

# Memo



**Date:** August 16, 2011  
**File:** BL10557 and BL10558  
**To:** City Manager  
**From:** City Clerk  
**Subject:** Local Area Service, Bernard Avenue Revitalization Project - Petitioning Information  
Report Prepared by: Corinne Boback, Legislative Coordinator

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## **Recommendation:**

THAT Council receive, for information, the Report from the City Clerk, dated August 16, 2011 regarding the petition for the Local Service Area - Bernard Avenue Revitalization Project;

AND THAT Council sets the closing date for the Local Service Area - Bernard Avenue Revitalization Project as **Monday, October 3, 2011 at 4pm.**

## **Purpose:**

To establish a closing date for Council initiated petition submissions to the Office of the City Clerk for the Local Area Service for the Bernard Avenue Revitalization Project.

## **Background:**

On June 20, 2011, the report from the Specialist Planner -Urban Design dated June 15, 2011 outlined to Council the concept of the Bernard Avenue Revitalization Project and gave reading consideration to Bylaw No. 10557 - being the Establishment bylaw and to Bylaw No. 10558 - being the Loan Authorization Bylaw.

Under legislation, the Office of the City Clerk is required to send an information package along with two certified copies of Bylaw No. 10558 - being the Loan Authorization Bylaw, to the Inspector of Municipalities for approval.

On Wednesday, July 21, 2011, the Office of the City Clerk received the required approval from the Inspector of Municipalities, therefore, the Local Area Service - Bernard Avenue Revitalization Project Petitioning period can now begin.

The petition provides affected property owners the option of petitioning Kelowna City Council in opposition to Bylaw No. 10557 and 10558, being the Establishment and Loan Authorization Bylaw for Local Area Service for Bernard Avenue Revitalization project.

No later than Friday, August 26, 2011, notices, indicating individual estimated costs, along with a Council Initiated Petition and copies of the corresponding bylaws will be mailed to all affected property owners.

A handwritten signature in blue ink, appearing to be a stylized 'C' or similar mark.

**Internal Circulation:**  
Infrastructure Planning

**Legal/Statutory Authority:**  
Community Charter - Section 213 - requirements for the Council Initiated Local Service Area.

**Legal/Statutory Procedural Requirements:**  
Community Charter - Section 94 - requirements for advertising in local newspapers.  
Under the Community Charter, the petitioning period will close 30 days after the second newspaper advertisement. The advertisement will be placed in both of Kelowna's local newspapers, the Daily Courier and the Capital News on Friday, August 26, 2011 and Friday, September 2, 2011. Therefore, the closing date is set as **Monday, October 3, 2011 at 4pm.**

**Considerations not applicable to this report:**

**Existing Policy:**

**Financial/Budgetary Considerations:**

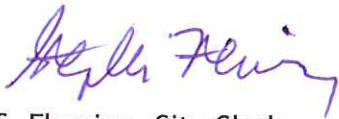
**Personnel Implications:**

**External Agency/Public Comments:**

**Community & Media Relations Comments:**

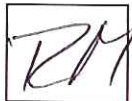
**Alternate Recommendation:**

Submitted by:



S. Fleming, City Clerk

Approved for inclusion:



Rob Mayne, Corporate Service Director

cc:

R. Cleveland, Infrastructure Planning Director

G. King, Revenue Manager



**LOCAL SERVICE AREA (CITY-INITIATED) PETITION**

WE, the undersigned, hereby petition Kelowna City Council **OPPOSING** the City-Initiated Local Service Area for the Bernard Avenue Revitalization described as:

Bylaw Nos. 10557 and 10558 being the Establishment and Loan Authorization Bylaws for Local Service Area for the Bernard Avenue Revitalization

Total Estimated Cost of the Revitalization Project:	\$12,139,900.00
Total Estimated Break Down of Funding to be Recovered by Local Area Service Tax:	
Total Proposed Amount borrowed under Bylaw No. 10518:	\$1,250,000.00
General Reserves	\$224,110.00
Total amount to be recovered by Local Area Service Tax:	\$1,474,110.00
Estimated Annual Charge per linear metre of frontage:	\$93.00
Number of Years for which Annual Local Service (Parcel) Tax will be Imposed (if one-time payment is not made)	20 Years

Date	Signature of Owner Petitioner	PRINT Name of Petitioner	Civic Address of Property	Legal Description of Property-

Council approved petitions are to be returned to the Office of the City Clerk, 3<sup>rd</sup> Floor, 1435 Water Street, Kelowna, BC V1Y 1J4 prior to the deadline of at 4p.m. Monday, October 3, 2011.

