



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
(519) 733-2305  
www.kingsville.ca  
kingsvilleworks@kingsville.ca

## **NOTICE OF MEETING**

### **2018 ROAD 11 WATER WORKS PETITION *File No. MS 18-201***

February 16, 2018

#### **TO: All Affected Property Owners**

A new request to commence a Water Works Petition has been filed with the Town following the termination of the 2017 Road 11 Water Works Petition. A map of the potential benefitting properties is enclosed. You will note that the newly proposed watermain has been requested along Road 11 from North Talbot Road approximately 2.14 kms east to 130 Road 11. Included in the petition documentation were the provisions listed below:

That the undersigned owners of land within the above-mentioned area petition that:

- a) the area be defined as a waterworks area with the installation of water mains, service connections as required;
- b) the private water service connections be installed by property owners subject to all necessary permits obtained from the Town prior to installation; and
- c) an Engineer's Report be prepared to determine the feasibility and cost to the property owners within the above mentioned area.

Received by the clerk on January 22, 2018 was the circulated petition with 10 signatures out of the 16 potential benefitting properties representing overall participation of 62.5%. In accordance with the Water Works Policy, a majority of properties listed on the petition (Greater than 50%) signed the petition and approval was received by Council to obtain an Engineer's Report on behalf of the Petitioners. The Town has continued to retain RC Spencer for this water works petition.

Attached is the Engineer's Report with the accompanying Assessment Schedule. Costs have been assessed to all the residents of Road 11 who would benefit from the water main, sharing equally in the cost of the installation (not just those residents who signed the original petition).

The total estimated cost for the proposed water main, including valves, connections to existing system, private service connections and automatic flushing

device is approximately \$400,000 (excluding HST). This does not include the cost of fire hydrants which is an additional \$50,000.00 to be paid for by the Town. A breakdown of these costs are shown below.

Engineering Estimate (includes watermain, valves, hydrants)	\$ 339,250.00
Contingencies (10%)	\$ 30,000.00
Engineering & Contract Administration	\$ 30,000.00
Engineer's Report Cost	\$ 750.00
<b>Sub-Total</b>	<b>\$ 400,000.00</b>
<b>Property Owner Share (1/16)</b>	<b>\$ 25,000.00</b>

Given the figures above, the benefitting properties will be responsible for \$25,000.00 (excluding HST) each, as shown in the attached assessment schedule. It should be noted that this is an engineered estimate and not the final cost. Should the project overrun or be completed under the estimated value, the final cost to the residents will be adjusted accordingly.

As per the Town's Water Works Policy flowchart attached, the Town of Kingsville is holding a public information session for Property Owners to voice their concerns, ask questions of the Town or Engineer, and to vote for or against moving to the next step. The next step would be to obtain pricing from Contractor's in accordance with the Town's procurement policy. Should the vote result in termination of the proposed water works petition, only the property owners that have signed the petition shall be responsible to pay the costs of the engineer's report. The cost of the engineer's report, as noted in the above calculation is \$750.00 plus HST. Therefore, split equally amongst the 10 petitioners that signed the petition, each would be responsible for \$75.00 plus HST.

The information session and vote will take place on:

**DATE:** Tuesday, February 27<sup>th</sup>, 2018

**TIME:** 7:00 p.m.

**LOCATION:** Unico Community Centre  
37 Beech Street, Kingsville

As an Owner affected by the petition, you are requested to attend at such time and place. If you are not able to attend, please notify Kevin Girard by phone at (519) 733-2305 ext. 230. If you do not notify the Town, the meeting will proceed in your absence and a vote against the petition will be submitted on your behalf.

Where multiple Owners are listed on the Assessment Schedule for a single property, all of those individuals are required to submit a vote in order for the vote to be counted. **Each Property Owner will also be required to show valid proof of identification to verify identity for purposes of voting at the public meeting.** No

votes will be accepted after the conclusion of the February 27<sup>th</sup>, 2018 meeting and proxy votes will not be accepted.

Yours very truly,

A handwritten signature in black ink, appearing to read 'K. Girard', written over a horizontal line.

