

**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:** February 12, 2020

**Subject:** Construction and Assessment By-law – Ellen Street Curb and Gutter Local Improvement, Community of Blenheim

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**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 Ellen Street, from Mountford Street to Little Street, in the Community of Blenheim be approved
2. The Mayor and Clerk be authorized to sign the necessary agreements.

**Background**

The road surface of Ellen Street from Mountford Street to Little Street, in the community of Blenheim is in poor condition (Pavement Condition Index of 14) and is recommended to be addressed this year. The poor condition of the road can be attributed to the lack of an appropriate urban cross section to allow for proper drainage. The lack of drainage has led to the deterioration of the road surface and damaged adjoining properties.

The opportunity for local improvements for concrete curb and gutter was made available to the residents along Ellen Street. 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.

Since the road surface is proposed to be improved, the watermain will also be replaced at this time to reduce the likelihood of future repairs in a newly constructed roadway.

The existing cast iron watermain will be upgraded to PVC and fire hydrants will be added to this area. This project is being designed and managed by Chatham-Kent Engineering with tendering proposed by early spring and construction during the summer or fall of 2020.

### **Comments**

The Municipality of Chatham-Kent has received a petition from the residents on Ellen Street (Mountford Street to Little Street) 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 27, 2020 (Appendix A), certifying the Sufficiency of Petition for both petitions. The petitions in favour of the curb and gutter improvement was sufficiently signed by two-thirds of the property owners on Ellen 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 Ellen Street curb and gutter improvements (Appendix B) providing the Municipality gives notice (Appendix C) 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 20, 2020 and mailed to the property owners on February 14, 2020.

The curb and gutter local improvement will be assessed to the abutting owners according to the current special rate of \$85 per meter frontage. The property owner's share of the curb and gutter work is estimated at \$25,780.

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:

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

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

Prepared by:

Reviewed by:

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Chris Thibert, P.Eng.  
Director  
Engineering and Transportation

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

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

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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  
Appendix B - Construction and Assessment By-law  
Appendix C - Curb and Gutter, Public Notice

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Local Improvement community of Blenheim.doc)



**Chatham-Kent**

*Cultivating Growth, Shore to Shore*

**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 Ellen Street (Mountford Street to Little Street), in the Community of Blenheim, 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 27<sup>th</sup> day of January, 2020

  
\_\_\_\_\_  
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 Ellen Street, from Mountford Street to Little Street, in the Community of Blenheim as a local improvement under the provisions of the Municipal Act O. Reg. 586/06.

FINALLY PASSED the \_\_\_\_ day of \_\_\_\_\_, 2020.

WHEREAS a sufficient petition under Section 7 of the Municipal Act, O. Reg. 586/06 requesting the installation of curb and gutter along Ellen 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 February 14, 2020.

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 Ellen Street, from Mountford Street to Little 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 \$25,780 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.

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MAYOR – Darrin Canniff

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CLERK – Judy Smith





NOTICE OF LOCAL IMPROVEMENT  
Local Improvement Act Section 6  
Ellen Street (Mountford Street to Little Street)  
Community of Blenheim

Take notice that:

1. The Council of the Municipality of Chatham-Kent intends to construct a Curb and Gutter improvement on Ellen Street (Mountford Street to Little Street) in the Community of Blenheim 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 Ellen Street work is \$25,780.
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.