

COMMITTEE OF THE WHOLE JUNE 18, 2001

BOWES ROAD LOCAL IMPROVEMENT PROJECT

Recommendation

The City Clerk in consultation with the Deputy City Manager, and City Solicitor and the Director of Legal Services, recommend that the City Clerk be directed to report to Council in the fall, with respect to the sufficiency of the petition received in objection to the Bowes Road Local Improvement Project.

Purpose

To apprise Council of the status of the Bowes Road Local Improvement Project petition.

Background - Analysis and Options

Council has proceeded under the "initiative plan", pursuant to Section 12 of the Local Improvement Act, (The Act) to undertake the Bowes Road Local Improvement. In accordance with the Act, notice was provided to the owners of the properties that would be affected by the project. The Act provides that Council may proceed with the project unless within one month after the first publication of the notice, a majority of owners representing at least one half of the value of the lots that are to be specially assessed, petition the Council not to proceed. Notice was provided on April 26, 2001 and the last day to file an objection was May 28, 2001.

On the face of the petition, 70 of the 118 owners objected to the project proceeding. These owners' property values represent 50.087% of the total assessed values of the properties affected. Before a construction by-law can be enacted, the Clerk must certify the sufficiency of the petition under section 15 of the Act. There is not sufficient time to undertake appropriate due diligence to determine the sufficiency of the petition before Council breaks for the summer. Accordingly it is being recommended that the City Clerk report in the fall.

Conclusion

The sufficiency of the Bowes Road Local Improvement Project petition must be determined before Council can decide whether to proceed with the project, and it is being recommended that the Clerk report on the sufficiency of the petition in the fall.

Attachments

None

Report prepared by:

John D. Leach, City Clerk

Respectfully submitted,

John D. Leach
City Clerk