

THE CORPORATION OF THE DISTRICT OF SURREY

BY-LAW NO. 11694

A by-law to provide for the establishment of a sanitary sewer specified area; to authorize the construction of sanitary sewer main and related appurtenances and service connections on 141 Street from 28 Avenue to 26 Avenue, then east to the projection of 142 Street, then on 142 Street to the north edge of 24 Avenue right-of-way and on 27A Avenue and 26A Avenue West of 141 Street and on 25 Avenue East of 142 Street to the west property line of 144 Street road right-of-way and to authorize the operation and maintenance of such system; to authorize the acquisition of all appliances, equipment, materials, real property, easements and rights of way required, therefore, in and for the benefit of an area of the Municipality; to define such area; and to determine that a portion of the cost of the said works and service shall be borne by the owners of real property within such defined area.

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WHEREAS, at the recommendation of the Medical Health Officer, the Municipal Council has initiated the installation of sewers within a specified area, under Section 674 of the "Municipal Act" being chapter 290, R.S.B.C., 1979, and any amendments thereto;

AND WHEREAS the Municipal Clerk has certified that petitions received objecting to the works do not constitute a majority of the owners, representing at least half of the value of the parcels which are liable to be specially charged;

AND WHEREAS it is deemed expedient to proceed with the Works;

AND WHEREAS pursuant to the Municipal Act, "Surrey Sewer Rates and Extension Regulation By-law, 1964, No. [2240](#)," as amended, provides that where sewer system expansion towards which the Corporation bears any portion of the cost thereof, such costs shall be recoverable in part or whole from each of the existing as well as future parcels of land that will be served by the sewer system expansion.

NOW THEREFORE, the Municipal Council of The Corporation of the District of Surrey (hereinafter referred to as "The Corporation"), in open meeting assembled, ENACTS AS FOLLOWS:

1. That a sanitary sewer main, together with the necessary related appurtenances and service connections hereinafter defined as "the Works", be constructed on 141 Street from 28 Avenue to 26 Avenue, then east to the projection of 142 Street, then on 142 Street to the north edge of 24 Avenue right-of-way and on 27A Avenue and 26A Avenue West of 141 Street and on 25 Avenue East of 142 Street to the west property line of 144 Street road right-of-way as a Local Improvement under Part 16 of the "Municipal Act" being Chapter 290, R.S.B.C., 1979, and any amendments thereto.

The specified area of the Municipality for the special benefit of which the Works are to be established, operated and maintained, is defined as comprising those lands within the Corporate boundaries as outlined in the attached Schedule A which is appended hereto as part of this By-law.

2. In regard to this Local Improvement Project specified area and by-law herein, the Municipal Engineer has compiled the report and estimates of the proportional costs as shown in the attached "Schedule B" which is appended hereto as part of this By-law.

3. That the Municipal Engineer is hereby directed to prepare the necessary plans and specifications for the works herein authorized and to carry out the Works or to provide the specifications necessary for the preparation of a contract to construct the Works, or any part thereof.

4. The Municipal Treasurer may, subject to the approval of the Municipal Council, agree with any Bank or person for temporary advances of money to meet the cost of the Works pending the completion of it.

5. The Debentures to be issued for the loan to be effected to pay for the cost of the works when completed shall bear interest and be made payable within fifteen (15) years on the installment plan.

6. The Mayor and Municipal Clerk are hereby authorized to cause a contract for the construction of the Works to be made and entered into with some person or persons, firm or corporation, subject to the approval of the Municipal Council to be declared by resolution.

7. The Works shall be carried out under the superintendence and according to the directions of the Municipal Engineer.

8. That the Municipal Treasurer is hereby directed that upon completion of the execution and financing of the Works, to submit to the Council a certified statement setting out the final cost of the Works and to charge the proportion of the owner's individual cost thereof against the parcels benefitting from or abutting the Works as special assessment.

9. The special assessment shall be paid by fifteen (15) annual installments and shall be levied pursuant to the provisions of Section Five (5)(b) of "Local Improvement Cost Sharing By-law, 1970, No. [3250](#)," as amended from time to time.

10. The Corporation's proportionate capital cost towards servicing future parcels of land that will be served by the Works shall be recovered as a "specified charge" as follows:

(a) A 'specified charge' in the sum of \$11,475.00 which comprises of \$9,975.00 for the provision of the sewer main and \$1,500.00 the current connection charge for the provision of the connection lead to the property, shall be payable by the owners of properties listed in Schedule "C" appended hereto as a part of this By-law.

(b) The said 'specified charge' shall incur an annual financing charge of Eleven (11) percent per annum calculated on the balance owing and added on annually until it is paid in full or for a period of ten years, whichever occurs first.

(c) The said 'specified charge' shall be reduced by the amount of the then prevailing connection charge where the property owner requires and pays the actual cost of an additional connection or a connection larger than 100mm diameter for other than a single family dwelling unit.

(d) The said 'specified charge' shall terminate at the end of ten years and the prevailing connection charge in force and effect shall be applicable thereafter, when a person or a property makes application to use the sewer system.

11. The Municipal Clerk is hereby directed to prepare a frontage tax assessment roll for each of the hereinbefore mentioned works.

12. For the proposed Works, each existing as well as future parcel benefitting from or abutting the Works shall be deemed to have the same specified taxable frontage.

13. Any person whose parcel of land is specially assessed may commute for a payment in cash the special rates imposed thereon, by paying the portion of the cost of construction assessed upon such lot, without interest, forthwith after the special assessment roll has been confirmed and authenticated by a Court of Revision.

14. This By-law may be cited for all purposes as "Local Improvement Sewer Main Construction (Project S-113) By-law, 1993, No. 11694."

PASSED THREE READINGS by the Municipal Council on the 22nd day of February, 1993.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 1st day of March, 1993.

_____MAYOR

_____CLERK