

BY-LAW NO. 30

CAT ROCK DRIVE STREET IMPROVEMENT BY-LAW

1. This By-law shall be known as “Cat Rock Drive Street Improvement By-law”.
2. In this By-law unless the context otherwise indicates:
 - a) “Cat Rock Drive” means the street serving the subdivision created in 1975 by Wentzell Ross, located in Clam Point within the Municipality of the District of Barrington.
 - b) “Cost” means the amount of money paid or payable in respect of the street improvement to Cat Rock Drive.
 - c) “Improvement” includes upgrading and construction.
 - d) “Owner” includes part owner, joint owner, tenant in common, or joint tenant of the whole or a part of any real property fronting on a street or situate in the subdivision. It also included as trustee, executor, guardian, agent, or other persons(s) having the care of control of such real property in the case of absence or disability of the person(s) having title thereto.
 - e) “Special Tax” means a charge levied in respect of the street improvement based on a per lot basis.
 - f) “Street” means Cat Rock Drive in the Wentzell Ross Subdivision located in Clam Point in the Municipality of the District of Barrington:
 - g) “Lot” means a single lot or two (2) or more lots under one ownership. If there are two (2) lots under one ownership each containing a dwelling, then each shall be considered a lot and be subject to the special tax.
3. Where 75% of the owners of lots fronting on Cat Rock Drive petition the Municipality for an improvement to the street, the Municipality may make such improvement and shall be entitled to recover all the cost of such improvement by levying a special charge upon the owners of real property fronting on said street and such tax be recoverable from each owner on a per lot basis.

4. As a condition of carrying out the improvements to the street, the owner of subdivision street must agree to convey to the Municipality of the District of Barrington the fifty (50) foot right-of-way over which the existing street crosses. The conveyance shall be in the sum of One Dollar (\$1.00) and such other valuable considerations. All costs associated with surveying the right -of-way and legal requirement shall form part of the costs of the street improvement. No work shall be undertaken on improvements until such time as the ownership of the right-of-way is in the name of the Municipality.
5. The total amount of the special charge levied by the Municipality under this By-law, shall not exceed the cost of the street improvements, surveying, legal fees and related expenses.
6. The special charge levied under this By-law is a lien on the whole of the property of each owner of real property fronting on said street with the same effect as rates and taxes under the Assessment Act, and each owner shall be liable for the portion of the total cost of the street improvement equal to the proportion that his lot(s) bears to the number of lots fronting on Cat Rock Drive.
7. The special charge levied under this By-law is collectable in the same manner as rates and taxes under the Assessment Act, and by the same procedure as are rates and taxes under the Assessment Act.
8. The lien provided for in this By-law shall become effective on the date on which the person appointed by the Municipal Council or the Chairman of the Public Works Committee, as the case may be , files with the Clerk of the Municipality a certificate stating the total cost of the street improvements and the amount of the special charge to be levied on each owner.
9. The Clerk of the Municipality shall keep a separate account of all monies due for the improvements under the terms of this By-law, and the account shall contain names of the owners of property liable for the special charge and the amount of the special charged levied against each owner.
10. The Clerk of the Municipality shall notify the owner of each property upon the filing of the certificate referred to, and such notice shall state:
 - a) the basis of the special charge; and
 - b) the amount payable by the owner in respect of the special charge.

11.
 - 1) The amount payable in respect of the special charge by each owner of real property may be paid in one lump sum, or shall be payable in equal annual installments, together with interest, over a period of ten (10) years.
 - 2) The first installment and each succeeding installment in respect of the charge imposed by this By-law shall be due on the first day of September, of each year, and in the event of default of payment of any installment, the whole balance with interest becomes due and payable.
 - 3) The charge imposed by the By-law shall bear interest at a rate of 8% on any outstanding balance owing, but not due, and at the rate of 18% per annum on any installment that is due and owing.