

CITY OF KELOWNA

BYLAW NO. 10748

A bylaw of the City of Kelowna to Establish a Local Area Service, authorize the borrowing of the estimated cost to construct works within the Local Area Service and establish the property owner's portion of the cost within the Local Area Service

Local Area Service for Lawrence Avenue

WHEREAS pursuant to the provisions of Section 210 of the *Community Charter*, and amendments thereto, empowers the Council of the City of Kelowna with the authority to establish a local area service within a part of the municipality by establishing a local area service bylaw;

AND WHEREAS pursuant to the provisions of Section 210 of the *Community Charter*, and amendments thereto, empowers the Council of the City of Kelowna with the authority to adopt a local area service bylaw to recover costs from property owner's pursuant to Section 216 of the *Community Charter* and amendments thereto, who derive a particular benefit from the service provided from local improvement works;

AND WHEREAS pursuant to the provisions of Section 211 of the *Community Charter*, and amendments thereto, states that the Council of the City of Kelowna must adopt a bylaw to establish a local area service and its cost recoveries;

AND WHEREAS the local area service works proposed by this bylaw include all things necessary in providing paved parking areas, end and mid street landscape bulbs with character pieces, curb and gutter, storm sewer system, sod, irrigation and trees on the south boulevard to the local service area outlined as shown on Schedule "A" attached hereto and forming part of this bylaw and hereafter referred to as the "Local Area Service" or "LAS";

AND WHEREAS the Council of the City of Kelowna may borrow sums of money, not exceeding the total cost of the work that may be necessary, pursuant to Section 217 of the *Community Charter* and amendments thereto;

AND WHEREAS the amount to be borrowed to provide paved parking areas, end and mid street landscape bulbs with character pieces, curb and gutter, storm sewer system, sod, irrigation and trees on the south boulevard to the LAS, is the sum of Six Hundred and Forty Thousand Dollars (\$640,000.00) which is the amount of debt intended to be created by this bylaw;

AND WHEREAS the maximum term for the debentures to be issued to secure the monies authorized to be borrowed hereunder is twenty (20) years;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained prior to its adoption, pursuant to Section 179 of the *Community Charter*;

AND WHEREAS the affected property owners within the LAS were notified, under the owner initiated petitioning process, pursuant to Section 212 of the *Community Charter*, and amendments thereto, that the Council of the City of Kelowna intends to establish a LAS and borrow the funds necessary to undertake the construction of paved parking areas, end and mid street landscape bulbs with character pieces, curb and gutter, storm sewer system, sod, irrigation and trees on the south boulevard on behalf of the affected property owners;

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AND WHEREAS the Council of the City of Kelowna has been advised through a report prepared by the Corporate Officer that the elector responses submitted by the affected property owners of the LAS, requesting that Council to proceed with the establishment of a LAS and the borrowing to undertake the construction of paved parking areas, end and mid street landscape bulbs with character pieces, curb and gutter, storm sewer system, sod, irrigation and trees on the south boulevard, are sufficient;

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. In this bylaw:

“Annual Costs” shall mean the cost, including management, reserves, administration, rental, operation and maintenance, debt servicing and capital costs of the works;

“Parcel” shall mean any lot, block or other area in which real property is held or into which is subdivided and includes the right or interest of an occupier of land but does not include a highway or portion of a highway. The term parcel; includes strata parcels.

“Group of Parcels” shall mean where a building or other improvement extends over more than one parcel of land, those parcels if contiguous may be treated by the Assessor as one parcel and assed accordingly;

“Collector” shall mean the Collector for the Municipality duly appointed by the Council of the City of Kelowna pursuant to the provisions of the Local Government Act; and

“Works” shall mean the acquisition of all such property, easements, rights-of-way, licences, rights or authorities as may be requisite or desirable for or in connection with the construction of paved parking areas, end and mid street landscape bulbs with character pieces, curb and gutter, storm sewer system, sod, irrigation and trees on the south boulevard to the LAS;

2. There shall be and is hereby established a LAS under the provision of the Community Charter, and amendments thereto, to be known as the “City of Kelowna Local Area Service for Lawrence Avenue”;
3. The boundaries of the City of Kelowna LAS for Lawrence Avenue are outlined in Schedule “A” attached to and forming part of this bylaw;
4. 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 paved parking areas, end and mid street landscape bulbs with character pieces, curb and gutter, storm sewer system, sod, irrigation and trees on the south boulevard in the LAS as outline in Schedule “A” attached to and forming party of this bylaw;
5. The City of Kelowna is hereby authorized to borrow, upon the credit of the City of Kelowna, a sum not exceeding Six Hundred and Forty Thousand Dollars (\$640,000.00) for the purpose of constructing the works more particularly described in Section 4 for the special benefit of the benefiting area.

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6. The entire capital costs of the work paid for out of money borrowed, pursuant to the authorization of this bylaw 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.
7. 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 and above all other rates sufficient to meet such deficit in the same manner and time as other general municipal levies.
8. 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.
10. This bylaw shall take effect on the date of its adoption by Council.
11. This bylaw shall be cited as Bylaw No. 10748 being "Establishment and Loan Authorization Bylaw for Local Area Service Lawrence Avenue".

Read a first, second and third time by the Municipal Council this 20th day of August, 2012.

Received the Approval of the Inspector of Municipalities this 31st day of August, 2012.

