

**BY-LAW NO. 4-2015
OF THE
TOWN OF VERMILION
(hereinafter referred to as the "Municipality")
IN THE PROVINCE OF ALBERTA**

THIS BY-LAW AUTHORIZES THE COUNCIL OF THE
MUNICIPALITY TO ESTABLISH THE LOCAL IMPROVEMENT
TAX FOR THE PURPOSE OF CONSTRUCTION OF PAVEMENT

WHEREAS the Council of the Municipality has given proper notice of intention to undertake and complete the construction of PAVEMENT for Railway Avenue between 41 Street and 44 Street and pursuant to Section 397 of the Municipal Government Act (MGA), the costs or a portion of the costs thereof to be assessed against abutting and benefiting owners in accordance with the attached Schedule "A" (Pavement) and no sufficiently signed and valid petition against the said proposal has been received by the Council.

AND WHEREAS the Municipality has made plans, specifications and estimates for the project and confirms the total cost of the said project is estimated at \$166,576.00 (One Hundred Sixty Six Thousand Five Hundred Seventy Six Dollars).

AND WHEREAS the Council of the Municipality has estimated the following grants and contributions will be received or applied to the Project.

Town Portion of Flankage/Frontage:	
- Grant	\$ 136,614.94
Benefiting Property Owners:	<u>\$ 29,961.06</u>
	\$ 166,576.00

AND WHEREAS the Council of the Municipality in order to construct and complete the said project, has decided to issue Bylaw 5-2015 a borrowing bylaw pursuant to Section 263 of the MGA for the purpose of borrowing \$29,961.06 (Twenty Nine Thousand Nine Hundred Sixty One Dollars and Six Cents).

AND WHEREAS the Municipality will repay the indebtedness over a period of ten (10) years in semi annual instalments, with interest not exceeding fourteen percent (14%), or the interest rate fixed from time to time by the Alberta Capital Finance Authority, payable semi annually or annually.

AND WHEREAS the estimated lifetime of the project is 10 years and the proposed construction will serve about 633.98 assessable meters of flankage/ frontage.

AND WHEREAS all required approvals for the project have been obtained and the project is in compliance with all acts and regulations of the Province of Alberta.

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPALITY DULY ASSEMBLED ENACTS AS FOLLOWS:

1. That for the purpose of construction of pavement for Railway Avenue between 41 Street and 44 Street the estimated sum of \$29,961.06 (Twenty Nine Thousand Nine Hundred Sixty One Dollars and Six Cents) be collected by way of local improvement tax as herein provided in attached Schedule "A" (Pavement).
2. During the currency of the debenture in Bylaw 5-2015 there shall be raised annually for payment of the Owners' portion of the cost and interest thereon, by local improvement tax, the respective sums show as annual payments on Schedule "A" (Pavement) attached. And, there is hereby imposed on all lands benefiting from the Project, a local improvement tax sufficient to cover the owners' portion of the cost of the said work and the interest thereon payable at the unit rate or rates set forth in said Schedule "A"

(Pavement). The said local improvement tax shall be in addition to all other rates and taxes.

3. That in accordance with the MGA, Section 398 (1)(c) Council for the Town of Vermilion sets a uniform tax rate to be imposed on each unit of frontage as outlined on the attached Schedule "A" (Pavement).
4. That frontage is defined as the average of the front and rear of each lot, and that in accordance with the MGA, Section 404 Council for the Town of Vermilion may assign the number of units of measurement it considers appropriate for unusual parcels as attached in Schedule "B" (Local Improvement Frontage Calculations Policy).
5. This by-law shall take effect on the day of the final passing thereof.

READ A FIRST TIME IN COUNCIL THIS 2nd DAY OF June,
A.D. 2015.

B. MacOuff
Mayor

Denise MacDonald
for Town Manager

READ A SECOND TIME IN COUNCIL THIS 2nd DAY OF June,
A.D. 2015.

B. MacOuff
Mayor

Denise MacDonald
for Town Manager

READ A THIRD TIME IN COUNCIL THIS 2nd DAY OF June,
A.D. 2015.