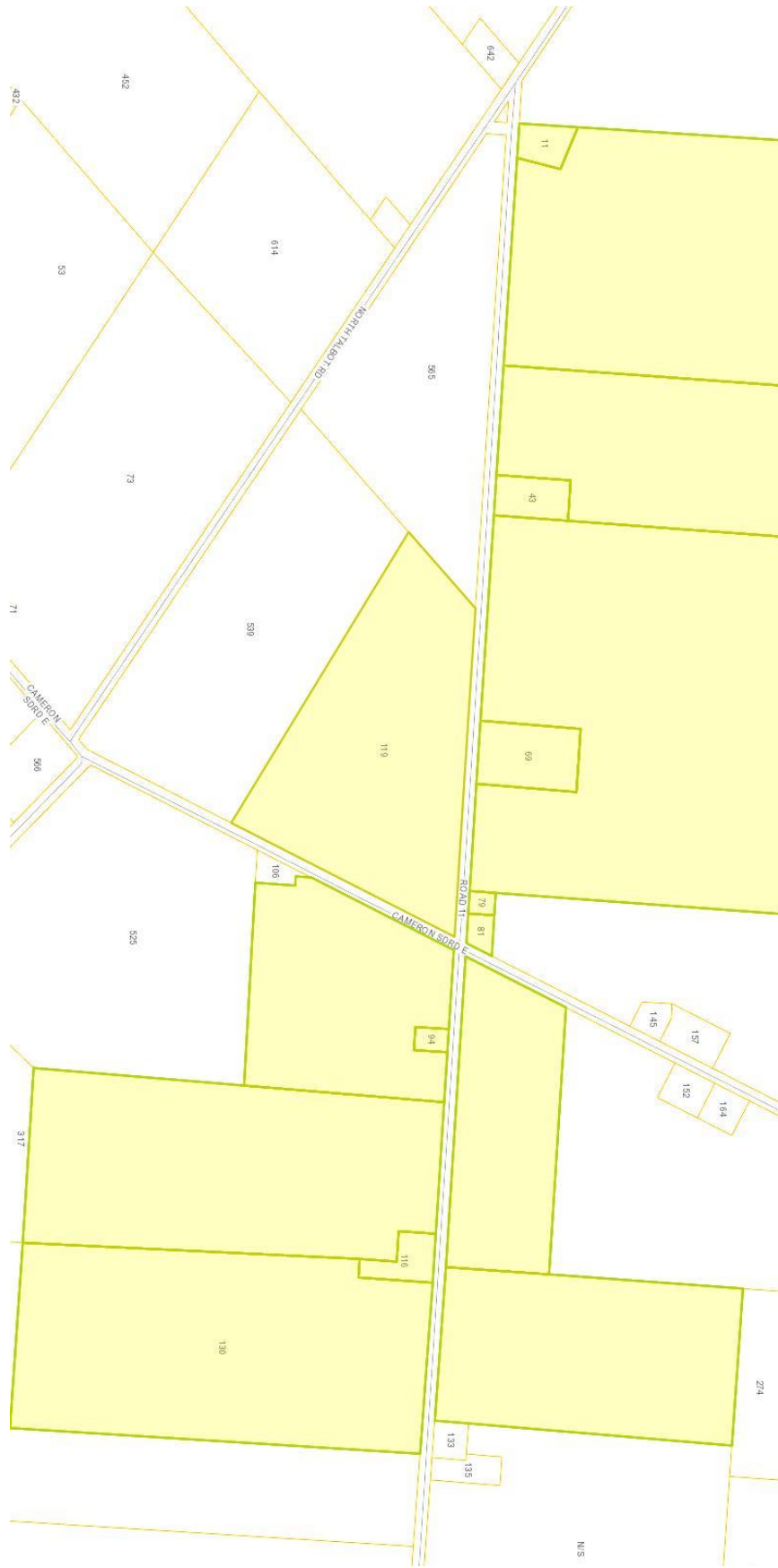
Kevin Girard, P.Eng  
Manager of Municipal Services

*Enclosed:*

- *Map of Proposed Watermain*
- *Map of Assessed Properties*
- *RC Spencer's Engineer's Report*
- *Assessment Schedule*
- *Town of Kingsville's Water Works Policy*
- *Water Works Policy Flow Chart (the step we are on is highlighted)*









**RC SPENCER ASSOCIATES INC.**  
Consulting Engineers

15 February 2018  
File No. 17-645

**Corporation of the Town of Kingsville**  
**2021 Division Road North**  
**Kingsville, Ontario**  
**N9Y 2Y9**

**Attention: Mr. Kevin Girard, P.Eng.**  
**Manager of Municipal Services**

**Re: Revised Engineer's Report for**  
**Council's Consideration**  
**Road 11 Watermain Revised Petition**  
**North Talbot Road to Mun. No. 130 Road 11.**  
**Town of Kingsville**

Dear Sir:

As requested, we provide the following Engineer's Report in response to a property owner's petition request to commence the Water Works Petition process for the installation of a new 150mm diameter watermain from North Talbot Road to Municipal No. 130 on Road 11 in the Town of Kingsville.

