



REPORT TO MAYOR AND COUNCIL

PRESENTED: OCTOBER 3, 2016 - REGULAR EVENING MEETING
FROM: ENGINEERING DIVISION
SUBJECT: 64 AVENUE AND 224 STREET
 WATER LOCAL AREA SERVICE BYLAW

REPORT: 16-103
FILE: 5320-020

RECOMMENDATION:

That Council give first, second and third reading to Local Area Service Bylaw 2016 No. 5238.

EXECUTIVE SUMMARY:

In 2015 the Township of Langley received a request from Keith Garrow, a property owner in the 64 Avenue and 224 Street area, requesting a Local Area Service (LAS) for expansion of the municipal water network. The proposed LAS project includes 53 benefitting properties and involves construction of watermain along 64 Avenue, 216 Street, 224 Street, 226 Street, 63 Avenue unopened road allowance, and Highway #10 at an estimated cost of \$3,000,000.

As directed by Council on November 2, 2015, the official petition was circulated. Of the 53 benefitting properties, 26 expressed support for the LAS project, representing 49%, which is deemed insufficient, as per the Community Charter and Township Policy, to proceed.

Council, as part of a delegation by Keith Garrow, was subsequently advised that mail theft, which had occurred in area, may have resulted in some of the benefitting property owners not receiving their ballots. Council then requested that staff re-circulate the official petition.

Voting for the second round of the official petition closed on July 11, 2016, with 29 properties expressing support for the LAS project. These properties represent a support rate of 54.7% having a total of 57.1% of the total assessed value of land and improvements in the benefitting area. The Deputy Township Clerk has determined that the official petition is sufficient in accordance with requirements of the Community Charter and Township Policy.

Staff will proceed with design and construction of the proposed LAS project, should Council grant the pre-requisite readings and ultimately adopt Local Area Service Bylaw 2016 No. 5238,

PURPOSE:

The purpose of this report is to seek Council's authorization to provide the necessary readings and subsequent adoption of Local Area Service Bylaw 2016 No. 5238.

BACKGROUND/HISTORY:

In 2015 the Township of Langley received a request from Keith Garrow, a property owner within the 64 Avenue and 224 Street neighbourhood, requesting a Local Area Service (LAS) for the expansion of the municipal water network. The LAS includes 53 benefitting properties and involves construction of watermain along 64 Avenue, 216 Street, 224 Street, and Highway #10 as shown on the site plan (see Attachment A) at an estimated project cost of \$3,000,000.

Property 6764 224 Street (shown as hatched on Attachment A) is provincially owned and therefore exempted from taxation including local area service taxes. However, after discussion on the matter with the province, they have agreed to pay their property's share if the LAS proceeds to construction. This will effectively lower the cost for each benefitting property.

At its regular afternoon meeting on November 2, 2015, Council approved a report from staff on the matter and authorized preparation of an official petition for distribution. Voting for the official petition closed on January 4, 2016. Below is a summary of the results:

OFFICIAL PETITION 1		
	Votes	Percentage
In Favour	26	49%
Not in Favour	11	20.8%
Did not Submit	16	30.2%

The 26 ballots submitted in favour of the LAS represented a support of 49%. Therefore, the official petition did not meet the required minimum 50% support pursuant to the Community Charter and Township Policy No. 05-007.

After the results were released, Keith Garrow notified Mayor and Council that mail theft had occurred in the LAS neighbourhood during the period of time when the official petition ballots were mailed out to benefitting properties and thus some property owners did not receive their ballots. Council then directed staff to follow up with the property owners which did not submit voting ballots. The matter was concluded by Council directing staff to circulate official petition 2.

DISCUSSION/ANALYSIS:

Voting for official petition 2 closed on July 11, 2016. A summary of the results is provided below:

OFFICIAL PETITION 2		
	Votes	Percentage
In Favour	29	54.7%
Not in Favour	11	20.8%
Did not Submit	13	24.5%

Of the 53 benefitting properties, 29 voted in favour and 11 voted not in favour. 13 properties did not submit votes and were assumed to be votes not in favour as per Township Policy. The 29 properties in favour represent 54.7% support and in total represent 57.1% of the total assessed value of land and improvements in the benefitting area.