Petitions which are received by the Office of the City Clerk after the deadline for petitions noted above are invalid and will not be considered by Council.

Once a petition has been certified by the City Clerk, a person may not withdraw his or her name from the petition and no name may be added to the petition.

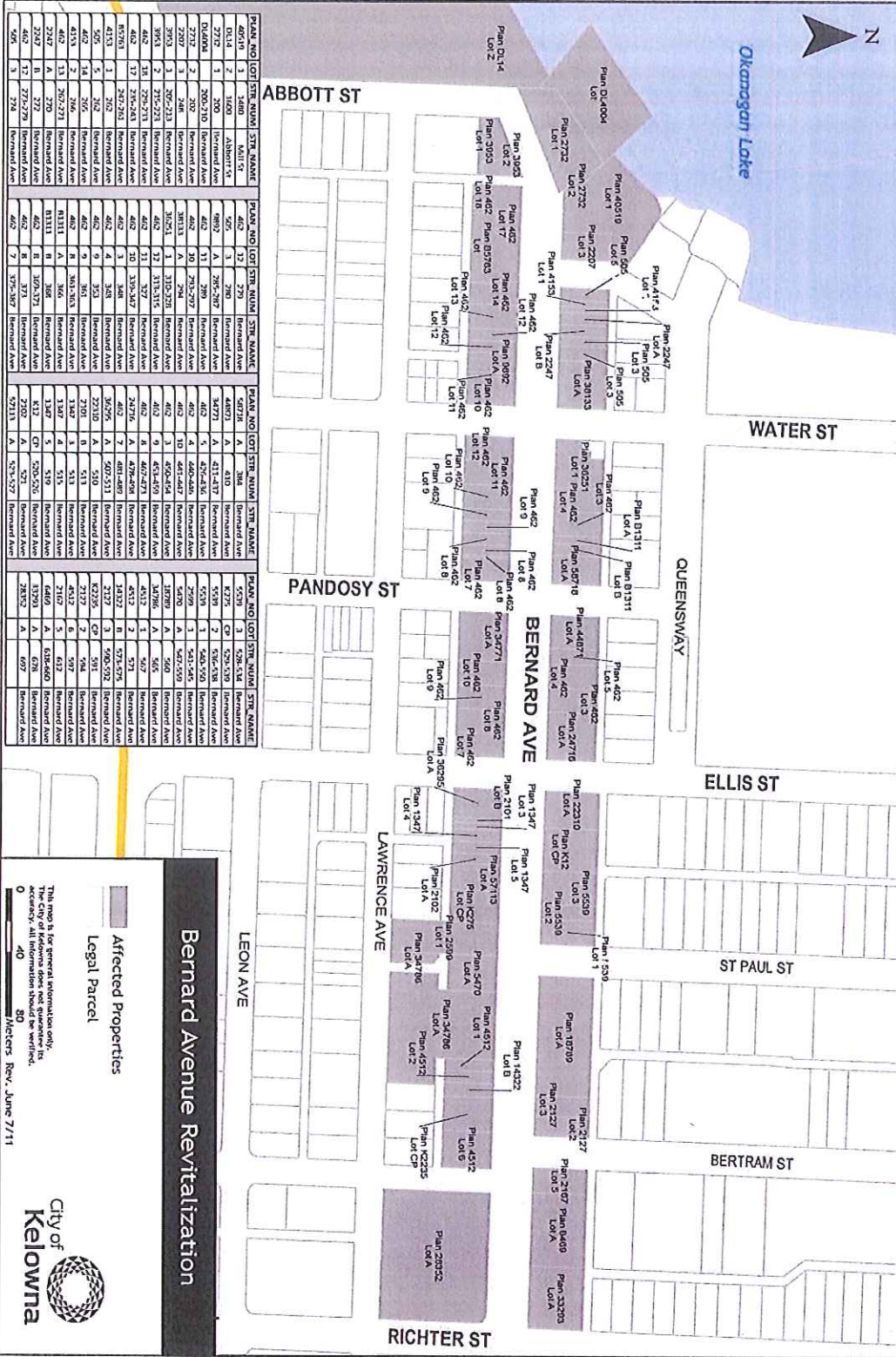
A petition to Council **OPPOSING** to a local area service is not valid unless:

- It is signed by at least 50% of the owners of the parcels liable to be specially charged;
- The signatures represent at least 50% of the total assessed value of the parcels liable to be specially charged; and
- A legal description of the parcel owned by each of the signatories to the petition is included.

