

# CITY OF KELOWNA

## BYLAW NO. 10557

### **A bylaw of the City of Kelowna to establish a local area service for the purpose of creating a Local Area Service for the Bernard Avenue Revitalization Project**

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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 area service of the municipality;

AND WHEREAS the Council of the City of Kelowna has proceeded on the initial plan, in compliance with Section 213 of the *Community Charter*, 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 Section 213 of the *Community Charter*;

AND WHEREAS any petition received against the proposed work was not sufficient to prevent Council from proceeding with the work pursuant to 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 Bernard Avenue Revitalization Project as shown and described in the general plans and specifications for the Bernard Revitalization Local Area Service and to do all things necessary in connection therewith for the special benefit of the benefiting area.
3. A portion of the capital costs of the work, estimated to be One Million, Two Hundred and Fifty Thousand Dollars (\$1,250,000.00) shall be borne by the benefiting area and shall be raised by way of a parcel tax under Section 200 of the *Community Charter*, levied in 20 annual instalments.
4. The remainder of the capital costs of the work shall be borne by the City of Kelowna and funded through the water utility estimated at Five Hundred and Eighty-Nine Thousand and Five Hundred Dollars (\$589, 500.00), sanitary utility estimated at Two Hundred Twenty Nine Thousand and Five Hundred Dollars (\$229, 500.00) and general taxation estimated at Ten Million Eighty-Three Thousand, Two Hundred and Seventy-Five Dollars (\$10,083,275.00).
5. Should the sums recovered through the levy of the parcel 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

Bylaw No. 10557 - Page 2.

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 area service 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 Area Service for the Bernard Avenue Revitalization, Bylaw No. 10557".

Read a first, second and third time by the Municipal Council this 20<sup>th</sup> day of June, 2011.

Amended at third reading by the Municipal Council this 12<sup>th</sup> day of September, 2011.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

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