B. MacOuff
Mayor

Denise MacDonald
for Town Manager

Schedule A (Pavement)
Railway Avenue, 41-44 Street

Notice of Intent Mailed -
Started in 2015 - To be completed in 2015

2015 Actual Costs:	\$ -	2015 Budget Costs:	\$ 166,576.00	2015 Tender Costs:	\$ 110,354.50
Total Actual:	\$ -	Total Budgeted:	\$ 166,576.00	Total Tender:	\$ 110,354.50

Name	Roll #	Plan	Blk	Lot	Front	Rear	Total	Actual Frontage / Flankage (m)		Town Portion	Owners Portion	Prepaid	Annual*	Frontage Per Meter	Civic Address
								Front	Rear						
ROW	802 0728	85MR			258.33	258.33	516.66	258.33	258.33	\$ 67,876.21	\$ -	\$ -	\$ -	262.75	100% Utility ROW on Railway
ROW	802 0728	48MR			40.64	40.64	81.28	40.64	40.64	\$ 10,678.16	\$ -	\$ -	\$ -	262.75	100% Utility ROW on Railway
ROW					115.95	106.88	222.83	111.415		\$ 29,274.29	\$ -	\$ -	\$ -	262.75	100% Utility ROW on Railway
4524001	3999R				220.14	227.04	447.18	223.590		\$ 28,784.98	\$ 29,961.06	\$ 29,961.06	\$ 3,577.44	262.75	51% 4301 Railway Avenue
*** Town of Vermillion								Rounding		\$ 1.30					
Total Flankage/Frontage								633.98		\$ 136,614.94	\$ 29,961.06	\$ 29,961.06	\$ 3,577.44		

Total Project Costs: \$ 166,576.00

Total Cost to Date S/m: 100% Town or Owners \$ 262.75

Total Cost to Date S/m (51%) Owners \$ 134.00

Owners portion calculated at 3.50%

for 10 years (1.75% for 20 payments) at 51% = S/m

Total Cost to Date S/m (49%) Town \$ 128.74

***Rounding Costs

*Additional Owners

Construction By-law #4-2015

Debtenture By-law #5-2015

223.59	Owner	
410.39	Town	
633.98	Total	\$29,961.06 \$ 3,577.44

\$ 136,614.94	\$ 29,961.06	\$ 166,576.00
SIP Grant \$ 166,576.00		

TOWN OF VERMILION**LOCAL IMPROVEMENT FRONTAGE CALCULATIONS****Approval Date:** May 7, 2002**Motion No.:** 02/05/89**Title:** *Local Improvement Frontage Calculations***Policy Statement:**

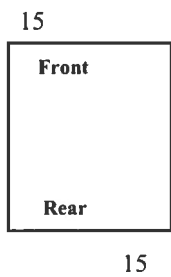
That in accordance with the MGA, 398(1)(c) Council for the Town of Vermilion sets a uniform tax rate to be imposed on each unit of frontage.

That frontage is defined as the average of the front and rear of each lot.

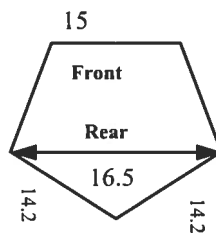
That for unusual parcels, which appear to call for a smaller or larger proportionate share of the tax because they are corner lots or are differently sized or shaped compared to other parcels, those parcels are assigned a number of units of measure that council considers appropriate to ensure they will bear a fair portion of the local improvement tax.

Frontage Calculations are as follows:

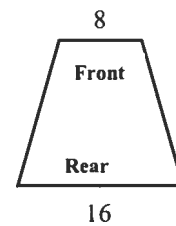
Irregularly shaped lots where the rear or the front of the lot has multiple angles the rear yard will be determined by taking the widest point i.e.:



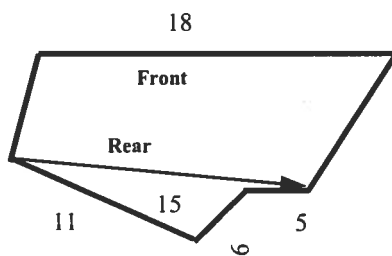
$$\text{Frontage} = (15 + 15)/2 = 15$$



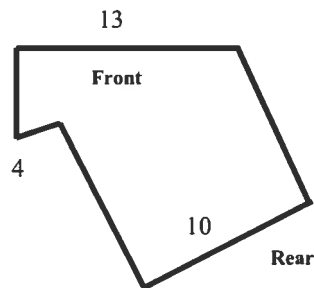
$$\text{Frontage} = (15 + 16.5)/2 = 15.75$$



$$\text{Frontage} = (8 + 16)/2 = 12$$



$$\text{Frontage} = (18 + 15)/2 = 16.5$$

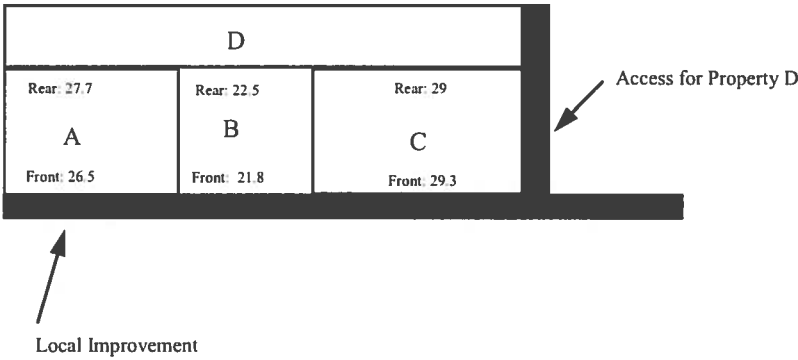


$$\text{Frontage} = (13 + 10)/2 = 11.5$$

Properties benefiting from a Local Improvement but not directly abutting the street shall be subject to an assessment based on the benefiting principle.

