

Municipality of Chatham-Kent
Infrastructure and Engineering Services
Engineering and Transportation

To: Mayor and Members of Council

From: Chris Thibert, P.Eng.
Director, Engineering & Transportation

Date: January 22, 2019

Subject: Construction and Assessment By-law – Churchill Street, Devon Road and Sussex Street 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 Local Improvement on Churchill Street (Grand Avenue West to Sussex Street), Devon Road (Churchill Street to Sussex Street) and Sussex Street (Churchill Street to Devon Road) in the Community of Chatham be approved.
2. The Mayor and Clerk be authorized to sign the necessary agreements.

Background

The Municipality of Chatham-Kent is experiencing operational and condition issues with the watermain along Churchill Street, Devon Road and Sussex Street. The existing 150mm cast iron watermain was installed in the 1950s and is due for replacement. The road surface has been negatively impacted by the condition of the watermain due to the number of repairs that have been required. In addition, the road surface on Sussex Street and Devon Road consists of a substandard urban cross section and is in extremely poor condition with a Pavement Condition Index (PCI) rating less than 30.

As part of this larger project, the opportunity for local improvements for concrete curb and gutter was made available to the residents along Churchill Street (Grand Avenue West to Sussex Street), Devon Road (Churchill Street to Sussex Street) and Sussex Street (Churchill Street to Devon Road). The public was informed that any new curb and gutter that currently do not exist within the project boundaries are considered an upgrade to the road and subject to local improvement charges in accordance with the Municipal Act and the 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 affected property owners and approved by Council.

Comments

The Municipality of Chatham-Kent has received a petition from the residents on Churchill Street (Grand Avenue West to Sussex Street), Devon Road (Churchill Street to Sussex Street) and Sussex Street (Churchill Street to Devon Road) that indicates 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 (66%) 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 Certificates dated January 16, 2019 (Appendix A & B), certifying the Sufficiency of Petition for both petitions. The petition in favour of the curb and gutter improvement was sufficiently signed by two-thirds of the property owners on Churchill Street, Devon Road and Sussex Street that represent one-half 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-laws for the Churchill Street, Devon Road and Sussex Street curb and gutter improvements (Appendix C & D) providing the Municipality gives notice (Appendix E & F) of its intention to pass the By-Laws, 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 was advertised in the local newspaper on February 2, 2019 and mailed to the property owners on January 25, 2019.

The curb and gutter local improvement will be assessed to the abutting owners according to the current special rate of \$85.00 per meter frontage. The property owner's share of the curb and gutter work is estimated at \$152,500.

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

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

Has the potential to support all areas of strategic focus & critical success factors

Neutral issues (does not support negatively or positively)

Consultation

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

Financial Implications

There will be no financial implications associated with this local improvement.

Prepared by:

Reviewed by:

Brendan Falkner, P.Eng.
Engineering Technologist
Engineering and Transportation

Mark McFadden, P.Eng.
Manager, Infrastructure Services
Engineering and Transportation

Prepared by:

Reviewed by:

Chris Thibert, P.Eng.
Director
Engineering and Transportation

Thomas Kelly, P.Eng.,MBA
General Manager
Infrastructure and Engineering Services

Consulted and confirmed the content of the consultation section of the report by:

Judy Smith, CMO
Director, Municipal Governance/Clerk
Municipal Governance

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

Attachments: Appendix A) Clerk's Certificate, Sufficiency of Petition – Churchill
Appendix B) Clerk's Certificate, Sufficiency of Petition – Devon & Sussex
Appendix C) Construction and Assessment By-law – Churchill
Appendix D) Construction and Assessment By-law – Devon & Sussex
Appendix E) Curb and Gutter, Public Notice – Churchill
Appendix F) Curb and Gutter, Public Notice – Devon & Sussex




**CLERKS CERTIFICATE
SUFFICIENCY OF PETITION**

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

I, Judy Smith, 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 along Churchill Street from Grand Avenue West to Sussex Street in 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 16th day of January, 2019



Judy Smith, Clerk




**CLERKS CERTIFICATE
SUFFICIENCY OF PETITION**

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

I, Judy Smith, 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 along Devon Road (Sussex Street to Churchill Street) and Sussex Street (Devon Road to Churchill Street) in 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 16th day of January, 2019



Judy Smith, 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 Churchill Street, from Grand Avenue West to Sussex 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 _____, 2019.

WHEREAS a sufficient petition under Section 7 of the Municipal Act, O. Reg. 586/06 requesting the installation of curb and gutter along Regent Street in the Community of Blenheim 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 January 25, 2019.

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 Churchill Street, from Grand Avenue West to Sussex 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 \$71,250 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 as per Municipal 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 _____, 2019.

MAYOR – Darrin Canniff

CLERK – Judy Smith

BY- LAW NUMBER _____

OF THE CORPORATION OF THE
MUNICIPALITY OF CHATHAM-KENT

A By-law to authorize the construction of curb and gutter on Devon Road, from Churchill Street to Sussex Street and Sussex Street, from Devon Road to Churchill 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 _____, 2019.

WHEREAS a sufficient petition under Section 7 of the Municipal Act, O. Reg. 586/06 requesting the installation of curb and gutter along Regent Street in the Community of Blenheim 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 January 25, 2019.

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 Regent Street from Devon Road, from Churchill Street to Sussex Street and Sussex Street, from Devon Road to Churchill 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 \$81,250 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 as per Municipal 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 _____, 2019.

MAYOR – Darrin Canniff

CLERK – Judy Smith



NOTICE OF LOCAL IMPROVEMENT
Local Improvement Act Section 6
Churchill Street (Grand Avenue West to Sussex Street)
Community of Chatham

Take notice that:

1. The Council of the Municipality of Chatham-Kent intends to construct a Curb and Gutter improvement on Churchill Street (Grand Avenue West to Sussex 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 Churchill Street work is \$71,250.
3. The estimated lifetime of the work is twenty five (25) years.
4. The special rate per metre frontage is \$85.
5. The special assessment may be paid in lump sum, five (5) or ten (10) annual instalments. Please note that this is not an invoice and more information will follow upon project completion.
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.



NOTICE OF LOCAL IMPROVEMENT
Local Improvement Act Section 6
Devon Road (Sussex Street to Churchill Street)
Sussex Street (Devon Road to Churchill Street)
Community of Chatham

Take notice that:

1. The Council of the Municipality of Chatham-Kent intends to construct a Curb and Gutter improvement on Devon Road (Sussex Street to Churchill Street) and Sussex Street (Devon Road to Churchill 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 Devon Road and Sussex Street work is \$81,250.
3. The estimated lifetime of the work is twenty five (25) years.
4. The special rate per metre frontage is \$85.
5. The special assessment may be paid in lump sum, five (5) or ten (10) annual instalments. Please note that this is not an invoice and more information will follow upon project completion.
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.