Our preliminary design of this 2.14km watermain places the main in the north grassed boulevard outside of the roadway. At North Talbot Road, an existing 150mm diameter water valve will be used for connection. The main will be terminated with a fire hydrant just east of the service for Num. No. 130 residence.

Our preliminary cost estimate for the supply and installation of the 150mm diameter watermain, including valves, connections to existing systems, individual water services and an automatic flushing device, is as follows:

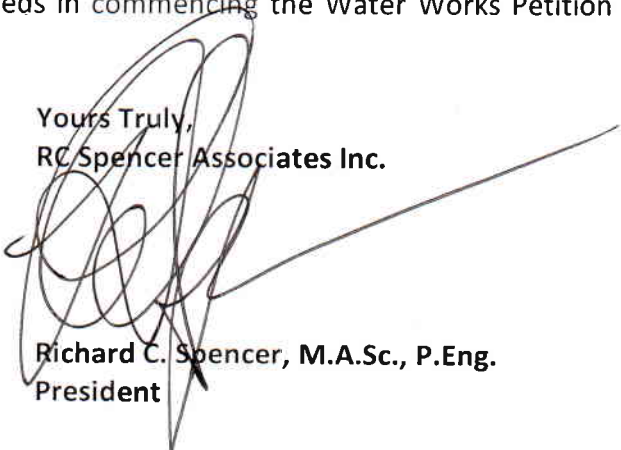
a) Watermain Construction	\$ 339,250.00
b) Contingencies (10%)	\$ 30,000.00
c) Engineering & contract administration	\$ 30,000.00
d) Engineer's Report Cost	\$ 750.00
<b>Total</b>	<b>\$ 400,000</b>



This includes services for the 16 petitioned properties. Based on an equal sharing (1/16) of the total project cost by the 16 property owners, each property owner will pay \$25,000.00 (plus HST). Additionally, the estimated cost of the 7 hydrants, to be borne by the Town, is \$50,000.00.

We trust the foregoing is adequate for your needs in commencing the Water Works Petition process.

Yours Truly,  
RC Spencer Associates Inc.



Richard C. Spencer, M.A.Sc., P.Eng.  
President

cc: Andrew Plancke

**Road 11 E Water Main  
Petitioners Assessment Schedule**

**\*\*Revised on February 16, 2018**

NAME OF PETITIONER		ADDRESS		CONC. LOT OR PLAN NO.	ASSESSMENT TO RESIDENT	50% DEFERAL (VACANT PROPERTIES)	ENGINEER'S REPORT COST (+ hst)	ANNUAL PAYMENT ON TAXES - 10 YEARS @ 4.5%
LYKOFF PHILIP EDWARD	LYKOFF GAIL KATHRYN	43	ROAD 11	CON 11 PT LOT 7	\$25,000.00		\$75.00	\$3,165.50
VRIESACKER DOROTHY	VRIESACKER ROBERT		ROAD 11	CON 11 PT LOT 8	\$25,000.00	(\$12,500.00)		\$1,585.76
DAMM MICHAEL STEVEN	MESSIER (DAME) STEPHANIE	69	ROAD 11	CON 11 PT LOT 8 RP 12R6676	\$25,000.00			\$3,165.50
SAWCHUCK KIMBERLEY LOUISE	SAWCHUK WILLIAM JOHN	79	ROAD 11	CON 11 PT LOT 9	\$25,000.00			\$3,165.50
KERR MARY		81	ROAD 11	CON 11 PT LOT 9 RP 12R12104	\$25,000.00		\$75.00	\$3,165.50
BIRCH DONALD WILMOT			CAMERON SDRD	CON 11 PT LOT 9 RP 12R11733 PART 1	\$25,000.00	(\$12,500.00)	\$75.00	\$1,585.76
BIRCH MARY		116	ROAD 11	CON 10 PT LOT 9 RP 12R10012 PART 1	\$25,000.00		\$75.00	\$3,165.50
BIRCH DONALD WILMOT			ROAD 11	CON 10 PT LOT 9	\$25,000.00	(\$12,500.00)	\$75.00	\$1,585.76
WINTERMUTE JOHN NEAL	WINTERMUTE LINDA DIANNE	94	ROAD 11	CON 10 PT LOT 9	\$25,000.00		\$75.00	\$3,165.50
BIRCH DONALD WILMOT			ROAD 11	CON 10 PT LOT 9 RP 12R13249 PART 1	\$25,000.00	(\$12,500.00)	\$75.00	\$1,585.76
**ELFORD JAMES MILTON		119	CAMERON SDRD E	CON 10 PT LOTS 8 & 9	\$25,000.00		\$75.00	\$3,165.50
VRIESACKER ROBERT	VRIESACKER JERRY		ROAD 11	CON 11 PART OF LOT 7 RP 12R6492 PARTS LOTS 1 AND 2	\$25,000.00	(\$12,500.00)		\$1,585.76
BIRCH DONALD WILMOT			ROAD 11	CON 11 PT LOTS 9 & 10	\$25,000.00		\$75.00	\$3,165.50
KERR TODD JEFFREY DONALD		130	ROAD 11	CON 10 PT LOT 10	\$25,000.00		\$75.00	\$3,165.50
RIVAIT VICTOR	RIVAIT LORRAINE IRENE		ROAD 11	GOSFIELD NORTH CON 11 PT LOT 7 PT BLIND RD RP 12R8994 PT PART 2	\$25,000.00	(\$12,500.00)		\$1,585.76
RIVAIT RICHARD	RIVAIT SHEILA	11	ROAD 11	GOSFIELD NORTH CON 11 PT LOT 7 PT RD ALLOW RP 12R25934 PART 2	\$25,000.00			\$3,165.50
<b>TOTALS</b>					<b>\$400,000.00</b>	<b>(\$75,000.00)</b>	<b>\$750</b>	



