

Town of Swan River

By-law No. 2/2018

Being a By-law of the Town of Swan River to authorize the Expenditure and Borrowing of money for the installation of curb, gutter and asphalt pavement at the 300 Block of 12th Ave S and the 1200 and 1300 Block of 3rd St S as a Local Improvement.

Whereas Section 311 of *The Municipal Act*, S.M. 1996, C.58, provides in part as follows:

If approved by by-law, a municipality may undertake, as a local improvement for the benefit of all or part of the municipality,

- (a) the acquisition, development, upgrading or replacement of one or more of the following:
 - (i) sewage collection and treatment facilities;
 - (ii) water supply, treatment and distribution facilities;
 - (iii) waste management facilities;
 - (iv) highways;
 - (v) drainage systems; or
- (b) any (use only the part that is applicable) other project the cost of which includes a capital component.

And Whereas subsection 320(1) of *The Municipal Act* provides as follows:

Subject to subsection (2) to (6) and subsection 321(4), a Council may by by-law

- (a) approve the local improvement or special service as set out in the plan or proposal;
and
- (b) authorize the municipality to impose taxes as set out in the plan or proposal.

And Whereas Section 172 of *The Municipal Act* provides in part as follows:

In this Division,

"Borrowing" means the borrowing of money, and includes

- (b) borrowing to pay for a local improvement under Division 4 (Local Improvements and Special Services) of Part 10,
- (e) issuing debentures.

And Whereas, the Council of the Town of Swan River has prepared Local Improvement Plan No. 1-2018, attached as Schedule "B", providing for the spending, borrowing authority, and imposition of taxes for the installation of curb, gutter and asphalt pavement at the 300 Block of 12th Ave S and the 1200 and 1300 Block of 3rd St S as a

local improvement pursuant to Part 10 of *The Municipal Act*;

And Whereas, in order to complete such undertaking, it will be necessary for the Town of Swan River to borrow the sum of \$124,000 as hereinafter provided, which is the amount of the debt intended to be created by this by-law;

And Whereas the consecutive annual amounts, including principal and interest, required to be raised each year for 15 years, as hereinafter provided, for paying the principal and interest under this by-law are the amounts set out in Schedule "A" hereto;

And Whereas the requirements are prescribed in Sections 318, 319 and 320 of *The Municipal Act* have been complied with;

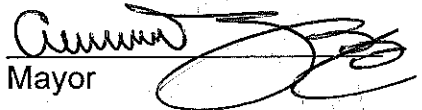
And Whereas the amount of the existing borrowing debt of the Town of Swan River is \$7,176,317.55, of which no portion of the principal or of the interest thereon is in arrears;

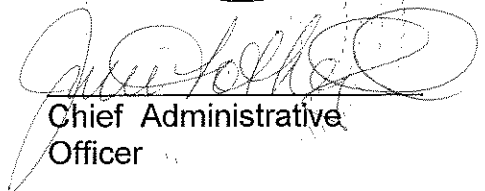
Now Therefore the Council of the Town of Swan River in regular session assembled, enacts as follows:

1. That pursuant to subsection 320(1) of *The Municipal Act*, the Town of Swan River adopt Local Improvement Plan No. 1-2018 attached hereto as Schedule "B".
2. That the Town of Swan River may expend up to three hundred twenty thousand dollars (\$320,000) for the purpose of installation of curb and gutter and asphalt pavement at the 300 Block of 12th Ave S and the 1200 and 1300 Block of 3rd St S as a local improvement.
3. That for the aforesaid project, the said municipality may borrow one hundred twenty four thousand dollars (\$124,000), such borrowing shall be issued by the Town of Swan River in the Province of Manitoba, and shall be payable at the Royal Bank of Canada in the Town of Swan River and shall be dated the 31st day of December, A.D. 2018.
4. That the said borrowing shall bear interest at a rate estimated for the time being at 5.5% per annum, and subject in any event to the authorization of The Municipal Board at the time of sale, and shall mature in accordance with the maturities set out in Schedule "A" hereto on the 31 day of December in each of the years 2019 to 2033, both inclusive.
5. That the issuance of borrowings shall be signed by the Mayor, or by some other person authorized by by-law to sign same, and by the Chief Administrative Officer of the Town of Swan River and there shall be affixed thereto the corporate seal of the said municipality.

