

MUNICIPALITY OF CHATHAM-KENT

INFRASTRUCTURE AND ENGINEERING SERVICES

ENGINEERING AND TRANSPORTATION DIVISION

TO: Mayor and Members of Council

FROM: Nelson Cavacas, C.E.T.
Manager, Infrastructure and Development Engineering

DATE: February 16, 2010

SUBJECT: Construction and Assessment By-law, Phyllis Avenue and Buckingham Avenue, Curb and Gutter, Local Improvement, Community of Chatham

RECOMMENDATIONS

It is recommended that:

1. The Construction and Assessment By-law under the Municipal Act, 2001, Ontario Regulation 586/06 to undertake a Curb and Gutter Improvement on Phyllis Avenue in the Community of Chatham from King Street West to Phillip Street be approved.
2. The Construction and Assessment By-law under the Municipal Act, 2001, Ontario Regulation 586/06 to undertake a Curb and Gutter Improvement on Buckingham Avenue in the Community of Chatham from King Street West to Phillip Street be approved.
3. The Mayor and Clerk be authorized to sign the necessary agreements.
4. The Treasurer issue and sell debentures to raise funds to cover the cost of this project.
5. Pending the sale of the debentures, the Mayor and Treasurer be authorized to borrow temporary funds, as may be required, in order to meet the payments due to vendors.

BACKGROUND

The Municipality of Chatham-Kent has held Public Information Centres on May 5, 2009 and November 18, 2009 to update the effected property owners on the project progress and receive input on the Robertson Outfall Sanitary Sewer Separation project. This project is one of the Infrastructure Stimulus Funded (ISF) projects approved by the Federal and Provincial governments.

During these information sessions the effected property owners were informed of the scope of the project detailing what infrastructure construction improvements are included. This consists of the continuation of the installation of new storm and sanitary sewers

along with water main replacements and road reconstruction similar to the prior phases of the Robertson outfall sewer area.

In addition, the public was informed that any new sidewalks or curb and gutter that currently do not exist within the project boundaries are considered a new hard service subject to local improvement charges in accordance with the Municipal Act and Municipality of Chatham-Kent local improvement policy. The applicable improvement charges would apply only to the local properties that benefit by fronting on the improvement works. However, before any improvements can be constructed they first must be petitioned successfully by the effected property owners and approved by Council.

COMMENTS

Following the Public Information Centres the Municipality of Chatham has received a petition from the residents on both Phyllis Avenue and Buckingham Avenue between King Street West and Phillip Street to indicate an interest in obtaining curb and gutter improvements.

The curb and gutter improvement falls under Ontario Regulation 586/06 (O. Reg. 586/06), Local Improvement Charges (LIC). Under O. Reg. 586/06, Section 9, where the improvement may proceed if a petition in favour of the undertaking is received from at least two-thirds of the property owners representing one half (50%) of the value of the property liable to be specially assessed for the works.

The Municipal Clerk tabulated the two petitions received and has signed the Clerk's Certificate dated January 6, 2010 (Appendix A and B), certifying the Sufficiency of Petition for both petitions. The petition in favour of the curb and gutter improvement was sufficiently signed by 70.8% of the property owners on Phyllis Avenue that represent 72% of the value of the property liable to be specially assessed for the works and by 92% of the property owners on Buckingham Avenue that represent 92% of the value of the property liable to be specially assessed for the works

In accordance with the Regulation under O. Reg. 586/06, Sections 5 and 6, Council can now pass the Construction and Assessment By-law for the Phyllis Avenue curb and gutter improvement (Appendix C) as well as the Construction and Assessment By-law for Buckingham Avenue curb and gutter improvement (Appendix D) providing the Municipality gives notice (Appendix E) of its intention to pass the by-law, to the public and to the owners of the property liable to be specially charged.

The notice advising of Council's intention to pass this by-law to the public and all property owners abutting the works liable to be specially assessed for this improvement will be advertised in the Chatham-Kent Matters section of the local newspapers in the Wednesday, February 24, 2010 publication and mailed to the property owners on February 17, 2010.

In addition, since the property owners on Phyllis Avenue and Buckingham Avenue have successfully petitioned the Municipality for the construction of curb and gutter on these two streets the Municipality has also considered to include the construction of curb and gutter on Phillip Street from Robertson Avenue to west of Phyllis Avenue. The reason for this decision is merited on the fact that there is no private property fronting on Phillip Street only exterior side-yards of corner lots with exemptions on the north side and municipally owned parkland on the south side. Also constructing curb and gutter on Phillip Street will complete curb and gutter for this area as a practical connection to the already existing curb and gutter on Robertson Avenue. The curb and gutter along the south side of Phillip Street will be designed as a mountable curb type to facilitate the continued use of temporary parking during ball games at Jaycee Park.

