

CITY OF WHITEHORSE

BYLAW 2016-39

A bylaw to provide for a work of local improvement on Wheeler Street

WHEREAS section 267 of the *Municipal Act* (R.S.Y. 2002) provides that a municipality may undertake any local improvement it considers necessary for the benefit of all or part of a municipality; and

WHEREAS section 268 of the *Municipal Act* requires that a bylaw to provide for and authorize a local improvement will prescribe which parcels of land will benefit and how to determine the total cost or a portion of that cost that is to be levied against parcels of land that will benefit from a local improvement, and determine the levy to be charged against each parcel of land that will benefit over the probable life of the local improvement; and

WHEREAS section 268 of the *Municipal Act* provides that council may by bylaw levy the total cost or a proportion of the cost of a local improvement against the parcels of land that will benefit from the local improvement, and provide the means for assessment, collection, and payment of the cost; and

WHEREAS the actual cost of the said design and construction is estimated to be \$5,150,000.00 of which \$635,099.09 will be raised by way of a special frontage charge, and \$4,514,900.91 will be contributed by the municipality at large; and

WHEREAS in order to construct and complete the project it will be necessary to borrow up to the sum of \$635,099.09 on the credit of the City by issuing debentures as herein provided; and

WHEREAS the amount of taxable assessment as last determined and fixed by the Assessment Review Board for 2015 was \$2,943,107,786; and

WHEREAS the amount of debenture debt of the City as at December 31, 2015 was \$9,222,726, no part of which is in arrears; and

WHEREAS the estimated life of the project exceeds fifteen years; and

WHEREAS it is deemed necessary and expedient to undertake certain local improvement works, namely the construction of underground and surface works on a portion of **Wheeler Street** between Fourth Avenue and escarpment;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Pursuant to section 269 of the *Municipal Act*, notice is hereby given that the Council of the City of Whitehorse hereby authorizes a work of local improvement, being the construction of underground and surface works on the roadways abutting the properties as set out in Schedule "A" attached to and forming part of this bylaw.

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2. The parcels of land benefiting from this work of local improvement and their frontages have been determined in accordance with the provisions of City of Whitehorse Bylaw 2011-21 and are as set out in Schedule "A" to this bylaw.
3. The total cost of the local improvement has been determined in accordance with the provisions of Bylaw 2011-21.
4. A portion of the cost of the work is to be paid for by way of a frontage tax to be levied on those parcels as set out in Schedule "A" to this bylaw, and a portion is to be paid for out of City reserves.
5. For the purposes aforesaid, the sum of up to \$635,099.09 is to be borrowed by way of debentures issued on the credit and security of the City at large.
6. The sum of \$635,099.09 is to be collected by way of a special frontage charge assessment as provided in Schedule "A" to this bylaw.
7. The debentures to be issued under this bylaw shall be dated upon such day as may be appropriate having regard to the date of the borrowing, and shall be issued for the term of 15 years and shall be issued in such manner that the principal and interest will be combined and be made payable in, as nearly as possible, equal annual instalments during the said 15 years.
8. The debentures shall bear interest during the currency of the debenture at a rate not exceeding the rate as fixed from time to time by the Department of Finance of the Government of Yukon as being the rate of interest applicable on loans to municipalities and others.
9. The said debenture shall be signed by the Mayor and the Clerk of the City, and the Clerk shall affix thereto the corporate seal of the City.
10. There shall be levied and raised in each year of the currency of the local improvement hereby authorized the amount necessary to pay the annual amount of interest and principal falling due in each year on such debenture by levying a special assessment under the *Assessment and Taxation Act*, and there is hereby imposed on all lands set out in Schedule "A" attached hereto and forming part of this bylaw, an annual fee for each of 15 years to be computed at date of borrowing and based on the same interest rate as the borrowing allowed for in section 8 of this bylaw. The said special assessment shall be in addition to all other rates and taxes.
 - (1) The property owner has the option of paying the total property charge prior to its due date, or of paying equal annual instalments each of 15 years, commencing on the due date.
 - (2) The property owner may reduce the balance owing on the total property charge by making a lump sum payment in any year during the life of the bylaw. Such lump sum payments shall be accepted only in the month of January each year.
 - (3) The property owner may pay off the balance owing at any point during the 15-year life of the bylaw.

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11. The frontage rate is determined as residential or non-residential in accordance with the property's assessment class. Should this assessment class change during the life of the bylaw, it is hereby authorized that the unit rate may also change as required.
12. Any existing local improvement charges for surface works abutting any properties set out in Schedule "A" are hereby rescinded.
13. The provisions of section 269 and 270 of the *Municipal Act* respecting the giving of notice and hearing of objections shall be followed prior to final passage of this bylaw.
14. A public hearing is scheduled to take place at a Special Council meeting on **Monday, November 21, 2016** at which council will hear and consider any submissions respecting this proposed project and local improvement charges. The meeting will be held in Council Chambers at City Hall, beginning at 5:30 p.m.
15. The provisions of this bylaw shall come into full force and effect pending budget approval.