The benefiting principle is defined as: Any property that backs onto a property abutting the local improvement and gains access only from the roadway. The calculations for determining the benefiting assessment will be dependent on the individual project. In addition, Council may determine a maximum assessment for the benefiting property if the project calls for it.

An example calculation for benefiting property is that the assessed frontage shall be the average of the assessed frontage of the properties on which the benefiting property backs on to. In the case where a property backs onto only one property the adjacent property will be used to determine an average frontage.



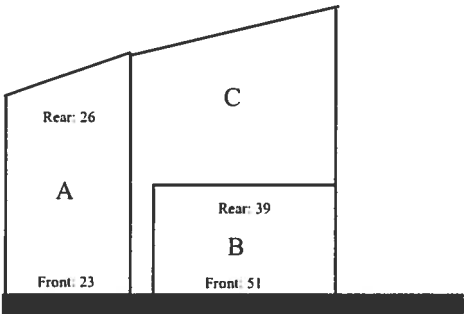
Property D is a benefiting property and is calculated by averaging the frontage of Properties AB&C

Frontage of A = $(27.7 + 26.5)/2 = 27.1$

Frontage of B = $(22.5 + 21.8)/2 = 22.15$

Frontage of C = $(29 + 29.3)/2 = 29.15$

Frontage of D = $(27.1 + 22.15 + 29.15)/3 = 26.13$



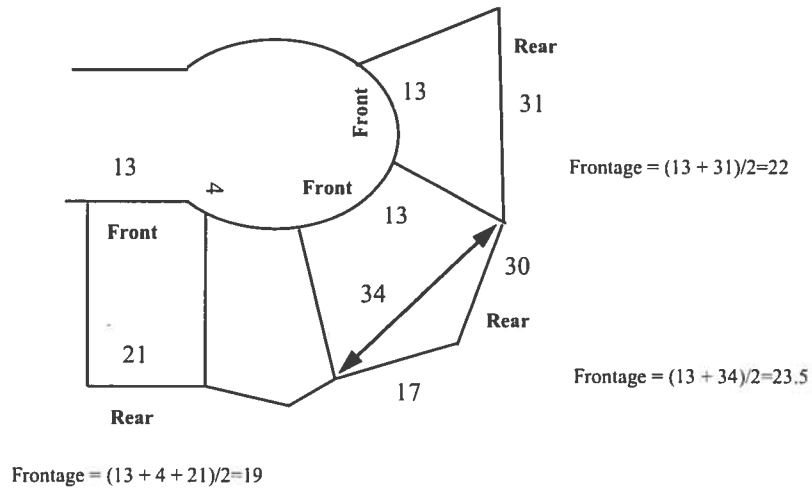
Property C is a benefiting property and is calculated by averaging the frontage of Properties A&B

Frontage of A = $(26 + 23)/2 = 24.5$

Frontage of B = $(39 + 51)/2 = 45$

Frontage of C = $(24.5 + 45)/2 = 35$

Cul de sacs will be determined by calculating the Front and back. Cul de sac property with an irregular shaped rear yard will be determined by taking the widest point.

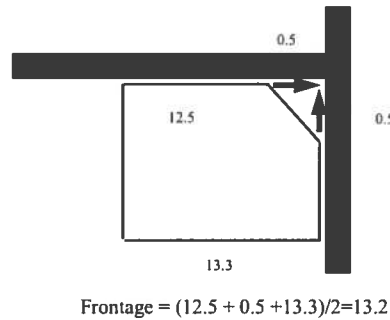


Undeveloped property with an unusually large rear yard relative to the local improvement frontage will determine its assessment from the actual footage of local improvement received.

Public property such as storm sewer drainage ditches and public parks, will determine its assessment from the actual footage of local improvement received.

Commercial/Industrial/Institutional property will be assessed frontage determined not only on the average of the front and rear of the lot but also will be assessed frontage when a local improvement is constructed on the flankage side of the property. The average of the two side flankage measurements will be used as the frontage calculation in this case.

That some corner lots which have the corners cutoff by paving and curbing, the front is determined by extending the front and side to square the corner as follows:



The purpose of this policy:

To give Management the authority to calculate frontages for the purpose of Local Improvements.