The curb and gutter improvement will be assessed to the abutting owners according to the current special rate of \$85.00 per meter frontage. The Phyllis Avenue property owner's share of the curb and gutter work is estimated at \$27,510.78. The Buckingham Avenue property owner's share of the curb and gutter work is estimated at \$27,277.76.

The municipal share of the work, \$33,280 will be funded from the ISF approved \$11,500,000 budget amount for the Robertson Outfall Sanitary Sewer Separation project. Administration will attempt to complete this work this year upon passing the by-law; however, with the lateness of the construction year potentially effecting the completion of this work, early spring construction will proceed in the event it is not completed this fall.

Financing options will comply with the Municipality's Financing Policy.

COMMUNITY STRATEGIC PLAN

The recommendations in this report support the following objectives and strategic directions:

A: Health - We are a healthy community.

A1: Provide sufficient capacity to sustain community health and economic growth

B: Economy – We are a prosperous community.

B3: Maintain and enhance new and existing infrastructure to support economic and smart growth opportunities

Desired Outcomes / Proposed Activities:

- Continue to expand and improve local transportation and other services that support a municipal-wide transportation network
- Support infrastructure investments and modernize existing infrastructure

The recommendations will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

The Municipal Clerk has been consulted throughout the process and has provided ongoing advice.

FINANCIAL IMPLICATIONS

The costs associated with the recommendations will be funded within the ISF approved \$11,500,000 budget for the Robertson Outfall Sanitary Sewer Separation project which is 2/3 funded equally by the Federal and Provincial governments.

Prepared by:

Reviewed by:

Nelson Cavacas, C.E.T.
Manager,
Infrastructure and Development Engineering
Engineering and Transportation Division

Gary Northcott, P. Eng.
Director,
Engineering and Transportation Division

Reviewed by:

Reviewed by:

Leo Denys, P. Eng.
General Manager
Infrastructure and Engineering Services

Rob Browning,
Chief Administrative Officer

- c. Purchasing Officer, Corporate Services
Director, Financial Services/Treasurer, Corporate Services
Municipal Clerk, Corporate Services

Attachments: Appendix A) Clerk's Certificate, Sufficiency of Petition Phyllis Avenue
Appendix B) Clerk's Certificate, Sufficiency of Petition Buckingham Avenue
Appendix C) Construction and Assessment By-law - Phyllis Avenue
Appendix D) Construction and Assessment By-law - Buckingham Avenue
Appendix E) Phyllis Avenue and Buckingham Avenue,
Curb and Gutter, Public Notice

(RTC:\Infrastructure & Engineering\I&ES\2010\3220 - Construction and Assessment By-law, Phyllis Avenue and Buckingham Avenue, Curb and Gutter, Local Improvement, Community of Chatham.doc)



CLERKS CERTIFICATE
SUFFICIENCY OF PETITION

TO: The Council of The Corporation of the
Municipality of Chatham-Kent

I, Elinor Mifflin, Clerk of the Corporation of the Municipality of Chatham-Kent do hereby certify:

That a petition under Section 6 of the Municipal Act, Ontario Regulation 586/06 for the construction of curb and gutter installation on the Phyllis Avenue between King Street West and Phillip Street in the Community of Chatham to be constructed as a Local Improvement, has been sufficiently signed by at least two-thirds of the owners representing at least one-half of the value of the lots liable to be specifically charged for the work.

Dated this 6th day of January, 2010

Elinor Mifflin

Elinor Mifflin, Clerk



CLERKS CERTIFICATE
SUFFICIENCY OF PETITION

TO: The Council of The Corporation of the
Municipality of Chatham-Kent

I, Elinor Mifflin, Clerk of the Corporation of the Municipality of Chatham-Kent do hereby certify:

That a petition under Section 6 of the Municipal Act, Ontario Regulation 586/06 for the construction of curb and gutter installation on the east and west side of Buckingham Avenue between King Street West and Phillip Street in the Community of Chatham to be constructed as a Local Improvement, has been sufficiently signed by at least two-thirds of the owners representing at least one-half of the value of the lots liable to be specifically charged for the work.