The Deputy Township Clerk has determined that official petition 2 is sufficient in accordance with the Community Charter and Township Policy. Attachment B is the Certificate of Sufficiency.

Should Council ultimately adopt Local Area Service Bylaw 2016 No. 5238, staff will proceed with design and construction of the proposed project.

Financial Implications:

The local area service project has been included in the 2016-2020 Financial Plan from borrowing in the form of a 20-year debt issue, through the Municipal Finance Authority.

The estimated cost of the project is \$3,000,000. The property owners will have the option to pay their share as a lump sum payment or have it added to their taxes over 20 years, pursuant to applicable regulations and policies. The interest rate has been set at 3.66% which is equivalent to the Municipal Finance Authority of British Columbia's 20 year Capital Financing Rate, at the time official petition 2 was authorized, plus 0.25% as per Township Policy.

Respectfully submitted,

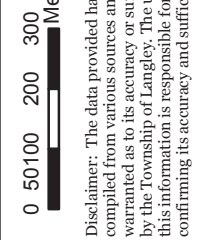
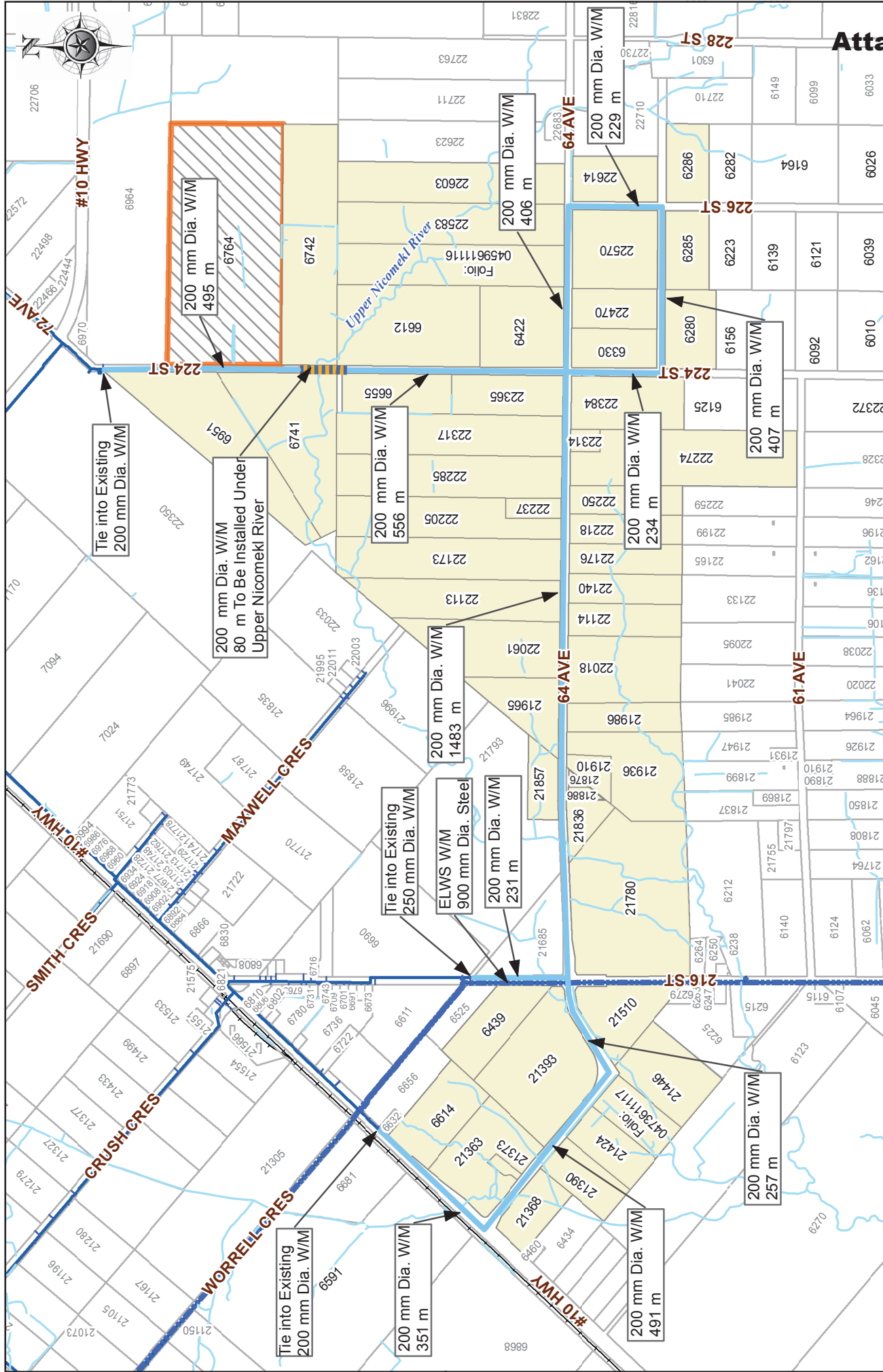
Robby Brar
JR. PROJECT ENGINEER
for
ENGINEERING DIVISION