## **WATER WORKS POLICY**

### **1. Watermain Petition**

Council may authorize the preparation of an engineer's report for the construction of water works after the acceptance of a sufficiently signed petition containing a majority of properties. (Greater than 50%).

The form of petition shall be prepared by the Clerk's Department and shall contain a list of property owners and descriptions of the area requesting the water works in accordance to the last returned assessment roll. (Sample form attached.)

The Clerk shall upon receipt of the petition determine that a majority of properties (greater than 50%) exist prior to submitting the petition for Council's approval.

### **2. Authorization of Water Works**

Council may authorize the engineer to proceed with the preparation of construction plans and tendering of the water works after the acceptance of the engineer's report and the approval of the owners of a majority of properties, should a majority not be obtained the petition is lost and any and all costs accumulated to date shall be apportioned equally between the petitioners, or occupants of land that would permit the water works area to obtain a majority of greater than 50% of the properties.

Council may in emergency situations authorize the preparation of an engineer's report and proceed with the construction of the water works.

### **3. Acceptance of Tender**

Council may accept a tender for water works and proceed to construction in the event that the tender is equal to or less than the engineer's estimate of cost for construction. Should the tender accepted exceed the engineer's estimates the approval of the majority of property owners or occupants greater than 50% is required.

### **4. Payment of Costs**

On final completion of the water works, Council may prescribe the method of collection of payment for the water works and shall permit the assessed property owners the opportunity to pay all or a portion of the assessed cost 45 days from receipt of an invoice with the balance with interest to be collected in the same manner as taxes.

### **5. Assessment of Water Works**

Council shall assess the cost of the waterworks by placing a fixed charge for each parcel of land designated by by-law, which is a parcel reportedly assessed according to the last returned assessment roll.

### **6. Exceptions of Water Works**

All properties abutting a proposed watermain will be assessed at full rate with the following exceptions:

- a) A property which abuts an existing watermain will be exempt from assessment for the cost of the proposed new main.
- b) A property which extends between concession roads, does not have a dwelling fronting on the proposed main, but does have an existing dwelling fronting on the next concession road will be exempt from assessment for the cost of the proposed new main.
- c) A corner property which does not have a dwelling fronting on the proposed main, but does have a dwelling fronting on an un-serviced sideroad will be exempt from assessment for the cost of the proposed main only if the location of the dwelling is such that it is closer to the next concession road and therefore, more logically serviced from that direction.

- d) Properties originally classified as being exempt will be reclassified to fully assess status if the condition of the property changes such that the original exemption is no longer valid.
- e) A property that would normally be classified as being exempt will be reclassified to fully assess status if so requested by the property owner.
- f) In unusual circumstances or special conditions not covered by the foregoing criteria, Council will determine a means of assessing costs in a fair and equitable manner.
- g) In the event of a severance (consent) of a property or new owners on an existing watermain, the newly created lot is subject to water assessment costs at the same rate previously assessed on the main.
- h) In the event of a previously exempted property on a watermain being reclassified to fully assessed status, the property owner shall pay the previously assessed cost levied at the time of installing the main.
- i) Funds received from the collection of water frontage rates as a result of newly created lots or reclassification of existing lots will be deposited to a watermain reserve account for future maintenance to the water works.

## **7. Installation of Private Service Connections**

Any installation of a private water service connection from the street line to the structure requiring water, will require a building permit from the municipality.

