

RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 3-16

Being a By-law of the Rural Municipality of Rosser to authorize the expenditure and borrowing of money for the construction of a Wastewater Collection System and Water Distribution System to service the developed portion of the Rosser CentrePort Phase 1 Stage 1A Area, including feedermains from the intersection of Klimpke Road and Farmer Road (North Feeder Main), and from the Feeder Main under Canada CentrePort Way (South Feeder Main), and a low pressure sewer connection to the City of Winnipeg wastewater line located at Brookside and Inkster Boulevard as a Local Improvement.

WHEREAS Section 11, of *The Municipal Act* S.M. 1996 Cap. M225 provides 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,

(b) any 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) or (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 Rural Municipality of Rosser has prepared Local Improvement Plan No. 15/02, Schedule “B” hereto, providing for the spending, borrowing authority, and imposition of taxes for the construction of a wastewater collection system and water distribution system to service the developed portion of Rosser CentrePort Phase 1 Stage 1A Area, including feedermains from the intersection of Klimpke Road and Farmer Road (North Feeder Main), and from the Feeder Main under Canada CentrePort Way (South Feeder Main), and a low pressure sewer line connection to the City of Winnipeg wastewater line located at Brookside and Inkster Boulevard 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 Rural Municipality of Rosser to borrow the sum of \$16,956,882.00 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 twenty-five (25) years, as hereinafter provided, for paying of the principal and interest under this By-law are the amounts set out in Schedule “A” hereto;

AND WHEREAS, the requirements as prescribed in Section 318 and 319 of *The Municipal Act* have been complied with;

AND WHEREAS, the amount of the existing debenture debt of the Rural Municipality of Rosser is \$5,380,669.93, of which no portion of the principal or of the interest thereon is in arrears;

NOW THEREFORE the Council of The Rural Municipality of Rosser, in open council assembled, enacts as follows:

1. THAT pursuant to subsection 320(1) of *The Municipal Act*, the Rural Municipality of Rosser adopt Local Improvement Plan No. 15/02, attached hereto as Schedule “B”.
2. THAT the Rural Municipality of Rosser may expend up to Twenty-two Million One Hundred and Fifty-six Thousand and Eight Hundred Eighty-two Dollars (\$22,156,882.00), for the purpose of contributing to the construction of a wastewater collection system and water distribution system to service the developed portion of Rosser CentrePort Phase 1 Stage 1A area, including feeder mains from the intersection of Klimpke Road and Farmer Road (North Feeder Main), and from the Feeder Main under Canada CentrePort Way (South Feeder Main), and a low pressure sewer connection to the City of Winnipeg wastewater line located at Brookside and Inkster Boulevard as a local improvement.
3. THAT for the aforesaid project, the said municipality may borrow Sixteen Million Nine Hundred and Fifty-six Thousand and Eight Hundred Eighty-two Dollars (\$16,956,882.00) such borrowing shall be issued by the Rural Municipality of Rosser in the Province of Manitoba.
4. THAT the said borrowing shall bear interest at a rate estimated for the time being at 6% 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 31st day of December in each of the borrowing years.
5. THAT the issuance of borrowings shall be signed by the Reeve or by some other person authorized by by-law to sign same, and by the Chief Administrative Officer of the Rural Municipality of Rosser and there shall be affixed thereto the corporate seal of the said municipality.
6. THAT during the currency of the said borrowing; there shall be raised annually an amount sufficient to provide for principal and interest hereunder by:
 - a. a *per acre rate* of \$15,544.99 on all rateable property described in Schedule “C” hereto according to the acreage thereof, for the material and installation of the water feeder mains and distribution, and the low pressure wastewater collection system;
 - b. a *mill rate* to achieve the annual sum of \$571,798.59 on all rateable property described in Schedule “D” hereto according to the assessment thereof, for the material and installation of the water feeder mains and distribution, and the low pressure wastewater collection system;
 - c. a *per acre rate* of \$13.23 on all rateable property described in Schedule “E” hereto according to the acreage thereof, for the material and installation of the water feeder mains and distribution , and the low pressure wastewater collection system;
 - d. a *flat rate* of \$500.00 on all rateable property described in Schedule “F”, hereto according to the dwellings thereof, for the material and installation of the water feeder mains and distribution, and the low pressure wastewater collection system;
 - e. a *flat rate* of \$1500.00 for combined assessment of \$1,000,000.00 and under, a *flat rate* of \$3000.00, for combined assessment between \$1,000,000.01 and \$5,000,000.00, or a *flat rate* of \$5000.00 for a combined assessment of \$5,000,000.01 and over on all rateable property described in Schedule “G”, hereto according to the combined assessments thereof, for the materials and installations of the water feeder mains and distribution, and the low pressure wastewater collection system.
7. THAT pursuant to subsection 174(3)(d) of *The Municipal Act*, pending the issue of the borrowing, the council of the Rural Municipality of Rosser 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 Twenty-two Million One Hundred and Fifty-six Thousand and Eight Hundred and Eighty-two Dollars (\$22,156,882.00).

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 Schedules “C, E, F and G” hereto may commute and pay in any one of the principal sums that part of his/her share of the debt herein authorized in respect of the rate(s) provided herein to the said Chief Administrative Officer of the Rural Municipality of Rosser and thereafter no rate(s) shall be levied against his / her said lands in respect of the borrowing to be authorized herein.

