

THE CORPORATION OF THE DISTRICT OF SURREY

BY-LAW NO. 10557

Amended by By-law No. 12174, 14/02/94; 18210, 12/05/14

A by-law to provide for the establishment of a system of drainage works for the diversion, carriage and distribution of water for drainage and irrigation purposes; to authorize the construction, operation and maintenance of said system of drainage works in and for the special benefit of a specified area of the Municipality; to define such area; and to determine that portion of the cost of the said works and service to be borne by the owners of real property within.

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WHEREAS, it is deemed desirable and expedient to provide for the establishment of a system of drainage works for the diversion, carriage and distribution of water for drainage and irrigation purposes within and for the special benefit of that portion of the Municipality hereinafter defined and known as "Erickson Ditch Drainage and Irrigation Specified Area" under authority of the "Municipal Act", Chapter 290, R.S.B.C., 1979, and pursuant to the provisions of Section 674 of said Act; and to determine that a portion of the cost thereof including the costs of operating and maintaining the same shall in accordance with the provisions of Section 639 and 674 (3) be borne by the owners of real property within such defined area of the Municipality;

AND WHEREAS, the Corporation has caused its engineering staff in cooperation with the Ministry of Environment to carry out a comprehensive study of the drainage requirements of this "Erickson Ditch Drainage and Irrigation Specified Area" and the Municipality has entered into an agreement (being A.R.D.S.A. Project No. 22019) with the Ministry of Agriculture and Fisheries to undertake the required works;

WHEREAS pursuant to Section 651 of the "Municipal Act", RSBC, 1979, the Municipal Council may proceed to undertake a work as a local improvement, without petition, on the initiative of the Municipal Council;

AND WHEREAS the Municipal Council of The Corporation of the District of Surrey has decided to undertake the works more particularly hereinafter set forth on such initiative plan;

AND WHEREAS the Council pursuant to such intention did publish and serve upon the owners of the parcels of land liable to be specially assessed a notice of such intention;

AND WHEREAS a majority of the owners of such parcels of land representing at least one-half of the value of the parcels of land liable to be so specially assessed did not petition the Council not to proceed with such works;

AND WHEREAS, the Council has accordingly decided to proceed with the establishment of the said system of drainage works, to carry out the program of works within A.R.D.S.A. Project No. 22019, and to operate and maintain all of the said drainage works for the special benefit of "Erickson Ditch Drainage and Irrigation Specified Area".

THEREFORE, the Municipal Council of the Corporation of the District of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. This By-law may be cited for all purposes as "Erickson Ditch Drainage and Irrigation Specified Area System Establishment By-law, 1990, No. 10557."
2. The specified area of the Municipality for the special benefit of which the system of drainage works is hereby established and for which the said system shall be operated and maintained, and referred to as "Erickson Ditch Drainage and Irrigation Specified Area" is defined as consisting of and comprising all lands within the corporate boundaries of The Corporation of the District of Surrey shown outlined in bold print on the plan attached hereto and marked Schedule "A" to this By-law and made part hereof (hereinafter referred to as the "specified area").
3. The Municipal Council is hereby authorized and empowered to establish, operate, improve, extend and alter the system of drainage works for the diversion, carriage and distribution of water for drainage and irrigation purposes in and for the specified area and to undertake and carry out or cause to be carried out, such works as may from time-to-time be authorized by the Council including the works specified within the A.R.D.S.A. Project and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - (a) to operate, maintain, alter and extend the aforesaid works;
 - (b) to acquire all such real property, easement, rights-of-way, licenses, rights and authorities as may be requisite or desirable for and in connection with the construction of the works aforesaid;
 - (c) to acquire all such materials and equipment required for construction of any of the said works and to carry out the works with its own work forces and equipment, or enter into a contract or contracts from time-to-time therefore;

- (d) to make application for and to negotiate with senior government and other agencies for financial assistance toward any or all of the works authorized hereby.
4. The specified area described in Section 2 hereof is hereby defined as the only portion of the Municipality that will be benefited by the service to be provided pursuant to the provisions of this By-law.
5. The cost for constructing the system of drainage works for the diversion, carriage and distribution of water for drainage and irrigation purposes, within the specified area described in Schedule A is One Million Six Hundred and Eight Thousand Dollars (\$1,608,000.00) of which the sum of Four Hundred and Two Thousand Dollars (402,000.00) represents the local share. Eighty-eight percent (88%) of the cost of the local share for constructing the aforesaid system of drainage works in the amount of Three Hundred Fifty-Three Thousand Seven Hundred Sixty Dollars (\$353,760.00) provided pursuant to this By-law shall be borne by the Corporation of the District of Surrey and the remaining twelve per cent (12%) of the cost of the local share for constructing the aforesaid system of drainage works in the amount of Forty-Eight Thousand Two Hundred and Forty Dollars (\$48,240.00) provided pursuant to this By-law shall be borne by the owners of real property within the specified area.

The Forty-Eight Thousand Two Hundred and Forty Dollars (\$48,240.00) payable by the owners of property within the specified area is payable for a ten year period commencing January 1, 1991, and ending December 31, 2000, will be assessed against the land in the specified area at a rate of \$10.65 per hectare annually and shall be collected in the same manner and at the same time as Municipal taxes are collected with all the like incidents provided by the "Municipal Act" for collection of Municipal taxes.

6. In addition to the rates imposed by Section Five (5) the Municipal Council shall in each year, and so long as the works authorized hereby are owned by the Corporation and operated and maintained for the benefit of the specified area levy rates sufficient for payment of the cost of operation and maintenance of the said works, with respect to drainage thirty percent (30%) of the cost and with respect to irrigation one hundred percent (100%) of the cost, payable by the owner of the property within the specified area and these charges will be assessed against land at a rate of \$21.85 per hectare annually with respect to the drainage works and \$5.49 per hectare annually with respect to the irrigation works, in the same manner as set forth in Section Five (5) hereof.

7. 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 and shall be collected in the same manner and at the same time as municipal taxes are collected with all the like incidents provided by the "Municipal Act" for collection of municipal taxes.

The remaining operating and maintaining costs shall be borne by the Corporation at large and shall be charged to the general revenue expenditures of the Corporation.

8. The Municipal Council is hereby authorized pursuant to Section 677 of the "Municipal Act" to merge by By-law this specified area with any other specified area whether contiguous or not for the purpose of consolidating and completing necessary works or services for such merged areas, without further reference to the owners or electors.

PASSED THREE READINGS by the Municipal Council on the 28th day of May, A.D., 1990.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 18th day of June, A.D., 1990.

MAYOR

CLERK

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