In order for a signature to be valid, it must be in accordance with the Certificate of Indefeasible Title covering the parcel, and must comply with the following:

- a. If a parcel is owned by 2 or more persons, they are considered as one owner only, and unless the petition is signed by a majority of them, their signatures will be disregarded in determining whether the petition is sufficient. If one of the joint owners is deceased, for the remaining signature to be valid, a declaration from the Solicitor or Executor of the Estate certifying change of property title in the name of the survivor must accompany the petition.
- b. If the owner is a Corporation or a limited company, the full corporate name must be shown and the authorized signing officer(s) must sign the petition.
- c. If a property is purchased within 3 months prior to the circulation of the petition, a copy of the Certificate of Title reflecting the name(s) of the new owner(s) must accompany the petition.
- d. Signatures of Tenants are NOT acceptable (unless the tenant qualifies as an "occupier" of Crown, Municipal or exempt land as set out in subsection 212(6)(b) of the *Community Charter*.)
- e. If you have any questions about the petition, or the legality of a signature, please contact Corinne Boback, Legislative Coordinator at 250-469-8653.

Map "A"



PLAN NO	LOT	STR. NUM	STR. NAME	PLAN NO	LOT	STR. NUM	STR. NAME	PLAN NO	LOT	STR. NUM	STR. NAME	PLAN NO	LOT	STR. NUM	STR. NAME
6019	1	1800	Abbott Ave	402	7	279	Bernard Ave	5078	A	384	Bernard Ave	5725	2	295-534	Bernard Ave
2732	1	200	Bernard Ave	402	8	280	Bernard Ave	5079	B	385	Bernard Ave	5726	3	295-535	Bernard Ave
2732	2	200	Bernard Ave	402	9	281	Bernard Ave	5080	C	386	Bernard Ave	5727	4	295-536	Bernard Ave
2732	3	200	Bernard Ave	402	10	282	Bernard Ave	5081	D	387	Bernard Ave	5728	5	295-537	Bernard Ave
2732	4	200	Bernard Ave	402	11	283	Bernard Ave	5082	E	388	Bernard Ave	5729	6	295-538	Bernard Ave
2732	5	200	Bernard Ave	402	12	284	Bernard Ave	5083	F	389	Bernard Ave	5730	7	295-539	Bernard Ave
2732	6	200	Bernard Ave	402	13	285	Bernard Ave	5084	G	390	Bernard Ave	5731	8	295-540	Bernard Ave
2732	7	200	Bernard Ave	402	14	286	Bernard Ave	5085	H	391	Bernard Ave	5732	9	295-541	Bernard Ave
2732	8	200	Bernard Ave	402	15	287	Bernard Ave	5086	I	392	Bernard Ave	5733	10	295-542	Bernard Ave
2732	9	200	Bernard Ave	402	16	288	Bernard Ave	5087	J	393	Bernard Ave	5734	11	295-543	Bernard Ave
2732	10	200	Bernard Ave	402	17	289	Bernard Ave	5088	K	394	Bernard Ave	5735	12	295-544	Bernard Ave
2732	11	200	Bernard Ave	402	18	290	Bernard Ave	5089	L	395	Bernard Ave	5736	13	295-545	Bernard Ave
2732	12	200	Bernard Ave	402	19	291	Bernard Ave	5090	M	396	Bernard Ave	5737	14	295-546	Bernard Ave
2732	13	200	Bernard Ave	402	20	292	Bernard Ave	5091	N	397	Bernard Ave	5738	15	295-547	Bernard Ave