FIRST READING:

NOTICE GIVEN: By Registered Letter sent

PUBLIC HEARING:

SECOND READING:

THIRD READING and ADOPTION:

Mayor

City Clerk

**Wheeler Street 4th-Escarpment
Schedule A: Local Improvement Charge**

LIC full (Gov't) Rate	\$1,900.00
Commercial Rate	\$1,266.67
Residential/Non-profit Rate	\$633.33

Estimated Interest Rate for 15 Years = 6.25%

Lot/Block/Plan	Owner Address1	CIVIC ADDRESS1	ROLL #	ASSESSED Use/ Class	ASSESSED FRONTAGE (metres)	SURFACE FRONTAGE CHARGE (\$/M)	TOTAL PROPERTY CHARGE	ANNUAL PROPERTY CHARGE OVER 15 YEARS
12 / 111 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	4178 4th Avenue 401-411 Wheeler St	3011110100	CMS	15.24	1,266.67	19,304.05	2,020.19
11 / 111 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	403 Wheeler St	3011110100	CMS	15.24	1,266.67	19,304.05	2,020.19
10 / 111 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	405 Wheeler St	3011110100	CMS	15.24	1,266.67	19,304.05	2,020.19
9 / 111 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	407 Wheeler St	3011110100	CMS	15.24	1,266.67	19,304.05	2,020.19
8 / 111 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	409 Wheeler St	3011110100	CMS	15.24	1,266.67	19,304.05	2,020.19
7 / 111 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	5179 5th Ave 411 Wheeler St	3011110100	CMS	15.24	1,266.67	19,304.05	2,020.19
1 / 112 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	4180 4th Avenue 402 Wheeler St	3011120100	CMS	15.24	1,266.67	19,304.05	2,020.19
2 / 112 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	404 Wheeler St	3011120100	CMS	15.24	1,266.67	19,304.05	2,020.19
3 / 112 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	406 Wheeler St	3011120100	CMS	15.24	1,266.67	19,304.05	2,020.19
4 / 112 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	408 Wheeler St	3011120100	CMS	15.24	1,266.67	19,304.05	2,020.19
5 / 112 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	410 Wheeler St	3011120100	CMS	15.24	1,266.67	19,304.05	2,020.19
6 / 112 / 18415	4178 4th Avenue Whitehorse YT Y1A 1J6	5181 5th Ave 412 Wheeler St	3011120100	CMS	15.24	1,266.67	19,304.05	2,020.19
1 / 122 / 18415	9042 Quartz Road Y1A 5L8	5180 5th Ave 502 Wheeler St	3011220100	RSM	12.19	633.33	7,720.29	807.94
2 / 122 / 18415	9042 Quartz Road Y1A 5L8	504 Wheeler St	3011220100	RSM	15.24	633.33	9,651.95	1,010.09
3 / 122 / 18415	9042 Quartz Road Y1A 5L8	506 Wheeler St	3011220100	RSM	15.24	633.33	9,651.95	1,010.09
6/121/40413	110 Industrial Road Y1A 2T9	5178 5th Ave 501 Wheeler St	3011210600	CMS	12.19	1,266.67	15,440.71	1,615.89
5/121/40413	604 Wheeler St Y1A 2P5	503 Wheeler St	3011210500	RS2	15.24	633.33	9,651.95	1,010.09
4/121/40413	505 Wheeler St Y1A 2P3	6179 6th Ave 505 Wheeler St	3011210400	RS1	15.24	633.33	9,651.95	1,010.09
CC169-Unit 1	#3-6180-6th Av Y1A 1N8	6180 6th Ave 602 Wheeler St	3010169001	RS1	5.08	633.33	3,217.32	336.70
CC169-Unit 2	#3-6180-6th Av Y1A 1N8	6180 6th Ave 602 Wheeler St	3010169002	RS1	5.08	633.33	3,217.32	336.70
CC169-Unit 3	#3-6180-6th Av Y1A 1N8	6180 6th Ave 602 Wheeler St	3010169003	RS1	5.08	633.33	3,217.32	336.70

