

BY-LAW NO. 1-19-01

A BY-LAW OF THE MUNICIPALITY OF ROTHESAY

To Direct the Undertaking of Hard Surfacing of the Roadway Known as Mulberry Lane as a Local Improvement

The Council of Rothesay, under authority vested in it by the Local Governance Act (S.N.B. 2017, c-18) and amendments thereto (the 'Act') and pursuant to By-law 1-19 'A By-law Describing The Procedure for Directing the Undertaking of a Work as A Local Improvement' enacts as follows:

1. TITLE

This By-law may be cited as the "Mulberry Lane Local Improvement By-law".

2. INTERPRETATION

In this By-law, unless the context otherwise requires;

- a. words in this By-law which are defined in the Act, and amendments thereto, have the meaning as defined in the Act;
- b. words in this By-law which are defined in Rothesay By-law 1-19, A By-Law Describing The Procedure for Directing the Undertaking of a Work as A Local Improvement (the 'Local Improvement By-law'), and amendments thereto, have the meaning as defined in that By-law;
- c. "Council" means the Mayor and Councillors of Rothesay;

4. DEFINITION OF THE WORK

The work to be undertaken under the authority of this By-law is the acquisition of the road right of way and the hard surfacing of the roadway known as Mulberry Lane in Rothesay, together with required appurtenances thereto. Council has determined this Work is necessary in the interests of the property owners listed in Schedule 'A'.

5. BENEFITTING PROPERTIES

Council has determined that the properties principally benefitting from the carrying out of the work are those properties listed in Schedule 'A' to this By-law.

6. ESTIMATE OF COSTS OF THE WORK

The cost of the Work includes legal, survey, land acquisition, engineering and construction, including placement of asphalt base and seal courses. The estimated costs are as shown in Schedule 'B'. The final cost shall be determined by the Director of Operations upon completion of the work and it is these costs which will be used to calculate the charges to the benefitting properties.

7. MUNICIPAL CONTRIBUTION

In addition to the charge to the property owned by the Town known as Dobbin Park, the Town shall contribute eleven thousand dollars (\$11,000) to the cost of the Work in recognition of maintenance costs that would otherwise be incurred by the Town.

8. ALLOCATION OF COSTS

Costs for the Work are to be allocated in accordance with Schedule 'C'. Council authorizes the Clerk and Treasurer to raise the cost set out in said Schedule by special assessment collected over no more than twenty (20) years.

9. ADMINISTRATION

The Clerk and Treasurer are hereby authorized and directed to issue such notices and take such steps as are rrequired by the Act and By-law 1-19.

Council further authorizes the Work be carried out as part of the Town resurfacing program.

EFFECTIVE DATE

This By-law comes into effect on the date of final enactment thereof.

FIRST READING BY TITLE

12 August 2019

SECOND READING BY TITLE

READ IN ITS ENTIRETY:

THIRD READING BY TITLE AND ENACTMENT

Nancy Grant
MAYOR

Mary Jane E. Banks
CLERK

Schedule A – Effected Properties

| Civic | Street | Property Account # | Property Identifier |
|-------|---------------|--------------------|---------------------------------------|
| 1 | Mulberry Lane | 1239513 | 30133516 245308 |
| 3 | Mulberry Lane | 1239521 | 30333074 |
| 5 | Mulberry Lane | 1239539 | 96040 245324 |
| 7 | Mulberry Lane | 1240190 | 30091045 30107817 246009 |
| 9 | Mulberry Lane | 6321991 | 30304695 |
| 11 | Mulberry Lane | 6322010 | 30304703 |
| 8 | Mulberry Lane | 4820711 | 30167712 |
| 6 | Mulberry Lane | 1245996 1246007 | 64451 154138 30008965 173005 |
| 4 | Mulberry Lane | 5289895 5866370 | 30197826 99101 |
| 2 | Mulberry Lane | 5866362 | 99135 99093 99085 |
| 40 | Cameron Road | 5866354 | 99143 245290 |

Schedule B – Cost Estimates

| line | Description | Estimated Cost |
|------|------------------------|----------------|
| 1 | Land Acquisition | 7,500 |
| 2 | Legal & Survey | 5,000 |
| 3 | Engineering | 2,800 |
| 4 | Construction | 48,500 |
| 5 | Contingency | 5,000 |
| 6 | Subtotal | 68,800 |
| 7 | plus HST | 10,320 |
| 8 | less HST Rebate | 7,370 |
| 9 | Total | 71,750 |
| 10 | less Town contribution | 11,000 |
| 11 | GRAND TOTAL | \$60,750 |

Schedule C – Costs To Be Charged to Properties

| | Civic | Street | Property Account # | Cost | Annual |
|----------|-------|---------------|--------------------|----------|----------|
| A | 1 | Mulberry Lane | 1239513 | \$5,520 | \$350. |
| B | 3 | Mulberry Lane | 1239521 | \$5,520 | \$350. |
| C | 5 | Mulberry Lane | 1239539 | \$5,520 | \$350. |
| D | 7 | Mulberry Lane | 1240190 | \$5,520 | \$350. |
| E | 9 | Mulberry Lane | 6321991 | \$5,520 | \$350. |
| F | 11 | Mulberry Lane | 6322010 | \$5,520 | \$350. |
| G | 8 | Mulberry Lane | 4820711 | \$5,520 | \$350. |
| H | 6 | Mulberry Lane | 1245996, 1246007 | \$5,520 | \$350. |
| I | 4 | Mulberry Lane | 5289895, 5866370 | \$5,520 | \$350. |
| J | 2 | Mulberry Lane | 5866362 | \$5,520 | \$350. |
| K | 40 | Cameron Road | 5866354 | \$5,520 | \$350. |
| | | | | \$60,750 | \$4,500. |