2732	14	200	Bernard Ave	402	21	293	Bernard Ave	5092	O	398	Bernard Ave	5739	16	295-548	Bernard Ave
2732	15	200	Bernard Ave	402	22	294	Bernard Ave	5093	P	399	Bernard Ave	5740	17	295-549	Bernard Ave
2732	16	200	Bernard Ave	402	23	295	Bernard Ave	5094	Q	400	Bernard Ave	5741	18	295-550	Bernard Ave
2732	17	200	Bernard Ave	402	24	296	Bernard Ave	5095	R	401	Bernard Ave	5742	19	295-551	Bernard Ave
2732	18	200	Bernard Ave	402	25	297	Bernard Ave	5096	S	402	Bernard Ave	5743	20	295-552	Bernard Ave
2732	19	200	Bernard Ave	402	26	298	Bernard Ave	5097	T	403	Bernard Ave	5744	21	295-553	Bernard Ave
2732	20	200	Bernard Ave	402	27	299	Bernard Ave	5098	U	404	Bernard Ave	5745	22	295-554	Bernard Ave
2732	21	200	Bernard Ave	402	28	300	Bernard Ave	5099	V	405	Bernard Ave	5746	23	295-555	Bernard Ave
2732	22	200	Bernard Ave	402	29	301	Bernard Ave	5100	W	406	Bernard Ave	5747	24	295-556	Bernard Ave
2732	23	200	Bernard Ave	402	30	302	Bernard Ave	5101	X	407	Bernard Ave	5748	25	295-557	Bernard Ave
2732	24	200	Bernard Ave	402	31	303	Bernard Ave	5102	Y	408	Bernard Ave	5749	26	295-558	Bernard Ave
2732	25	200	Bernard Ave	402	32	304	Bernard Ave	5103	Z	409	Bernard Ave	5750	27	295-559	Bernard Ave
2732	26	200	Bernard Ave	402	33	305	Bernard Ave	5104	1	410	Bernard Ave	5751	28	295-560	Bernard Ave
2732	27	200	Bernard Ave	402	34	306	Bernard Ave	5105	2	411	Bernard Ave	5752	29	295-561	Bernard Ave
2732	28	200	Bernard Ave	402	35	307	Bernard Ave	5106	3	412	Bernard Ave	5753	30	295-562	Bernard Ave
2732	29	200	Bernard Ave	402	36	308	Bernard Ave	5107	4	413	Bernard Ave	5754	31	295-563	Bernard Ave
2732	30	200	Bernard Ave	402	37	309	Bernard Ave	5108	5	414	Bernard Ave	5755	32	295-564	Bernard Ave
2732	31	200	Bernard Ave	402	38	310	Bernard Ave	5109	6	415	Bernard Ave	5756	33	295-565	Bernard Ave
2732	32	200	Bernard Ave	402	39	311	Bernard Ave	5110	7	416	Bernard Ave	5757	34	295-566	Bernard Ave
2732	33	200	Bernard Ave	402	40	312	Bernard Ave	5111	8	417	Bernard Ave	5758	35	295-567	Bernard Ave
2732	34	200	Bernard Ave	402	41	313	Bernard Ave	5112	9	418	Bernard Ave	5759	36	295-568	Bernard Ave
2732	35	200	Bernard Ave	402	42	314	Bernard Ave	5113	10	419	Bernard Ave	5760	37	295-569	Bernard Ave
2732	36	200	Bernard Ave	402	43	315	Bernard Ave	5114	11	420	Bernard Ave	5761	38	295-570	Bernard Ave
2732	37	200	Bernard Ave	402	44	316	Bernard Ave	5115	12	421	Bernard Ave	5762	39	295-571	Bernard Ave
2732	38	200	Bernard Ave	402	45	317	Bernard Ave	5116	13	422	Bernard Ave	5763	40	295-572	Bernard Ave
2732	39	200	Bernard Ave	402	46	318	Bernard Ave	5117	14	423	Bernard Ave	5764	41	295-573	Bernard Ave
2732	40	200	Bernard Ave	402	47	319	Bernard Ave	5118	15	424	Bernard Ave	5765	42	295-574	Bernard Ave
2732	41	200	Bernard Ave	402	48	320	Bernard Ave	5119	16	425	Bernard Ave	5766	43	295-575	Bernard Ave
