

## THE CORPORATION OF THE CITY OF IQALUIT, NU

### BY-LAW #576

#### LOWER BASE LOCAL IMPROVEMENT AND LONG TERM BORROWING BY-LAW

**A BY-LAW** of the City of Iqaluit, a municipal corporation in Nunavut to undertake a local improvement adjacent to certain properties set out in Schedule "A" attached to and forming part of this by-law, to apportion the local improvement costs to certain properties set out in Schedule "A", and to authorize the Municipal Corporation of the City of Iqaluit to borrow funds for municipal purposes on security of a debenture of the City, pursuant to the Cities, Towns and Villages Act, S.Nu. 2003.

**WHEREAS** the Council of the Corporation of the City of Iqaluit has the authority to pass by-laws for improvements pursuant to section 150 and sections 157 through 162 of the Cities, Towns & Villages Act, S.Nu. 2003;

**AND WHEREAS** Council is of the opinion that the proposed local improvement will principally benefit real property as set in Schedule "A";

**AND WHEREAS** the Government of Nunavut has agreed that fifty percent (50%) of the private service connection costs may be included in the current Capital Funding Agreement for this project to defray a portion of the cost of the local improvement on properties benefiting from the local improvement which are occupied by their owners as their principal place of residence;

**AND WHEREAS** over 60% of the ratepayers of Schedule "A" have requested the installation of water and sewer service laterals from the property lines to the homes, and that such work be paid for through means of a local improvement;

**AND WHEREAS** the total number of ratepayers requesting this work represent at least 1/2 of the assessed value of all real property in respect of which local improvement charges will be levied;

**AND WHEREAS** Council has obtained the necessary written consent from over 60% of the ratepayers who would be required to pay local improvement charges, as certified by the Chief Administrative Officer;

**AND WHEREAS** Council has obtained the necessary public hearing on this by-law;

**NOW THEREFORE PURSUANT** to the provisions of the Cities, Towns and Villages Act, S.Nu. 2003, the Council of the City of Iqaluit, Nunavut, in regular session, duly assembled, enacts as follows:

## SECTION 1 - APPLICATION

The local improvement shall be comprised of the installation of water and sewer mains in the Lower Base area of the City (the "Work").

The parcels of real property that will principally benefit from this local improvement are set out in Column 1 of Schedule "A" attached to and forming part of this by-law (the "Properties").

1. Local improvement charges shall be levied in accordance with this by-law.
2. The Council has determined that owner-occupied properties are properties identified in Schedule "A" which were the owner's principal place of residence as of January 15, 2005 ("Owner Occupied Residences").
3. The monies allotted by the City of Iqaluit and the Government of Nunavut to defray a portion of the cost of the Work on Owner Occupied Residences have been calculated as follows:
  - a) payment of 50% of the actual cost of the Work from the property line to the home of each of the Owner Occupied Residences; and
  - b) payment of \$1500 to defray a portion of the cost of the internal connection for owner occupied residences.
4. The estimated cost of the Work allocated to each of the Properties is set out in Column 2 of Schedule "A".
5. With the exception of the internal house connections and removal and disposal of the water and sewer tanks the City shall carry out the Work.
6. The estimated cost of the Work is \$868,256.24, calculated as follows:

Cost of Service	\$ 822,640.00
GN Internal Plumbing Assistance	<u>\$ 30,000.00</u>
Total	\$ 852,640.00
Goods and Services Tax	<u>\$ 59,684.80</u>
Contract Amount	\$ 912,324.80
Contingency Allowance	<u>\$ 45,616.24</u>
Total Estimate Cost	\$ 957,941.04
Goods and Service Tax (-)	\$ -59,684.80
GN Internal Plumbing Assistance (-)	<u>\$ -30,000.00</u>
Total Contract Amount	\$ 868,256.24

7. The City is authorized to borrow up to \$868,256.24 on a temporary basis, at such rate of interest as may be agreed upon with the lender, provided that the interest rate shall not exceed 7.50% per annum (the "Temporary Loan"), such funds to be

used for the purpose of completing the Work.

8. Upon the completion of the Work, the City is authorized to borrow up to \$868,256.24 secured by way of issuing or entering into a debenture (the "Long-term Loan").
9. The Long-term Loan shall be used to repay the Temporary Loan, with any remaining balance to be used to pay the costs incurred by the City in completing the Work. No part of the General Fund shall be used to pay principal or interest on the Long-term Loan.
10. The Long-term Loan may be subject to such prepayment penalties as may be negotiated by the City with the lender.
11. The term of the Long-term Loan and the period over which the local improvement charges will be payable shall be 20 years. Failure to comply with the local improvement levy will result in the debt being included in the home owners annual tax bill with appropriate penalties assessed.
12. The Long-term Loan and interest thereon shall be repaid by a local improvement charge, to be levied against each of the Properties in the amounts set out in Column 3 of Schedule "A" plus interest at a rate not to exceed the rate of interest payable by the City on the Long-term Loan.
13. The local improvement charge may only be prepaid upon the payment of a prepayment penalty equal to the prepayment penalty, if any, payable by the City on any prepayment of the Long-term Loan.
14. The City shall be responsible for repairs and maintenance of the water and sewer lines from the main to the property line of each of the Properties.
15. Every real property owner affected by this bylaw shall connect their premises to the main distribution system within one year of the installation of the service laterals to their building. After the one year period, the City may discontinue trucked water and sewer services to the premises.
16. If the cost of the Work is less than \$868,256.24, the local improvement charge against each of the Properties shall be reduced proportionately.
17. The total current assessed value of all property affected by this Local Improvement Bylaw in the City of Iqaluit on which property taxes are paid or in respect of which grants are made in place of that taxation, according to the latest revised assessment roll, is \$2,826,300.00

## SECTION 2 – EFFECTIVE DATE

This by-law shall come into effect upon receiving Third and Final Reading.

THIS BY-LAW READ a First Time this \_\_27th\_\_ day of \_\_January\_\_\_\_, 2005 A.D.

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Elisapee Sheutiapik  
Mayor

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Ian Fremantle  
Chief Administrative Officer

THIS BY-LAW READ a Second Time this \_\_27th\_\_ day of \_\_January\_\_\_\_, 2005 A.D.

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Elisapee Sheutiapik  
Mayor

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Ian Fremantle  
Chief Administrative Officer

I certify that not less than 60% of the ratepayers who are required to pay local improvement charges, have consented in writing to the making of this local improvement by-law. I certify that the ratepayers who consented represent at least one half (1 /2) of the assessed value all real property in respect of which local improvement charges will be levied.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 2005 A.D.

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Ian Fremantle  
Chief Administrative Officer

THIS BY-LAW READ a Third and Final Time this \_\_\_\_\_ day of \_\_\_\_\_,  
2005 A.D.

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Elisapee Sheutiapik  
Mayor

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Ian Fremantle  
Chief Administrative Officer