

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

To: Mayor and Members of Council

From: Curtis Lanoue, EIT
Engineering Technologist

Date: February 5, 2021

Subject: Construction and Assessment By-law – Elizabeth 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 Elizabeth Street, from McNaughton Avenue East Street to Gladstone Avenue, in the Community of Chatham be approved.
2. The Mayor and Clerk be authorized to sign the necessary agreements.

Background

Elizabeth Street from McNaughton Avenue East to Gladstone Avenue in the Community of Chatham is scheduled for a sewer separation project. This project will include the separation of the combined sewer into designated sanitary and storm sewer flows as well as replacement of the existing watermain. Lastly, it will include the reconstruction of the asphalt road and the replacement of the existing concrete sidewalk.

The opportunity for local improvements for concrete curb and gutter was made available to the residents along Elizabeth 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 successfully petitioned for or insufficiently petitioned against by the affected property owners, and approved by Council.

A notice and petition against form was mailed out to all affected residents on December 10, 2020. This notice stated the Municipalities intentions and set a deadline to receive all petitions by no later than Friday January 22nd, 2021.

Comments

The Municipality of Chatham-Kent has received a petition from the residents on Elizabeth Street (McNaughton Avenue East to Gladstone Avenue) 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 not proceed if a petition against the undertaking is received from the majority of the property owners representing at least one-half of the value of the property liable to be specially assessed for the works.

The Municipal Clerk tabulated the petitions received and has signed the Clerk's Certificates dated January 28, 2021 (Appendix A), certifying the Sufficiency of Petition for the petitions. The petition against the curb and gutter improvement was insufficiently signed by the majority of the property owners on Elizabeth Street that represent one-half of the value of the property liable to be specially assessed for the works. The results of the petition against is below.

Summary of Petition Against Results

Yes	4	(10%)
No	35	(90%)
Total	39	

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 Elizabeth 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 10, 2021 and mailed to the property owners on February 8, 2021.

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 owners' share of the curb and gutter work is estimated at \$68,850.

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:

Curtis Lanoue, EIT
Engineering Technologist I
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Mark McFadden, P.Eng.
Manager
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
Appendix B) Construction and Assessment By-law
Appendix C) Curb and Gutter, Public Notice

REF: P:\RTC\Infrastructure and Engineering\I & ES\2021\4338 - Elizabeth Street Curb and Gutter Local Improvement



**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 Elizabeth Street (McNaughton Avenue East to Gladstone Avenue), in the Community of Chatham, to be constructed as a Local Improvement, has been insufficiently signed by the majority of the owners against the Local Improvement, representing at least one-half of the value of the lots liable to be specifically charged for the work.

Dated this _____ day of _____, 2021

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 Elizabeth Street, from McNaughton Avenue to Gladstone Avenue, 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 _____, 2021.

WHEREAS an insufficient petition against under Section 7 of the Municipal Act, O. Reg. 586/06 for the installation of curb and gutter along Elizabeth Street in the Community of Chatham signed by the majority of the 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 8, 2021.

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 Elizabeth Street, from McNaughton Avenue East to Gladstone Avenue, 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 \$68,850 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 _____, 2021.

MAYOR – Darrin Canniff

CLERK – Judy Smith



NOTICE OF LOCAL IMPROVEMENT
Local Improvement Act Section 6
Elizabeth Street (McNaughton Avenue East to Gladstone 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 Elizabeth Street (McNaughton Avenue East to Gladstone Avenue) 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 Elizabeth Street work is \$68,850.00
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 an insufficient petition against, under clause 7(2)(c) with respect to this work as determined under Section 10 of O. Reg. 586/06.