

**Authority:** Item 17, Public Works  
Committee Report 17-011  
(TOE02005(b)/PED07248)  
CM: September 26, 2007  
Ward: 11

**Bill No. 171**

## **CITY OF HAMILTON**

### **BY-LAW NO. 17-**

**To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Windemere Road, East and West of Shippee Avenue and on Shippee Avenue from Windemere Road to approximately 115 metres southerly, in the City of Hamilton**

**WHEREAS** the Council of the City of Hamilton authorized the construction of a sanitary sewer on Windemere Road, East and West of Shippee Avenue and on Shippee Avenue from Windemere Road to approximately 115 metres southerly, in the City of Hamilton, by approving Item 5 of General Issues Committee Report 17-011 (Report PW17035) (the "Sewer Works");

**AND WHEREAS**, pursuant to the Funding Methodology for Municipal Infrastructure Extensions Policy approved by the Council on September 26, 2007 (Item 17 of Public Works Committee Report (TOE02005b/FCS02026b/PED07248), the Council of the City of Hamilton also authorized full cost recovery for the construction of the Sewer Works, by imposing a Sanitary Sewer Charge on the owners of land who benefit from the Sewer Works (the "Sewer Charges").

**AND WHEREAS** the estimated construction cost of the Sewer Works, including one sanitary private drain connection for each property, to be recovered from benefiting property owners, is \$881,000.00, .

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Sewer Charges are imposed upon the owners or occupants of land who benefit from the construction of the Sewer Works (the "Assessed Owners").
2. The Assessed Owners' lands and the estimated Sewer Charges are more particularly described in Schedule "A", which Schedule is attached to and forms part of this By-law.
3. The Sewer Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE02005b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update), at an estimated cost of \$36,708.33 which includes one sanitary private drain connection attributable to each Assessed Owner of an existing lot. The Sewer Charges shall be indexed in accordance with the percentage change in the composite Canadata Construction Cost Index (Ontario Series) commencing from the completion date of construction to the date of payment.

To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Windemere Road, East and West of Shippee Avenue and on Shippee Avenue from Windemere Road to approximately 115 metres southerly, in the City of Hamilton

(Page 2 of 2)

4. The amount resulting from the application of the Sewer Charges (the "Indebtedness"), shall be due upon completion of the Sewer Works.
5. The Assessed Owners have the option of paying Indebtedness by way of annual payments over a period of 15 years by entry on the tax roll, to be collected in like manner as municipal taxes. The interest rate utilized for the 15 year payment shall be the City of Hamilton's then-current 15 year borrowing rate (2017 rate - 3.25%).
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "A" may pay the commuted value of the Indebtedness without penalty, but including interest, at any time.
7. Unpaid Sewer Charges constitute a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.
8. If any provision or requirement by this By-law, or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.
9. This By-law comes into force on the day following the date of its passing.

**PASSED** this 18<sup>th</sup> day of August, 2017.

---

J. Farr  
Acting Mayor

---

R. Caterini  
City Clerk

Schedule "A to By-Law No. 17-171

Windemere Road

Sanitary sewer Windemere Road east and west of Shippee Avenue

<b><u>PROPERTY ADDRESS</u></b>	<b><u>TOTAL (ESTIMATE)</u></b>
31 WINDEMERE ROAD	\$36,708.33
33 WINDEMERE ROAD	\$36,708.33
34 WINDEMERE ROAD	\$36,708.33
35 WINDEMERE ROAD	\$36,708.33
36 WINDEMERE ROAD	\$36,708.33
37 WINDEMERE ROAD	\$36,708.33
38 WINDEMERE ROAD	\$36,708.33
39 WINDEMERE ROAD	\$36,708.33
40 WINDEMERE ROAD	\$36,708.33
41 WINDEMERE ROAD	\$36,708.33
43 WINDEMERE ROAD	\$36,708.33
45 WINDEMERE ROAD	\$36,708.33
46 WINDEMERE ROAD	\$36,708.33
47 WINDEMERE ROAD	\$36,708.33
49 WINDEMERE ROAD	\$36,708.33
50 WINDEMERE ROAD	\$36,708.33
51 WINDEMERE ROAD	\$36,708.33
52 WINDEMERE ROAD	\$36,708.33
53 WINDEMERE ROAD	\$36,708.33
55 WINDEMERE ROAD	\$36,708.33
56 WINDEMERE ROAD	\$36,708.33
61 WINDEMERE ROAD	\$36,708.33
62 WINDEMERE ROAD	\$36,708.33
63 WINDEMERE ROAD	\$36,708.33
<b>Total Estimated Cost</b>	<b>\$881,000.00</b>

**Note:**

Any additional sewer laterals, water services and upgrade services requested by a property owner shall be paid for by the property owner prior to construction and will be installed solely at the risk of the property owner. It will be made clear to the property owner that the City is making no representations whatsoever about the likelihood of any future development applications.