Dated this 6th day of January, 2010

Elinor Mifflin

Elinor Mifflin, Clerk

BY- LAW NUMBER _____
OF THE
CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

A By-law to authorize the construction of curb and gutter on Phyllis Avenue, from King Street West to Phillip Street in the Community of Chatham as a local improvement under the provisions of the Municipal Act O. Reg. 586/06.

FINALLY PASSED the ____ day of _____, 20__.

WHEREAS a sufficient petition under Section 7 of the Municipal Act, O. Reg. 586/06 requesting the installation of curb and gutter along Phyllis Avenue in the Community of Chatham signed by at least a majority in number of two-thirds of owners representing at least one-half of the value of the lots liable to be specially assessed has been received by the Municipality of Chatham-Kent

AND WHEREAS Notice of the Intention of the Council to undertake such work was provided to all respective parties on February 17, 2010.

BE IT THEREFORE ENACTED by the municipal Council of The Corporation of the Municipality of Chatham-Kent as follows:

1. The construction of curb and gutter on Phyllis Avenue from King Street West to Phillip Street as a local improvement under the provisions of the Municipal Act, O. Reg. 586/06 is hereby authorized.
2. The Engineer of the Corporation of the Municipality of Chatham-Kent shall forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the carrying on and executing of the work.
3. The work shall be carried on and executed under the superintendence and according to the direction and order of such Engineer.
4. The Mayor and Treasurer are authorized to agree with any bank or person for temporary advances of money to meet the cost of the work pending the completion of it to a maximum of \$28,000 as determined by the Engineer of the Corporation of the Municipality of Chatham-Kent.

5. The special assessment shall be paid by the options offered according to Council Interest and Finance Policies.
 - Schedule "A" Local Improvements Assessment annexed here to forms part of this by-law.

Financing for the cost of the work during the term of the work and when completed shall bear interest at such rate as the Council may determine and be made payable within 10 years on the installment plan.

6. Any person whose lot 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 the interest, forthwith after the Special Assessment Roll has been certified by the Clerk, and at any time thereafter by the payment of such sum in a manner determined by Council Interest and Finance Policies.

THIS By-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this ____ day of _____, 20__

Mayor – Randy Hope

Clerk – Elinor Mifflin

Schedule A
 Local Improvement Curb and Gutter
 Phyllis Ave Between King Street West and Phillip Street
 Community of Chatham

Phyllis Ave		
Roll Number	Assessment in Meters	Total Cost
3650 420 024 12700 0000	3.5647	\$ 303.00
3650 420 024 10400 0000	0.0000	\$ -
3650 420 024 14800 0000	24.8412	\$ 2,111.50
3650 420 024 12600 0000	12.1920	\$ 1,036.32
3650 420 024 12500 0000	12.1920	\$ 1,036.32
3650 420 024 12400 0000	14.6304	\$ 1,243.58
3650 420 024 14600 0000	14.9108	\$ 1,267.42
3650 420 024 14500 0000	14.9108	\$ 1,267.42
3650 420 024 12300 0000	14.6304	\$ 1,243.58
3650 420 024 14400 0000	14.9108	\$ 1,267.42
3650 420 024 12200 0000	18.2880	\$ 1,554.48
3650 420 024 14300 0000	14.9108	\$ 1,267.42
3650 420 024 12101 0000	14.0208	\$ 1,191.77
3650 420 024 14200 0000	14.9108	\$ 1,267.42
3650 420 024 12100 0000	15.2400	\$ 1,295.40
3650 420 024 14100 0000	12.4450	\$ 1,057.82
3650 420 024 12000 0000	17.9832	\$ 1,528.57
3650 420 024 14000 0000	12.4206	\$ 1,055.75
3650 420 024 13900 0000	12.4450	\$ 1,057.82
3650 420 024 11900 0000	14.9352	\$ 1,269.49
3650 420 024 13800 0000	12.4450	\$ 1,057.82
3650 420 024 11800 0000	12.1920	\$ 1,036.32
3650 420 024 13700 0000	12.4450	\$ 1,057.82
3650 420 024 11700 0000	12.1920	\$ 1,036.32

BY- LAW NUMBER _____
OF THE
CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

A By-law to authorize the construction of curb and gutter on Buckingham Avenue, from King Street West to Phillip Street in the Community of Chatham as a local improvement under the provisions of the Municipal Act O. Reg. 586/06.

FINALLY PASSED the ____ day of _____, 20__.

