



THE CORPORATION OF THE
CITY OF CRANBROOK

BYLAW NO. **4105**

**WATER AND SANITARY SEWER SOUTH HILL LOCAL AREA SERVICE
ESTABLISHMENT BYLAW**

A bylaw of the City of Cranbrook to establish a local area service for the construction of water and sanitary sewerage works for the special benefit of the properties within the local service area described herein.

WHEREAS Sections 210 and 211 of the *Community Charter* authorize a municipality to establish local area services, being municipal services the Council considers provide particular benefit to part of the municipality known as the local service area;

AND WHEREAS Section 211(1)(b) of the *Community Charter* authorizes Council to establish a local area service if the service and its cost recovery methods have been proposed by Council initiative, subject to a petition against by the owners of property within the applicable local service area;

AND WHEREAS it is deemed desirable and expedient for the City of Cranbrook to establish a local area service to provide, undertake and carry out, or cause to be carried out the works and services described herein;

AND WHEREAS the works and services described herein will improve the local service area;

AND WHEREAS Section 217 of the *Community Charter* authorizes Council to borrow sums of money in connection with a local area service and to recover such costs from the owners of property within the applicable local service area;

AND WHEREAS the amount to be borrowed to provide the Services (as defined below) will not exceed the sum of Four Million One Hundred Fifty Five Thousand Dollars (\$4,155,000) which is the amount of debt to be recovered as part of the Services authorized by this bylaw;

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

WHEREAS pursuant to the provisions of Section 213 of the *Community Charter*, the Council of the City of Cranbrook has initiated a local area service, to be known as Water and Sanitary Sewer South Hill Local Area Service, subject to petition against, to:

- A. design and construct water and sanitary sewerage works for the special benefit of the properties within the local service area described herein;
- B. acquire land or interests in land necessary or beneficial for the construction, operation and maintenance of the sanitary sewer works; and
- C. finance the cost of borrowing for such construction and acquisition.

AND WHEREAS section 216 of the *Community Charter* provides for all or part of the cost of a local area service to be borne by the owners of property within the local service area and for the levy and imposition of a local service tax on properties within the local service area to recover the owners' portion of the cost of the services;

AND WHEREAS the Municipal Officer assigned responsibility for Corporate Administration for the City of Cranbrook under section 148 of the *Community Charter* has certified that the petition against received for the Water and Sanitary Sewer South Hill Local Area Service does not constitute a sufficient petition signed by at least 50% of the owners of the parcels that would be subject to the local service tax, representing at least 50% of the assessed value of the parcels that would be subject to the local service tax;

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

1. Title

This bylaw shall be cited as "Water and Sanitary Sewer South Hill Local Area Service Establishment Bylaw No. 4105, 2023".

2. Service

In accordance with the *Community Charter*, a Local Area Service to be known as "Water and Sanitary Sewer South Hill Local Area Service" is hereby established to do all things necessary to:

- a) design and construct water and sanitary sewerage works;
- b) acquire interests in land necessary or beneficial for the construction, operation and maintenance of the water and sanitary sewer works; and
- c) finance the cost of borrowing for such design, construction and acquisition,

(the "Services") for the special benefit of the properties within the local service area described in section 4 that are connected to or capable of connecting to the water and sanitary sewerage works.

3. Works

The works referred to in section 2(a) include, but are not limited to, water distribution system, sanitary sewer system, a new water and sanitary sewer connection to each property within the local service area described in section 4 and related appurtenances (the "Works").

4. Local Service Area

The local service area of the City for the benefit of which the Services are to be provided is the area outlined in bold and hatched in Appendix 1 (the "Water and Sanitary Sewer South Hill Local Service Area"), which is attached to and forms part of this Bylaw.

5. Cost Recovery

5.1 The total cost of the Services referred to in sections 2(a), (b) and (c) is estimated to be Four Million Five Hundred Seventy-Two Thousand Dollars (\$4,572,000), plus interest, of which:

- a) Four Million One Hundred Fifty-Five Thousand Dollars (\$4,155,000), plus interest, will be recovered through the local service tax imposed on parcels within the Water and Sanitary Sewer South Hill Local Service Area;
- b) up to Three Hundred Thirty Thousand Two Hundred (\$330,200) will be funded by the City's Water Frontage Tax collected in accordance with Water Frontage Tax Bylaw No. 2108, 1974, as amended; and
- c) up to Eighty Six Thousand Eight Hundred (\$86,800) will be funded by the City's Sewer Frontage Tax collected in accordance with Sewage Frontage Tax By-law No. 2258, 1976, as amended.

No part of the costs will be funded by general property tax. Any costs in excess of those listed in subsections (a) to (c) inclusive will be funded by the City's Water Frontage Tax collected in accordance with Water Frontage Tax Bylaw No. 2108, 1974, as amended and the City's Sewer Frontage Tax collected in accordance with Sewage Frontage Tax By-law No. 2258, 1976, as amended.

5.2 The local service tax shall be apportioned amongst the parcels within the Water and Sanitary Sewer South Hill Local Service Area based on the taxable area of each parcel as specified in the Water and Sanitary Sewer South Hill LAS Tax Roll, as that roll may be amended and authenticated from time to time in accordance with the provisions of the *Community Charter*.

6. This bylaw shall take effect on the date of its adoption by Council.

Read a first time this day of

Read a second time this day of

Read a third time this day of

Adopted this day of

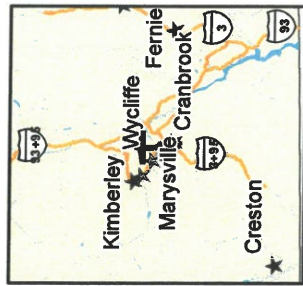
Mayor

City Clerk



Appendix 1 to Bylaw 4105, 2023

Inset Map



1:3,700

Projection: UTM ZONE 11N NAD 83