6. That during the currency of the said borrowing; namely, in each of the years 2019 to 2033, both inclusive, there shall be raised annually by a special frontage and flankage rate on all benefiting property described in Schedule "C" hereto, according to the frontage and flankage thereof, an amounts sufficient to provide for the principal and interest requirements hereunder.
7. That pursuant to subsection 174(3)(d) of *The Municipal Act*, pending the issue of the borrowing, the Council of the Town of Swan River may agree with a bank or person or borrow from the general funds of the municipality for temporary advances from time to time to meet expenditures incurred for the purpose aforesaid, and the total of such advances shall not exceed three hundred twenty thousand dollars \$320,000.
8. That, at any time prior to or within (30) days following completion of the work, any ratepayer of the area affected by the local improvement as described in Schedule "C" hereto may commute and pay in one principal sum that part of their share of the debt herein authorized in respect of the frontage and/or flankage rate(s) provided herein to the said Chief Administrative Officer of the Town of Swan River and thereafter no frontage and/or flankage rate(s) shall be levied against their said lands in respect of the borrowing to be authorized herein.

Done and Passed by a by-law of the Town of Swan River in the Province of Manitoba this 17th day of April, 2018.


Mayor


Chief Administrative
Officer

Read a first time this 20th day of February, 2018.
Read a second time this 17th day of April, 2018.
Read a third time this 17th day of April, 2018.

TOWN OF SWAN RIVER

Curb, Gutter and Pavement 12th Ave and 3rd Street
 SCHEDULE - A TO BYLAW NO. 2/2018

Local Improvement Debenture Issue

Term (Yrs):	15	Amount:	124,000.00
Date:	December 31, 2018	Rate (%):	5.5000
Payable:	December 31, 2019 - 2033	Annual Payment:	12,353.57
		First Year's Payment:	12,353.57
		Adjusted Last Year's Payment:	12,353.68

MATURITY SCHEDULE

Year	Interest	Principal	Balance
2019	6,820.00	5,533.57	118,466.43
2020	6,515.65	5,837.92	112,628.51
2021	6,194.57	6,159.00	106,469.51
2022	5,855.82	6,497.75	99,971.76
2023	5,498.45	6,855.12	93,116.64
2024	5,121.42	7,232.15	85,884.49
2025	4,723.65	7,629.92	78,254.57
2026	4,304.00	8,049.57	70,205.00
2027	3,861.28	8,492.29	61,712.71
2028	3,394.20	8,959.37	52,753.34
2029	2,901.43	9,452.14	43,301.20
2030	2,381.57	9,972.00	33,329.20
2031	1,833.11	10,520.46	22,808.74
2032	1,254.48	11,099.09	11,709.65
2033	644.03	11,709.65	0.00
TOTALS	61,303.66	124,000.00	185,303.66

23-Jan-18

SCHEDULE "B" to By-Law No. 2/2018

Town of Swan River

Local Improvement Plan No. 1-2018

For

**Installation of curb and gutter and asphalt pavement at the 300 block of 12th Ave S
and the 1200 and 1300 blocks of 3rd St S**

(Pursuant to Subsection 315 of *The Municipal Act*)

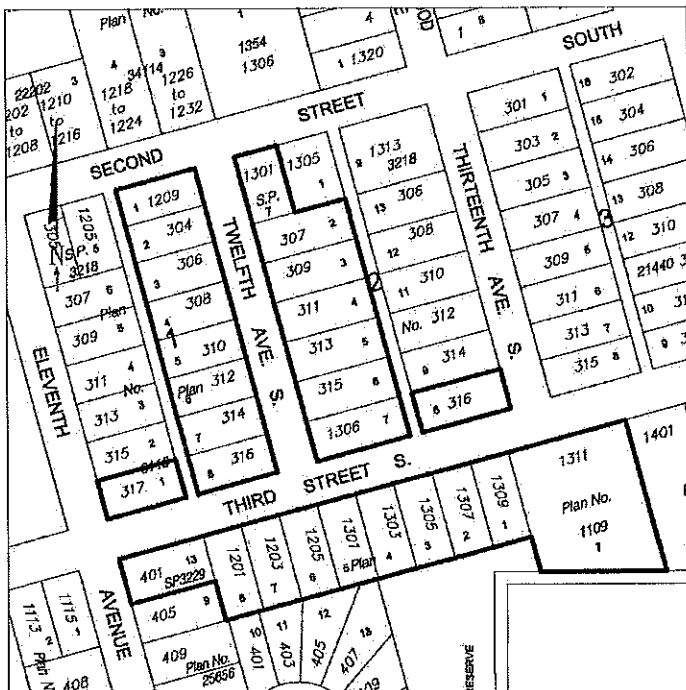
Pursuant to Section 315 of *The Municipal Act*, The Swan River Town Council has decided to implement a local improvement plan for the installation of curb and gutter and asphalt pavement at the 300 block of 12th Ave S and the 1200 and 1300 blocks of 3rd St S that will be partially funded by the benefitting properties.

