

CITY OF NANAIMO

BYLAW NO. 7281

A BYLAW TO ESTABLISH THE MORNINGSIDE DRIVE LOCAL AREA SEWER AND
SANITARY LINE SERVICE

WHEREAS under section 211 of the *Community Charter* the City of Nanaimo may create a local area service;

AND WHEREAS Council has been petitioned under sections 211(1)(a) and section 212 of the *Community Charter* from the owners of land within the boundaries of the local area service as defined in this Bylaw to undertake the service described in this bylaw;

AND WHEREAS Council wishes to impose and levy a local area service tax on land benefiting from the local area service;

AND WHEREAS Council intends that a maximum of \$61,000 plus interest of the capital cost of providing the local area service will be borne by owners, or occupiers, within the Service Area and the balance will be recovered by general taxation;

AND WHEREAS Council has received a sufficient petition for the establishing of the local area service as certified by the Corporate Officer;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as the "Local Area Service (Morningside Drive) Establishing Bylaw 2019 No. 7281".

2. Definitions

In this Bylaw, unless the context otherwise requires, the following words and phrases have the following meanings:

"CAPITAL COST" means the cost of the design, installation and construction of the sanitary sewer line referred to in section 3, in the range of \$150,000 to \$240,000.

"INTEREST" means a rate of 3.3% charged annually on an outstanding principal of the Capital Cost to be recovered from the Owners of the parcels within the Service Area.

"OWNERS" means the owners of parcels within the Service Area.

"SERVICE" means the service established in section 3.
"SERVICE AREA" means the area described in section 4.

3. Service

A local area service is created for the purpose of designing, constructing, and installing a sanitary sewer line within the Service Area.

4. Service Area Boundaries

The boundaries of the Service Area are coterminous with the boundaries of the parcels shown in heavy dashed outline on the plan attached as Schedule "A" to this Bylaw and legally described on Schedule "B" to this Bylaw.

5. Cost Recovery

5.1 The Capital Costs apportioned to the Owners shall be recovered by a local service tax in the form of a parcel tax imposed on each parcel in the Service Area by way of a parcel tax bylaw adopted under section 200 of the *Community Charter*; and

5.2 The portion of the Capital Costs to be recovered from the Owners of the parcels within the Service Area shall not be greater than \$61,000 plus Interest for a total of \$72,609.76.

5.3 The balance of the Capital Costs not recovered under section 5.2 shall be recovered by a general property tax.

6. Severability

A declaration by a court of competent jurisdiction that a section, clause or provision of this Bylaw, including anything shown on Schedules to the Bylaw is invalid, shall not affect the validity of the Bylaw or any part of the Bylaw other than the section, clause or provision, or part of the Schedule declared to be invalid.