WHEREAS a sufficient petition under Section 7 of the Municipal Act, O. Reg. 586/06 requesting the installation of curb and gutter along Buckingham Avenue in the Community of Chatham signed by at least a majority in number of two-thirds of owners representing at least one-half of the value of the lots liable to be specially assessed has been received by the Municipality of Chatham-Kent

AND WHEREAS Notice of the Intention of the Council to undertake such work was provided to all respective parties on February 17, 2010.

BE IT THEREFORE ENACTED by the municipal Council of The Corporation of the Municipality of Chatham-Kent as follows:

1. The construction of curb and gutter on Phyllis Avenue from King Street West to Phillip Street as a local improvement under the provisions of the Municipal Act, O. Reg. 586/06 is hereby authorized.
2. The Engineer of the Corporation of the Municipality of Chatham-Kent shall forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the carrying on and executing of the work.
3. The work shall be carried on and executed under the superintendence and according to the direction and order of such Engineer.
4. The Mayor and Treasurer are authorized to agree with any bank or person for temporary advances of money to meet the cost of the work pending the completion of it to a maximum of \$28,000 as determined by the Engineer of the Corporation of the Municipality of Chatham-Kent.

5. The special assessment shall be paid by the options offered according to Council Interest and Finance Policies.
- Schedule "A" Local Improvements Assessment annexed here to forms part of this by-law.

Financing for the cost of the work during the term of the work and when completed shall bear interest at such rate as the Council may determine and be made payable within 10 years on the installment plan.

6. Any person whose lot 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 the interest, forthwith after the Special Assessment Roll has been certified by the Clerk, and at any time thereafter by the payment of such sum in a manner determined by Council Interest and Finance Policies.

THIS By-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this ____ day of _____, 20__

Mayor – Randy Hope

Clerk – Elinor Mifflin

Schedule A
 Local Improvement - Curb and Gutter
 Buckingham Ave Between King St. West and Phillip St.
 Community of Chatham

Buckingham Ave		
Roll Number	Assessment in Meters	Total Cost
3650 420 024 10900 0000	1.7648	\$ 150.01
3650 420 024 10800 0000	2.1580	\$ 183.43
3650 420 024 02800 0000	15.2400	\$ 1,295.40
3650 420 024 02700 0000	21.3360	\$ 1,813.56
3650 420 024 02600 0000	12.1920	\$ 1,036.32
3650 420 024 02500 0000	12.1920	\$ 1,036.32
3650 420 024 02400 0000	12.1920	\$ 1,036.32
3650 420 024 02300 0000	11.5824	\$ 984.50
3650 420 024 01000 0000	12.1920	\$ 1,036.32
3650 420 024 00900 0000	24.3840	\$ 2,072.64
3650 420 024 02200 0000	12.8016	\$ 1,088.14
3650 420 024 02100 0000	12.1920	\$ 1,036.32
3650 420 024 00800 0000	13.7160	\$ 1,165.86
3650 420 024 02000 0000	12.1920	\$ 1,036.32
3650 420 024 00700 0000	22.8600	\$ 1,943.10
3650 420 024 01900 0000	12.1920	\$ 1,036.32
3650 420 024 01800 0000	12.1920	\$ 1,036.32
3650 420 024 00600 0000	12.1920	\$ 1,036.32
3650 420 024 01700 0000	12.1920	\$ 1,036.32
3650 420 024 00500 0000	12.1920	\$ 1,036.32
3650 420 024 00400 0000	12.1920	\$ 1,036.32
3650 420 024 00300 0000	12.1920	\$ 1,036.32
3650 420 024 00201 0000	12.1920	\$ 1,036.32
3650 420 024 00200 0000	12.1920	\$ 1,036.32
3650 420 024 00100 0000	12.1920	\$ 1,036.32

NOTICE OF LOCAL IMPROVEMENT
Local Improvement Act Section 6
Phyllis Avenue and Buckingham Avenue
Community of Chatham

Take notice that:

1. The Council of the Municipality of Chatham-Kent intends to construct a Curb and Gutter improvement on Phyllis Avenue from King Street West to Phillip Street and Buckingham Avenue from King Street West to Phillip Street in the Community of Chatham as a local improvement and intends to specially assess a part of the cost upon the land abutting directly on the work and upon the land that is immediately benefited by the work.
2. The estimated cost of the Phyllis Avenue work is \$28,000 and the estimated cost of the Buckingham Avenue work is \$28,000.
3. The estimated lifetime of the work is ten (10) years.
4. The special rate per metre frontage is \$85.
5. The special assessment may be paid in ten (10) annual instalments.
6. The municipality has received a sufficient petition under clause 7(2)(c) with respect to this work as determined under Section 10 of O. Reg. 586/06.