(A) Description of the Proposed Local Improvement

The local improvement will consist of the installation of curb and gutter and asphalt pavement at the 300 block of 12th Ave S and the 1200 and 1300 blocks of 3rd St S.

(B) Local Improvement District:

The properties to be levied under this plan are all benefitting properties fronting onto 12th Avenue or 3rd Street as outlined in bold on the drawing below.



(C) Potential Tax Payers

The following properties are included in the local improvement plan

300 Block 12th Ave S

1209	2nd St S	Lot 1 Block 1 Plan 21440
304	12th Ave S	Lot 2 Block 1 Plan 21440
306	12th Ave S	Lot 3 Block 1 Plan 21440
308	12th Ave S	Lot 4 Block 1 Plan 21440
310	12th Ave S	Lot 5 Block 1 Plan 21440
312	12th Ave S	Lot 6 Block 1 Plan 21440
314	12th Ave S	Lot 7 Block 1 Plan 21440
316	12th Ave S	Lot 8 Block 1 Plan 21440
1301	2nd St S	Lot 7 Special Plan 3218
		Lot 2 Block 2 Plan 21440
309	12th Ave S	Lot 3 Block 2 Plan 21440
311	12th Ave S	Lot 4 Block 2 Plan 21440
313	12th Ave S	Lot 5 Block 2 Plan 21440
		Lot 6 Block 2 Plan 21440
1306	3rd St S	Lot 7 Block 2 Plan 21440

1200 Block 3rd St S

317	11th Ave S	Lot 1 Plan 3113
401	1th Ave S	Lot 13 SP 3229
1201	3rd St S	Lot 8 Plan 2372
1203	3rd St S	Lot 7 Plan 2372
1205	3rd St S	Lot 6 Plan 2372

1300 Block 3rd St S

1301	3rd St S	Lot 5 Plan 2372
1303	3rd St S	Lot 4 Plan 2372
1305	3rd St S	Lot 3 Plan 2372
1307	3rd St S	Lot 2 Plan 2372
1309	3rd St S	Lot 1 Plan 2372
316	13th Ave S	Lot 8 Block 2 Plan 21440

(D) Method and Rate of calculating Local Improvement Tax

Local improvement taxes will be calculated according to Clause 316(1) (d) of the Municipal Act on the basis of an amount for each unit of frontage of the lands benefitted by the improvement.

The tax rate is based on the local improvement rates passed by council resolution which are attached to this plan (Appendix 1):

$$\frac{\text{Frontage Distance (if applicable)} \times (\text{Curb and Gutter Frontage Rate} + \text{Asphalt Pavement Frontage Rate}) + \text{Flankage Distance (if applicable)} \times (\text{Curb and Gutter Flankage Rate} + \text{Asphalt Pavement Flankage Rate})}{= \text{Local Improvement Tax}}$$

$$\frac{\text{Frontage Distance (if applicable)} \times (\$41/\text{ft} + \$36.50/\text{ft}) + \text{Flankage Distance (if applicable)} \times (\$10.50/\text{ft} + \$9.00/\text{ft})}{= \text{Local Improvement Tax}}$$

Cash option (Pre-payment) \$77.50/frontage foot and \$19.50/flankage foot OR
Finance option \$7.72/frontage foot and \$1.94/flankage foot levied annually for 15 years

The calculated taxes for each property are shown on Schedule "C".
Property owner's may pay in a lump sum their portion of the local improvement tax at the completion of the project a date set by Council.

(E) Estimated Cost

The estimated cost of the local improvement is \$320,000.
This is the estimated cost for the Town of Swan River to survey the project and to contract an asphalt paving company to install curb and gutter and asphalt pavement. This estimate is based on the length of the project and previous curb and gutter and asphalt construction projects in the Town of Swan River.