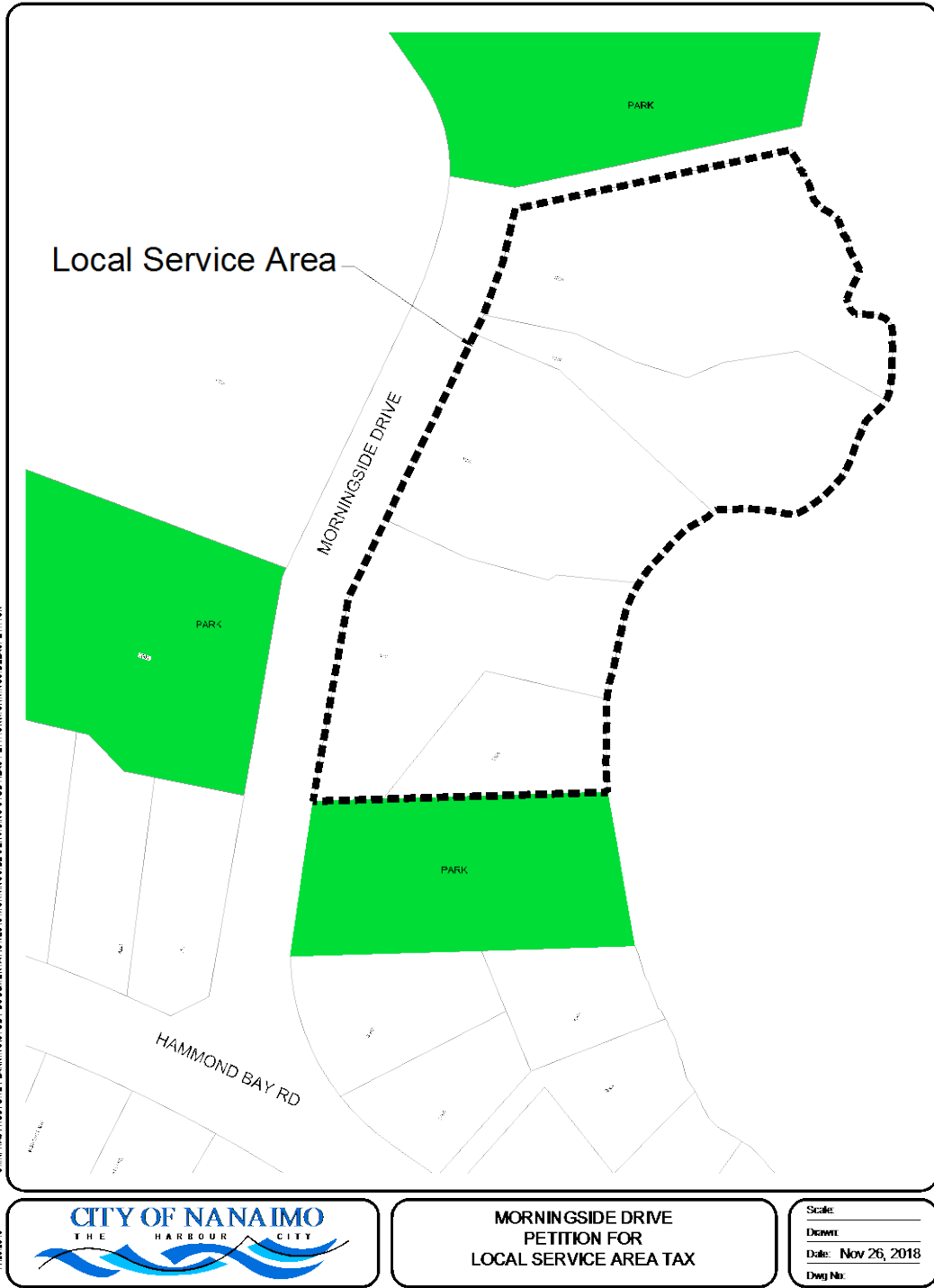
PASSED FIRST READING: 2019-MAY-27
PASSED SECOND READING: 2019-MAY-27
PASSED THIRD READING: 2019-MAY-27
ADOPTED: 2019-JUN-17

L. E. KROG
MAYOR

S. GURRIE
CORPORATE OFFICER

Schedule "A"

Local Area Service Boundary



Schedule "B"

Legal Descriptions

1. 970 Morningside Drive:
LOT 1, DISTRICT LOT 41, WELLINGTON DISTRICT, PLAN 45364
008-412-693
2. 1000 Morningside Drive:
LOT 2, DISTRICT LOT 41, WELLINGTON DISTRICT, PLAN 16393, EXCEPT PART IN
PLAN 30059 AND 45364
004-106-652
3. 1024 Morningside Drive:
LOT A, DISTRICT LOT 41, WELLINGTON DISTRICT, PLAN VIP55497
018-018-009
4. 1030 Morningside Drive:
LOT 1, DISTRICT LOT 41, WELLINGTON DISTRICT, PLAN 16393, EXCEPT PART IN
PLANS 30938 AND VIP55497
004-106-636
5. 3995 Morningside Drive:
LOT A, DISTRICT LOT 41, WELLINGTON DISTRICT, PLAN 30059
001-303-422