2732	42	200	Bernard Ave	402	49	321	Bernard Ave	5120	17	426	Bernard Ave	5767	44	295-576	Bernard Ave
2732	43	200	Bernard Ave	402	50	322	Bernard Ave	5121	18	427	Bernard Ave	5768	45	295-577	Bernard Ave
2732	44	200	Bernard Ave	402	51	323	Bernard Ave	5122	19	428	Bernard Ave	5769	46	295-578	Bernard Ave
2732	45	200	Bernard Ave	402	52	324	Bernard Ave	5123	20	429	Bernard Ave	5770	47	295-579	Bernard Ave
2732	46	200	Bernard Ave	402	53	325	Bernard Ave	5124	21	430	Bernard Ave	5771	48	295-580	Bernard Ave
2732	47	200	Bernard Ave	402	54	326	Bernard Ave	5125	22	431	Bernard Ave	5772	49	295-581	Bernard Ave
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2732	51	200	Bernard Ave	402	58	330	Bernard Ave	5129	26	435	Bernard Ave	5776	53	295-585	Bernard Ave
2732	52	200	Bernard Ave	402	59	331	Bernard Ave	5130	27	436	Bernard Ave	5777	54	295-586	Bernard Ave
2732	53	200	Bernard Ave	402	60	332	Bernard Ave	5131	28	437	Bernard Ave	5778	55	295-587	Bernard Ave
2732	54	200	Bernard Ave	402	61	333	Bernard Ave	5132	29	438	Bernard Ave	5779	56	295-588	Bernard Ave
2732	55	200	Bernard Ave	402	62	334	Bernard Ave	5133	30	439	Bernard Ave	5780	57	295-589	Bernard Ave
2732	56	200	Bernard Ave	402	63	335	Bernard Ave	5134	31	440	Bernard Ave	5781	58	295-590	Bernard Ave
2732	57	200	Bernard Ave	402	64	336	Bernard Ave	5135	32	441	Bernard Ave	5782	59	295-591	Bernard Ave
2732	58	200	Bernard Ave	402	65	337	Bernard Ave	5136	33	442	Bernard Ave	5783	60	295-592	Bernard Ave
2732	59	200	Bernard Ave	402	66	338	Bernard Ave	5137	34	443	Bernard Ave	5784	61	295-593	Bernard Ave
2732	60	200	Bernard Ave	402	67	339	Bernard Ave	5138	35	444	Bernard Ave	5785	62	295-594	Bernard Ave
2732	61	200	Bernard Ave	402	68	340	Bernard Ave	5139	36	445	Bernard Ave	5786	63	295-595	Bernard Ave
2732	62	200	Bernard Ave	402	69	341	Bernard Ave	5140	37	446	Bernard Ave	5787	64	295-596	Bernard Ave
2732	63	200	Bernard Ave	402	70	342	Bernard Ave	5141	38	447	Bernard Ave	5788	65	295-597	Bernard Ave
2732	64	200	Bernard Ave	402	71	343	Bernard Ave	5142	39	448	Bernard Ave	5789	66	295-598	Bernard Ave
2732	65	200	Bernard Ave	402	72	344	Bernard Ave	5143	40	449	Bernard Ave	5790	67	295-599	Bernard Ave
2732	66	200	Bernard Ave	402	73	345	Bernard Ave	5144	41	450	Bernard Ave	5791	68	295-600	Bernard Ave
2732	67	200	Bernard Ave	402	74	346	Bernard Ave	5145	42	451	Bernard Ave	5792	69	295-601	Bernard Ave
2732	68	200	Bernard Ave	402	75	347	Bernard Ave	5146	43	452	Bernard Ave	5793	70	295-602	Bernard Ave
2732	69	200	Bernard Ave	402	76	348	Bernard Ave	5147	44	453	Bernard Ave	5794	71	295-603	Bernard Ave
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2732	76	200	Bernard Ave	402	83	355	Bernard Ave	5154	51	460	Bernard Ave	5801	78	295-610	Bernard Ave
2732	77	200	Bernard Ave	402	84	356	Bernard Ave	5155	52	461	Bernard Ave	5802	79	295-611	Bernard Ave
2732	78	200	Bernard Ave	402	85	357	Bernard Ave	5156	53	462					