

**TOWN OF BRIDGEWATER**  
**BY-LAW NUMBER 189**  
**RESPECTING COST RECOVERY - GLEN ALLEN EXTENSION**

**BE IT ENACTED** by the Council of the Town of Bridgewater as follows:

**SHORT TITLE**

1. This Bylaw is Bylaw 189 and may be cited as the ***Glen Allen Extension Construction By-law.***

**CHARGE IMPOSED**

2.
  - (1) Whereas the Council has undertaken to construct a street, namely the Glen Allen Drive Extension, the cost of constructing this street shall be recovered from the persons who own the property which abuts on either side of the new street and those who will benefit from the construction of a collector street rather than a local road through a street construction charge.
  - (2) The charge imposed per lineal foot is equal to:
    - (a) The total cost of the project as a local street as determined by the Town Engineer, divided by
    - (b) The total lineal feet of properties abutting the street that is constructed or approved.
  - (3) The cost of the project (ie: local street) includes the cost of constructing and surfacing the street and the cost of installing curb and gutter, water, storm and sanitary sewers and electrical infrastructure.
  - (4) The charge on a particular property is equal to the charge per lineal foot determined pursuant to subsection (2) times the number of eligible lineal feet of that property abutting on the street that is constructed or approved.
  - (5) The following rule is used to determine eligible lineal feet:

1. Where due to physical barriers such as steep slopes or frontage inadequate for safe access, the Engineer determines that it is not practical to gain access from a property to the street or an existing property has access from another street, the length of eligible frontage is zero. Existing property means lots developed prior to the by-law.
- (6) That portion of the cost of the project that exceeds the cost of a local street, including greater width and upgraded water and sewer services and sidewalks, as determined by the Town Engineer, shall be recovered through a per acre charge determined by dividing the additional cost by the number of acres that in the opinion of the Town Engineer become developable as a result of the construction of the upgraded street.
- (7) The charge on a particular property is equal to the number of acres that in the opinion of the Town Engineer become developable as a result of the construction of the upgraded street times the per acre charge.
- (8) Upon completion of the street construction project, the Town Engineer shall provide the Treasurer with notification of completion of the project including a list of the assessed owners of all of the properties that are subject to the charges prescribed by this bylaw and the amount due from each owner.
- (9) The Town Engineer may at any time, amend the list to include the names of any owners previously omitted or to correct the amount charged and whenever a list is amended, a copy of the amended list shall be provided to the Treasurer.
- (10) The Town Engineer shall notify the Treasurer when any period of deferral as provided in this bylaw expires.

### **DEFERRAL**

3. In this bylaw, any property owner whose property is otherwise subject to this bylaw but has not been subdivided into lots is subject to the charge provided for in this bylaw, and the charge is subject to interest from the date the charge is imposed. The charge does not become payable until the land subject to the bylaw has been developed by the owner. "Develop" in this provision means to construct a building on the property as confirmed by the date of the building permit. This provision applies to both the charge per lineal foot of frontage and the charge per acre.

## **LIEN**

4. (1) A charge imposed pursuant to this bylaw constitutes a lien on the property in the same manner and with the same effect as taxes under the *Municipal Government Act*.
- (2) A charge imposed pursuant to this bylaw is collectable in the same manner as taxes under the *Municipal Government Act* and at the option of the Treasurer is collectable at the same time and by the same proceedings as are taxes.
- (3) The lien provided for in this bylaw is effective beginning on the date on which the Engineer files with the Treasurer a certificate that the improvement has been completed.
- (4) The lien provided for in this bylaw remains in effect until the charge plus interest has been paid in full.
- (5) Where a property subject to a lien is subdivided, the amount of the charge plus interest then unpaid shall be apportioned among the new lots created including any residual land in the proportion that the frontage of each new lot including any residual land bears to the total frontage of the lands subdivided including any residual lands.

## **INTEREST**

5. Interest accrues annually on charges outstanding from the date of billing at a rate equal to the prime lending rate of the Town's bankers from time to time, effective the date that notification of completion of the local improvement project is issued by the Town Engineer.