This report has been prepared in consultation with the following listed departments.

CONCURRENCES	
Division / Department	Name
FINANCE DIVISION	H. Tsikayi

ATTACHMENT A Local Area Service Site Plan

ATTACHMENT B Certificate of Sufficiency



Disclaimer: The data provided has been compiled from various sources and is not warranted as to its accuracy or sufficiency by the Township of Langley. The user of this information is responsible for confirming its accuracy and sufficiency.

- Legend**
- Existing Water Main
 - ELWS - East Langley Water System
 - Proposed Water Main
 - Proposed Water Main (Alternate Trenchless Construction Methodology)
 - Properties Benefiting from LAS Application (53)
 - Provincially Owned Property
 - Stream

Local Area Service (LAS) Key Plan
WTR14-07 - 64 Ave and 224 St

Version Date: Monday, October 26, 2015

Path: N:\Projects\Property\Lots_FrontageCuts\WTR14-07_22205_64Ave_224St.mxd

Township of
Langley



Est. 1873

CERTIFICATE OF SUFFICIENCY

LOCAL AREA PETITION

**WATER LOCAL AREA SERVICE PROJECT:
WTR14-07 64 AVE AND 224 STREET**

Pursuant to Section 212 of the *Community Charter*, I hereby certify that the attached petition to the Township of Langley Council for Water Local Area Service Project: WTR14-07 64 Ave and 224 Street, which includes 53 properties along Glover Road, 64 Avenue, 216 Street, 224 Street and 226 Street does meet the requirements and contains the following:

- 1) the petition is signed by 54.7% of the owners of the parcels that would be subject to the local service tax; (s.212 (3)a - at least 50% is required) and
- 2) the persons signing are the owners of parcels that in total do represent at least 50% of the assessed value of land and improvements that would be subject to the local service tax; (s.212 (3)b) and
- 3) that each page of the petition contains the necessary information as outlined in Section 212 (2) of the *Community Charter*.

The petition, having met the requirements as provided by the *Community Charter*, I declare as sufficient to proceed for the purpose of a Water Local Area Service Project for the 53 properties on Glover Road, 64 Avenue, 216 Street, 224 Street and 226 Street.

Declared at Langley, British Columbia
This 21 day of July, 2016.

A handwritten signature in dark ink, appearing to read 'W. Bauer', is written over a horizontal line.

W. Bauer
Deputy Township Clerk

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

LOCAL AREA SERVICE BYLAW 2016 NO. 5238

EXPLANATORY MEMO

Bylaw 2016 No. 5238 establishes the construction of municipal watermain along 64 Avenue, 216 Street, 224 Street, 226 Street, 63 Avenue unopened road allowance, and Provincial Highway #10 as a local area service and authorizes the recovery of the costs of constructing the local area service by means of a local service tax.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

LOCAL AREA SERVICE BYLAW 2016 NO. 5238

WHEREAS Part 7, Division 5 of the *Community Charter*, SBC 2003, c 26 authorizes Council to, by bylaw, establish a municipal service that provides particular benefit to part of the Township of Langley and to recover the costs of establishing such service by means of a local service tax;

AND WHEREAS the owners of parcels located in the Local Service Area have presented Council with a petition for the Local Area Service and the Township Clerk has certified this petition as sufficient and valid;

AND WHEREAS Council deems it desirable to establish the Local Area Service and considers that such service will provide particular benefit to the Local Service Area;

NOW THEREFORE, the Council of the Corporation of the Township of Langley in open meeting, ENACTS AS FOLLOWS:

1. This bylaw may be cited as “Local Area Service Bylaw 2016 No. 5238”.

Definitions

2. In this Bylaw:

- (a) **“Council”** means the Council of the Corporation of the Township of Langley;
- (b) **“Director of Finance”** means the person appointed by Council to the position having that name, his or her designates, and Township employees acting under his or her direction;
- (c) **“General Manager of Engineering”** means the person appointed by Council to the position having that name, his or her designates, and Township employees acting under his or her direction;
- (d) **“Interest Rate”** means the Municipal Finance Authority’s lending rate plus 0.25%;
- (e) **“Local Area Service”** has the meaning ascribed to it in Section 3 of this Bylaw;
- (f) **“Local Service Area”** has the meaning ascribed to it in Section 3 of this Bylaw;
- (g) **“Local Service Tax”** has the meaning ascribed to it in Section 10 of this Bylaw;
- (h) **“Mayor”** means the Mayor of the Corporation of the Township of Langley;
- (i) **“Township”** means the Corporation of the Township of Langley;
- (j) **“Township Clerk”** means the person appointed by Council to the position having that name; and

- (k) **“Township of Langley”** means the geographic area subject to the regulation by the Township.

Establishment and Construction of the Local Area Service

3. The Township is hereby authorized and empowered to undertake and carry out or cause to be carried out the construction of the works described in Schedule “A” attached hereto (the “Local Area Service”) for the benefit of the parcels located in the area shown in bold on Schedule “B” attached hereto (the “Local Service Area”).
4. The Township is hereby authorized to acquire all such real property, easements, rights-of-way, covenants, licenses, and to enter into leases and to obtain other rights and authorities as may be required or desired for or in connection with the construction of the Local Area Service.
5. The General Manager of Engineering is hereby directed to prepare the drawings and specifications required for the construction of the Local Area Service.
6. The General Manager of Engineering is hereby directed to solicit bids for, and prepare a contract for, the construction of the Local Area Service. The Mayor and Township Clerk are hereby authorized to enter into a contract for the construction of the Local Area Service.
7. The construction of the Local Area Service shall be carried out under the supervision and according to the directions of the General Manager of Engineering.
8. The estimated project cost of the Local Area Service is \$3,000,000. The Director of Finance is hereby authorized to appropriate the funds necessary to construct the Local Area Service from the Local Improvement Fund established pursuant to the Local Improvement Fund Establishment By-law 1966 No. 1185, up to a maximum of \$3,300,000 (Estimated price of \$3,000,000 plus 10% contingency).

Cost Recovery

9. The owners of parcels located in the Local Service Area shall be responsible for 100% of the actual costs of the Local Area Service.
10. The actual costs of constructing the Local Area Service shall be recovered through the imposition of a parcel tax on the owners of parcels located in the Local Service Area calculated in accordance with the *Local Area Services and Business Area Improvement Services Policy 05-007* (the “Local Service Tax”).
11. The Local Service Tax, along with interest rate of 3.66%, shall be levied annually on parcels located within the Local Service Area for a period of up to 20 years, commencing in 2018 if the Local Area Service project is completed by February 15, 2018, or in 2019 if the Local Area Service is not completed by February 15, 2018.

- 12. An owner of a parcel in the Local Service Area may commute, by payment, the Local Service Tax imposed upon them. The commuted value is the unamortized proportionate share of the owner's portion of the costs of the Local Area Service, plus interest, as determined by the Director of Finance.

Severability

- 13. If any part, section, subsection, clause or subclause of this Bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, it shall be severed and the validity of the remaining provisions of this Bylaw shall not be affected.

READ A FIRST TIME the	day of	, 2016.
READ A SECOND TIME the	day of	, 2016.
READ A THIRD TIME the	day of	, 2016.
RECONSIDERED AND ADOPTED	day of	, 2016.
the		

	Mayor		Township Clerk
_____		_____	

SCHEDULE “A”**LOCAL AREA SERVICE**

To construct municipal watermain along 64 Avenue, 216 Street, 224 Street, 226 Street, 63 Avenue unopened road allowance, and Provincial Highway #10 including road restoration and all associated construction, materials, labour, and equipment costs.

SCHEDULE "B"

LOCAL SERVICE AREA