(F) Sources of funding

The local improvement will be funded by the following sources:

- Federal Gas Tax Reserve Fund - \$96,000
- Municipal Road Improvement Program (MRIP) Grant - \$100,000
- Local improvement tax on benefitting properties - \$124,000

(G) Borrowing

The Town of Swan River will borrow \$124,000 to allow for financing for benefitting properties to make annual payments. The maximum rate of interest will be 5.5% for a 15 year term. The annual payment is 12,353.57.

(H) Annual Operation and Maintenance

The annual maintenance of the pavement will be snow clearing which is already currently allocated under the snow clearing operations budget since there is currently a gravel road at this location and the level of service will not change. The snow clearing budget is funded by a special service tax of the Town of Swan River.

Julie Fothergill
Chief Administrative Officer

**TOWN OF SWAN RIVER BY-LAW NO. 2/2018
Schedule "C"**

Per foot Per foot
 Frontage \$ 41.00 Flankage \$ 10.50
 Frontage \$ 36.50 Flankage \$ 9.00

		ft		ft		ft	Lump Sum- Total Payment	Finance - Total Payment	Frontage rate of \$7.72/ft. and flankage rate of \$1.94/ft. Annual Finance Payment (15 year term)
300 Block 12th Ave S									
1209	2nd St S		60				\$ 4,650.00	\$ 6,948.89	\$ 463.26
304	12th Ave S		60				\$ 4,650.00	\$ 6,948.89	\$ 463.26
306	12th Ave S		64.9				\$ 5,029.75	\$ 7,516.38	\$ 501.09
308	12th Ave S		63				\$ 4,882.50	\$ 7,296.33	\$ 486.42
310	12th Ave S		63				\$ 4,882.50	\$ 7,296.33	\$ 486.42
312	12th Ave S		63				\$ 4,882.50	\$ 7,296.33	\$ 486.42
314	12th Ave S		63				\$ 4,882.50	\$ 7,296.33	\$ 486.42
316	12th Ave S		63	Flankage	132.06		\$ 7,457.67	\$ 11,144.62	\$ 742.97
1301	2nd St S			Flankage	110		\$ 2,145.00	\$ 3,205.45	\$ 213.70
			65				\$ 5,037.50	\$ 7,527.96	\$ 501.86
309	12th Ave S		65				\$ 5,037.50	\$ 7,527.96	\$ 501.86
311	12th Ave S		65				\$ 5,037.50	\$ 7,527.96	\$ 501.86
313	12th Ave S		65				\$ 5,037.50	\$ 7,527.96	\$ 501.86
			65				\$ 5,037.50	\$ 7,527.96	\$ 501.86
1306	3rd St S		65	Flankage	153.05		\$ 8,021.98	\$ 11,987.91	\$ 799.19
1200 Block 3rd St S									
317	11th Ave S			Flankage	130		\$ 2,535.00	\$ 3,788.26	\$ 252.55
401	1th Ave S			Flankage	140		\$ 2,730.00	\$ 4,079.67	\$ 271.98
1201	3rd St S		63				\$ 4,882.50	\$ 7,296.33	\$ 486.42
1203	3rd St S		63				\$ 4,882.50	\$ 7,296.33	\$ 486.42
1205	3rd St S		63				\$ 4,882.50	\$ 7,296.33	\$ 486.42

1300 Block 3rd St S

1301	3rd St S	Lot 5 Plan 2372	Frontage	63				\$ 4,882.50	\$ 7,296.33	\$ -	486.42
1303	3rd St S	Lot 4 Plan 2372	Frontage	63				\$ 4,882.50	\$ 7,296.33	\$ -	486.42
1305	3rd St S	Lot 3 Plan 2372	Frontage	63				\$ 4,882.50	\$ 7,296.33	\$ -	486.42
1307	3rd St S	Lot 2 Plan 2372	Frontage	63				\$ 4,882.50	\$ 7,296.33	\$ -	486.42
1309	3rd St S	Lot 1 Plan 2372	Frontage	62.52				\$ 4,845.30	\$ 7,240.74	\$ -	482.72
316	13th Ave S	Lot 8 Block 2 Plan 21440	Flankage		145			\$ 2,827.50	\$ 4,225.37	\$ -	281.69
		TOTAL		1393.42	810.11			\$ 123,787.20	\$ 184,985.60	\$ -	12,332.37