The entire capital costs of the work shall be borne by the benefiting area and shall be raised by way of a local service tax under Section 216 of the *Community Charter*, levied in 20 annual instalments.
5. Should the sums recovered through the levy of the local service tax 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.
6. Any person whose parcel is subject to being specially charged under Section 4 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.
7. The Council may, by bylaw, merge this benefiting area with any other local service 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.
8. This bylaw shall take effect on the date of its adoption by Council.
9. This bylaw shall be cited as "Establishment of Local Service Area – Ace Road, for the purpose of Road Improvements, Bylaw No. 9621".

Read a first, second and third time by the Municipal Council this       day of       , 2006.

Adopted by the Municipal Council of the City of Kelowna this       day of       , 2006.

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Mayor

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City Clerk

Map "A"