The issuing of a water meter will form part of the building permit process.

- a) Cost of installing a private service connection on a watermain that previously did not have a service for the ratepayers shall be charged by the following method.

All residential construction shall be ¾" diameter private service connections the normal ¾" household connection and shall be charged out on the basis of the actual cost to the Town. The property owner is required to deposit with the Town an amount of \$1,000.00 prior to any work being commenced.

## **8. General**

The conditions and policies contained in this policy statement may vary for water works required for Commercial, Greenhouses and Plans of Subdivision.

## APPENDIX – 1

### WATER WORKS POLICY

#### **Legal Authority:**

Section 221 & 222 of the *Municipal Act* S.O. 1990

#### **Definition:**

- “Benefits” means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or desirable from the construction of sewage or water works
- “Immediate Benefit” means the benefit that occurs and is derived or desirable immediately upon completion of the works.
- “Deferred Benefit” means the benefit that accrues upon completion of the works but which is not derived or desirable therefrom until a sewer or watermain upon which the land will abut is constructed as part of the works.
- “Water Works Rate” means a charge for the capital cost of water works Council in authorizing the construction of water works may by by-law impose a water works rate upon owners or occupants of land who derive, or will, or may derive a benefit therefrom sufficient to pay all or such portion of the capital costs of the works as the by-law may specify.

#### **Computation of Water Works Rate**

- 1) A meter frontage rate on the lands that receive an immediate or deferred benefit from the works.
- 2) A hectarage rate or rates on any or all of the lands which rates may differ as receiving an immediate or deferred benefit.
- 3) A fixed charge for each parcel of land designated by by-law, which is a parcel separately assessed according to the last returned assessment roll.
- 4) Any other method which the Council considers to be fair.

#### **Cost of Existing Works**

Land that has not, or owners or occupants that have not been assessed with respect to existing water works that may form part of a water works to be constructed by means of which an immediate benefit from the existing works accrues to the owner or occupants. Council may by by-law provide for imposing a water works rate sufficient to pay for such portion or percentage of the capital cost of the existing water works as specified for the outstanding capital costs of the existing water works shall be applied and used only for future capital improvements of the existing water works.

## **APPENDIX – 1**

### **WATER WORKS POLICY – (Continued)**

#### **Apportionment**

If a new part or parcel of land is created within an existing part or parcel of land in respect of which a water works rate has been imposed Council may impose the rate on each new parcel or part and the revenue received is not required for payment of any of the outstanding capital costs shall be used only for future capital improvements of the water works.

#### **Exception from Rates**

No property is exempt from a water works rate imposed by reason only that is exempt from taxation under the Assessment Act, but Council may by by-law exempt any property, or class of property from all or part based on the amount of service received or amount of benefit derived.

**APPENDIX – 2**

**WATER WORKS POLICY**

**PETITION FOR WATER WORKS**

To: The Mayor and Municipal Council

Town of Kingsville

WE HEREBY PETITION that Council of the Town of Kingsville authorize the preparation of an engineer's report for the installation of water works for the area described below:

ALL AND SINGULAR those parcels and tracts of land situate, lying and being in the Town of Kingsville, County of Essex and Province of Ontario and being composed of those parts of Farm Lots \_\_\_\_\_ and being on the north side of \_\_\_\_\_, a distance of approximately \_\_\_\_\_kms.

ALL AND SINGULAR those parcels and tracts of land situate, lying and being in the Town of Kingsville, County of Essex and Province of Ontario and being composed of those parts of Farm Lots \_\_\_\_\_ south side of \_\_\_\_\_ a distance of approximately \_\_\_\_\_ kms.

The property owners of the undersigned land within the above-mentioned area (owners' list attached) petition that:

- (a) THE said area be defined as Water Works Area with the installation of water mains, service connections as required.
- (b) THAT the said Private Water Service Connections be installed by the property owners subject to all necessary permits obtained from the Municipality prior to installation.
- (c) THAT an Engineer's Report be prepared to determine the feasibility and cost to the property owners. It is further understood that should the report not be accepted by the Petitioners, that any and all costs accumulated to date will be apportioned equally between the Petitioners in the event that the water works does not proceed.

NAME & ADDRESS OF PETITIONER	SIGNATURE	CONC., LOT OR PLAN NO.	ROLL NUMBER

We, being the owner(s), also acknowledge that any costs associated with the preparation of a **Preliminary Engineering Report** shall be paid by the Petitioners, as listed in the petition, in equal proportions.

Water petition filed this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_ .

\_\_\_\_\_  
 Authorized Employee, Town of Kingsville

**Date Passed: January 30, 2002**



