

CITY OF KELOWNA

BYLAW NO. 9847

A bylaw of the City of Kelowna to establish a local service area for the purpose of providing improvements for the special benefit of the local service area (File 657)

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 certain properties to have the municipality undertake the construction of road drainage, road widening, concrete (roll over) curb and gutter, asphalt pavement widening and topsoil and seeding or sodding of the boulevards on both sides of Elm Street in the City of Kelowna for a local area service;

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 of road drainage, road widening, concrete (roll over) curb and gutter, asphalt pavement widening and topsoil and seeding or sodding of the boulevards (the "Works") shown and described in the general plans and specifications for the Elm Street Local Service Area (File 657).
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.

4. The estimated cost of the work is \$66,840.00 and the amount of the total cost which will be specially charged by way of local service tax levied for a period of 20 years against the Benefiting Area is \$26,837.00. The remainder of the total estimated costs will come from an existing budget.
5. The local service tax shall be in the form of a parcel tax, based on frontage, which shall be levied against the parcels within the Benefiting Area, and shall be calculated at a rate of \$178.00 per metre of frontage as a method of cost recovery for the service.
6. 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.
7. Any person whose parcel is subject to bring specially charged under 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.
8. 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 works for such merged areas.
9. This bylaw may be cited for all purposes as the “Elm Street Local Area Service Establishment Bylaw No. 9847 (File No. 657)”.

Read a first, second and third time by the Municipal Council this day of , 2007.

Adopted by the Municipal Council of the City of Kelowna this day of , 2007.

Mayor

City Clerk