DONE AND PASSED as a by-law of The Rural Municipality of Rosser at 0 077E PR 221, Rosser in the Province of Manitoba this 9th day of October, 2018.

Reeve
Frances Smee

Chief Administrative Officer
Larry Wandowich

GIVEN First Reading this 19th day of April, 2016
GIVEN Second Reading this 9th day of October, 2018
GIVEN Third Reading this 9th day of October, 2018

I, Larry Wandowich, Chief Administrative Officer of the Rural Municipality of Rosser, certify this to be a true and correct copy of By-law No. 3-16 given third reading and passed on the 9th day of October, 2018 by the Council of the Rural Municipality of Rosser.

SCHEDULE “B” TO BY-LAW NO. 3-16
RURAL MUNICIPALITY OF ROSSER
LOCAL IMPROVEMENT PLAN NO. 15/02

FOR
WATER FEEDER MAINS, WATER DISTRIBUTION, LOW PRESSURE WASTEWATER
COLLECTION FOR THE DEVELOPED PORTION OF THE ROSSER CENTREPORT
AREA

Pursuant to Section 315 of *The Municipal Act*

a) **Description of the Proposed Local Improvement**

Cartier Regional Water Cooperative has proceeded with the construction of a Water Treatment Plant in Headingley, a Water Transmission Line to the Rural Municipality of Rosser and a Water Reservoir in the Rural Municipality of Rosser. The City of Winnipeg is constructing a Wastewater Inceptor Line along Inkster Avenue to Brookside Boulevard and the boundary of the Rural Municipality of Rosser. With the construction of the water and wastewater infrastructure, this enables the Rural Municipality of Rosser to provide a water distribution and wastewater collection system to the existing commercial development in Phase 1 Stage 1A of the Rosser CentrePort area.

b) **Local Improvement Area to be Taxed**

The Local Improvement Tax required to service the debt to be issued under this proposal would be levied on all taxable, grant-in-lieu and otherwise exempt properties listed in Schedules “C, D, E, F, and G” of By-law No. 3-16.

c) **Identification of Potential Taxpayers Under the Plan**

Potential taxpayers under this Local Improvement are property owners of taxable, grant-in-lieu and otherwise exempt properties in the Rural Municipality of Rosser.

d) **Method and Rate of Calculating Local Improvement Tax**

The method of taxation to be used to calculate the Local Improvement Tax will be based on the acreage of the parcels.

Schedule C Taxpayers (“Local Improvement 2 Area”)
Cash Option (Prepayment):
\$15,544.99 per acre

OR

Finance Option:
An estimated total of \$1,216.04 per acre will be levied annually for 25 years.

Schedule D Taxpayers (“Directly Benefitting Property Area”)
An annual mill rate will be levied to raise \$571,798.59 annually for 25 years. The preliminary mill rate for one year is estimated at 4.144 mills

Schedule E Taxpayer (“Rural Area”)
Cash Option (Prepayment):
\$13.23 per acre

OR

Finance Option:
An estimated total of \$1.04 per acre will be levied annually for 25 years.

Schedule F Taxpayers (“Homeowners”)

Cash Option (Prepayment):

\$500 per dwelling

OR

Finance Option:

An estimated total of \$39.11 per dwelling will be levied annually for 25 years.

Schedule G Taxpayers (“Class Code 60 in Rural Area”)

Cash Option (Prepayment):

\$1,500.00 per combined assessment of \$1,000,000.00 and under, or

\$3,000.00 per combined assessment between \$1,000,000.01 and \$5,000,000.00, or

\$5,000.00 per combined assessment of \$5,000,000.01 and over.

OR

Finance Option:

An estimated total of \$117.34 per combined assessment of \$1,000,000.00 and under will be levied annually for 25 years, or

an estimated total of \$234.68 per combined assessment between \$1,000,000.01 and \$5,000,000.00 will be levied annually for 25 years, or

an estimated total of \$391.18 per combined assessment of \$5,000,000.01 and over will be levied annually for 25 years.

Pursuant to section 325 of *The Municipal Act*, potential taxpayers in Schedules C, E, F, and G will be permitted to pre-pay their portion of the Local Improvement levy by a date set by council.

e) **Estimated Cost of Local Improvement**

The cost of the entire project is as follows:

North Water Feedermain and Portion of Distribution	\$2,336,882
South Water Feedermain	\$590,000
Water Distribution Mains	\$11,230,000
Wastewater Collection (Low Pressure Sewer)	<u>\$8,000,000</u>
TOTAL COST	\$22,156,882

f) **Anticipated Sources of Funding**

i) Cartier Regional Water Cooperative (Water)	\$4,000,000
ii) Manitoba Water Services Board (Low Pressure Sewer)	\$1,200,000
iii) Rural Municipality of Rosser, as per Schedule C, D, E, F and G of By-law 3-16	<u>\$16,956,882</u>
TOTAL FUNDING	\$22,156,882.

g) **Particular of Debenture Issue**

Amount	\$16,956,882
Term	25 years
Interest Rate	6% per annum
Annual Payment	\$1,326,481.23.

h) **Funding of Maintenance of Proposed Local Improvement**

The annual maintenance costs associated with the local improvement proposed herein will be covered under the quarterly utility billing of Rosser CentrePort Water & Wastewater Utility.