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2/132/40413	604 Wheeler St Y1A 2P5	604 Wheeler St	3011320200	RS1	15.24	633.33	9,651.95	1,010.09
3/132/40413	Box 20887 Y1A 6P1	606 Wheeler St	3011320300	RS2	15.24	633.33	9,651.95	1,010.09
4/132/40413	608 Wheeler St Y1A 2P5	608 Wheeler St	3011320400	RS1	15.24	633.33	9,651.95	1,010.09
5/132/40413	610 Wheeler St Y1A 2P5	610 Wheeler St	3011320500	RS1	15.24	633.33	9,651.95	1,010.09
6/132/40413	7181-7th Avenue Y1A 1R1	7181 7th Ave 612 Wheeler St	3011320600	RS2	15.24	633.33	9,651.95	1,010.09
12/131/40413	Box 21387 Y1A 6S4	6178 6th Ave 601 Wheeler St	3011311200	RSM	15.24	633.33	9,651.95	1,010.09
11/131/40413	#3-6180-6th Av Y1A 1N8	603 Wheeler St	3011311100	RS1	15.24	633.33	9,651.95	1,010.09
10/131/40413	410H Jarvis Street Y1A 2C6	605 Wheeler St	3011311000	RSM	15.24	1,900.00	28,956.00	3,030.28
9/131/40413	607 Wheeler Street Y1A 2P4	607 Wheeler St	3011310900	RS2	15.24	633.33	9,651.95	1,010.09
8/131/40413	609 Wheeler Street Y1A 2P4	609 Wheeler St	3011310800	RS2	15.24	633.33	9,651.95	1,010.09
7/131/40413	402-309 Strickland Street Y1A 2J9	7179 7th Ave 611 Wheeler St	3011310700	RS1	15.24	633.33	9,651.95	1,010.09
1/142/41583	7180-7th Avenue Y1A 1R2	7180 - 7th ave 702 Wheeler	3011420100	RS2	18.29	633.33	11,583.61	1,212.24
2/142/41583	704 Wheeler Street Y1A 2P7	704 Wheeler St	3011420200	RS1	15.24	633.33	9,651.95	1,010.09
3/142/41603	706 Wheeler Street Y1A 2P7	706 Wheeler St	3011420300	RS2	15.24	633.33	9,651.95	1,010.09
4/142/41583	42 Teslin Road Y1A 3M4	708 Wheeler St	3011420400	RS1	15.24	633.33	9,651.95	1,010.09
5/142/41583	8181-8th Avenue Y1A 1T1	8181 - 8th Ave 710 Wheeler	3011420500	RS1	15.24	633.33	9,651.95	1,010.09
10/141/41583	7181-7th Avenue Y1A 1R1	7178 - 7th Ave 701 Wheeler St	3011411000	RS1	18.29	633.33	11,583.61	1,212.24
9/141/41583	703 Wheeler Street Y1A 2P6	703 Wheeler St	3011410900	RS1	15.24	633.33	9,651.95	1,010.09
8/141/41583	12 Langholz Road Y1A 5T1	705 Wheeler St	3011410800	RS2	15.24	633.33	9,651.95	1,010.09
7/141/41583	Box 17, Old Crow Yukon Y0B 1N0	707 Wheeler St	3011410700	RS2	15.24	633.33	9,651.95	1,010.09
6/141/41583	20 Dawson Road Y1A 5T6	8179 - 8th Ave 709 Wheeler	3011410600	RS2	15.24	633.33	9,651.95	1,010.09

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CC142-Unit 1	802A Wheeler St Y1A 2P9	8180 - 8th Ave 802 Wheeler St	3010142001	RS1	5.08	633.33	3,217.32	336.70
CC142-Unit 2	802B Wheeler St Y1A 2P9	8180 - 8th Ave 802 Wheeler St	3010142002	RS1	5.08	633.33	3,217.32	336.70
CC142-Unit 3	802A Wheeler St Y1A 2P9	8180 - 8th Ave 802 Wheeler St	3010142003	RS1	5.08	633.33	3,217.32	336.70
2/152/41583	804 Wheeler Street Y1A 2P6	804 Wheeler St	3011520200	RS1	15.24	633.33	9,651.95	1,010.09
3/152/41583	806 Wheeler Street Y1A 4P7	806 Wheeler St	3011520300	RS2	15.24	633.33	9,651.95	1,010.09
4/152/41583	5 Gibbons Place Y1A 5L4	808 Wheeler St	3011520400	RS2	15.24	633.33	9,651.95	1,010.09
CC163-Unit 1	810C Wheeler St Y1A 2P9	810C Wheeler St	3010163001	RS1	5.08	633.33	3,217.32	336.70
CC163-Unit 2	810B Wheeler St Y1A 2P9	810B Wheeler St	3010163002	RS1	5.08	633.33	3,217.32	336.70
CC163-Unit 3	810A Wheeler St Y1A 2P9	810A Wheeler St	3010163003	RS1	5.08	633.33	3,217.32	336.70
14/151/41583	801 Wheeler Street Y1A 2P8	8178 - 8th Ave 801 Wheeler St	3011511450	INS	15.24	633.33	9,651.95	1,010.09
13/151/41583	607 Cook Street Y1A 2R7	803 Wheeler St	3011511300	RSM	15.24	633.33	9,651.95	1,010.09
12/151/41583	805 Wheeler Street Y1A 2P8	805 Wheeler St	3011511200	RS1	15.24	633.33	9,651.95	1,010.09
11/151/41583	807 Wheeler Street Y1A 2P8	807 Wheeler St	3011511100	RS2	15.24	633.33	9,651.95	1,010.09
10/151/41583	30 Tagish Road Y1A 3P5	809 Wheeler St	3011511000	RS2	15.24	633.33	9,651.95	1,010.09
9/151/41583	79 Boswell Crescent Y1A 4T2	811 Wheeler St	3011510900	RS2	15.24	633.33	9,651.95	1,010.09
						777.24	635,099.09	