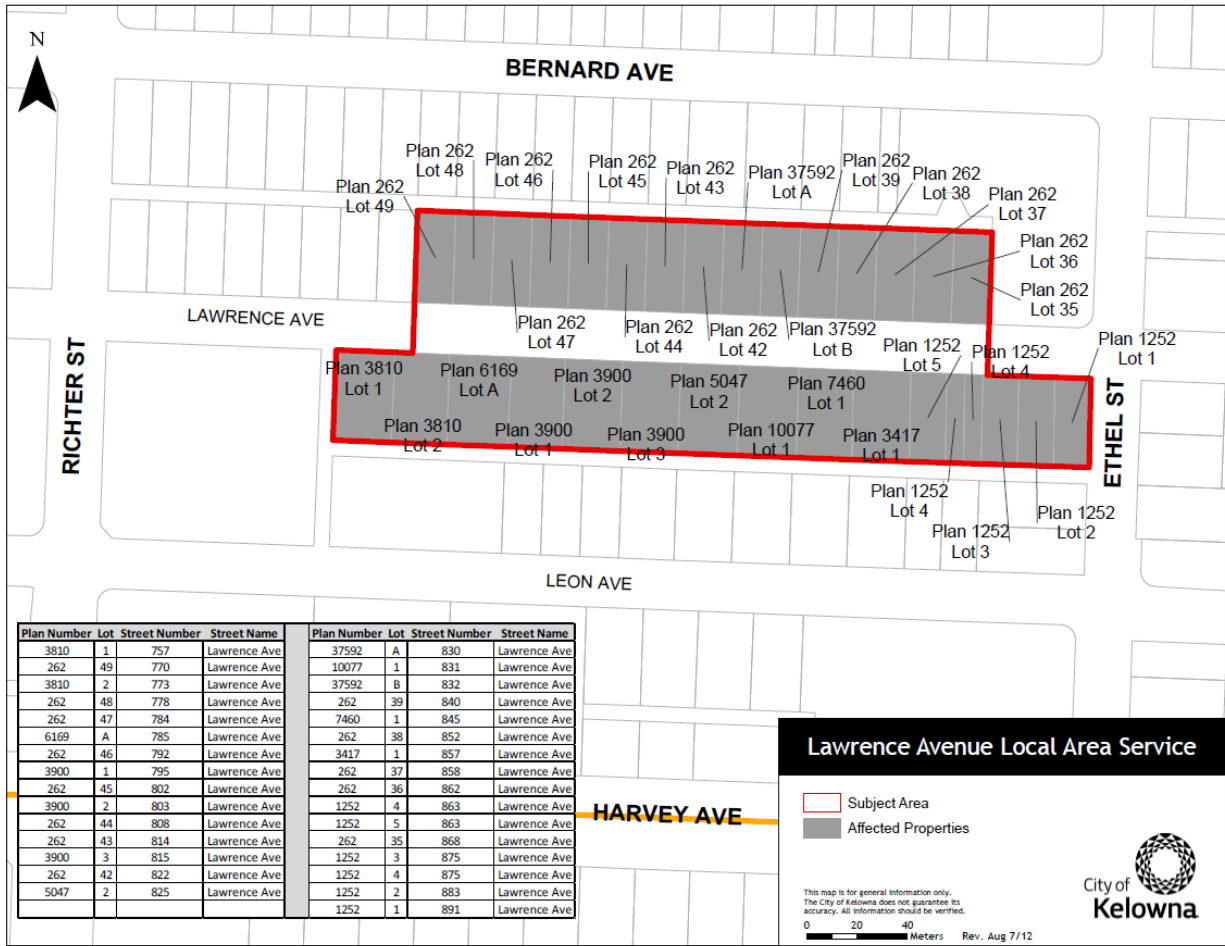
Received Approval of the Electors by an Owner Initated process under the Community Charter this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

SCHEDULE "A"



| Plan Number | Lot | Street Number | Street Name | Plan Number | Lot | Street Number | Street Name |
|-------------|-----|---------------|--------------|-------------|-----|---------------|--------------|
| 3810 | 1 | 757 | Lawrence Ave | 37592 | A | 830 | Lawrence Ave |
| 262 | 49 | 770 | Lawrence Ave | 10077 | 1 | 831 | Lawrence Ave |
| 3810 | 2 | 773 | Lawrence Ave | 37592 | B | 832 | Lawrence Ave |
| 262 | 48 | 778 | Lawrence Ave | 262 | 39 | 840 | Lawrence Ave |
| 262 | 47 | 784 | Lawrence Ave | 7460 | 1 | 845 | Lawrence Ave |
| 6169 | A | 785 | Lawrence Ave | 262 | 38 | 852 | Lawrence Ave |
| 262 | 46 | 792 | Lawrence Ave | 3417 | 1 | 857 | Lawrence Ave |
| 3900 | 1 | 795 | Lawrence Ave | 262 | 37 | 858 | Lawrence Ave |
| 262 | 45 | 802 | Lawrence Ave | 262 | 36 | 862 | Lawrence Ave |
| 3900 | 2 | 803 | Lawrence Ave | 1252 | 4 | 863 | Lawrence Ave |
| 262 | 44 | 808 | Lawrence Ave | 1252 | 5 | 863 | Lawrence Ave |
| 262 | 43 | 814 | Lawrence Ave | 262 | 35 | 868 | Lawrence Ave |
| 3900 | 3 | 815 | Lawrence Ave | 1252 | 3 | 875 | Lawrence Ave |
| 262 | 42 | 822 | Lawrence Ave | 1252 | 4 | 875 | Lawrence Ave |
| 5047 | 2 | 825 | Lawrence Ave | 1252 | 2 | 883 | Lawrence Ave |
| | | | | 1252 | 1 | 891 | Lawrence Ave |

Lawrence Avenue Local Area Service

- Subject Area
- Affected Properties

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 20 40 Meters Rev. Aug 7/12

