

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW #2343

A BYLAW TO ESTABLISH A LOCAL AREA SERVICE FOR THE PURPOSE OF THE OPHIR RESERVOIR PROJECT AND RELATED IMPROVEMENTS; THE OPHIR RESERVOIR SITE ACQUISITION; AND THE WATER TREATMENT PLANT UPGRADES

WHEREAS section 211 of the *Community Charter* (SBC Chapter 26) authorizes the Council of the City of Rossland, by bylaw, to establish a local area service;

AND WHEREAS Council has been petitioned by the owners of land within the boundaries of the local area service as defined in this Bylaw pursuant to section 212 of the *Community Charter* (SBC Chapter 26) to undertake the service described in this Bylaw;

AND WHEREAS the municipal officer assigned responsibility under section 148 of the *Community Charter* (SBC Chapter 26) has certified the sufficiency of the petition pursuant to section 212 of the *Community Charter* (SBC Chapter 26);

AND WHEREAS the estimated cost of the:

- (a) Ophir Reservoir and related improvements is \$3,537,332.00;
- (b) Ophir Reservoir site property acquisition is \$863,456.00;
- (c) City of Rossland water treatment plant upgrades is \$500,000.00;

AND WHEREAS a portion of item (a) (\$1,925,618.00) is paid for by Federally and Provincially approved grants and the remaining portion of item (a) (\$1,611,714.00) will be paid for in the following proportions: 62.8% (\$1,012,156.00) by the owners within the local area service and 37.2% (\$599,558.00) by the City of Rossland;

AND WHEREAS a portion of item (b) (\$220,845) is paid for by net logging proceeds and the remaining portion of item (b) (\$642,610) will be paid for in the following proportions: 62.8% of item (b) (\$403,559.00) will be paid for by the owners within the local area service and 37.2% of item (b) (\$239,051.00) is paid for by the City of Rossland;

AND WHEREAS 100% of item (c) (\$500,000.00) will be paid for by the owners within the local area service;

AND WHEREAS this bylaw is intended to repeal and replace Ophir Local Area Service and Establishment Bylaw 2270 (2005) by expanding the Local Service Area, amending the description of the works and estimated costs and altering the cost recovery mechanism to a parcel tax rather than a property value tax;

NOW THEREFORE the Council of the City of Rossland, in open meeting assembled, ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the **“Ophir Reservoir Local Area Service Establishment Bylaw, No. 2343 (2006)”**

DESCRIPTION OF SERVICES

2. A local area service is created for the purposes set out in schedule “A” attached to and forming part of this Bylaw.

BOUNDARIES OF LOCAL AREA SERVICE

3. The boundaries of the local area service are shown on the sketch plan in Schedule “B” attached to and forming part of this Bylaw and contain those properties legally described in Schedule “C” attached to and forming part of this Bylaw.

COST RECOVERY

4. (a) 39.09% of the total cost of the local area service is to be recovered by a local service tax in the form of a parcel tax on land with the parcel tax to be based on taxable area of each parcel, calculated on the full parcel build out (maximum permitted units) for each parcel, for a period of twenty-five (25) years;
- (b) 39.29% of the total cost of the local area service is to be paid by Federally and Provincially approved grants;
- (c) 17.11% of the total cost of the local area service is to be paid by the City of Rossland.
- (d) 4.51% is paid for by logging proceeds.

TAX ROLL

5. The local service tax imposed on the properties in the local area service under this Bylaw shall be shown by the Collector on a Parcel Tax Roll of the municipality and payment of the parcel tax shall be made in the same manner on or before the same dates as general property tax imposed within the municipality.

ENACTMENT

6. (a) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (b) This Bylaw shall come into full force and effect on the final adoption thereof.

REPEAL

7. Ophir Reservoir Local Area Service Establishment Bylaw No. 2270 (2005) is hereby repealed.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
FINALLY ADOPTED

this 10th. day of August, 2006
this 10th. day of August, 2006
this 10th. day of August, 2006
this 14th. day of August, 2006

Mayor

Deputy Clerk

Certified a true copy of Bylaw No. 2343, 2006

Dated at Rossland this _____ day of _____, 2006

Tracey Butler, Deputy City Clerk

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW #2343

SCHEDULE "A"

- To construct a new reservoir and related improvements to be known as the Ophir Reservoir;
- To acquire the Ophir Reservoir site property on lands legally described as:

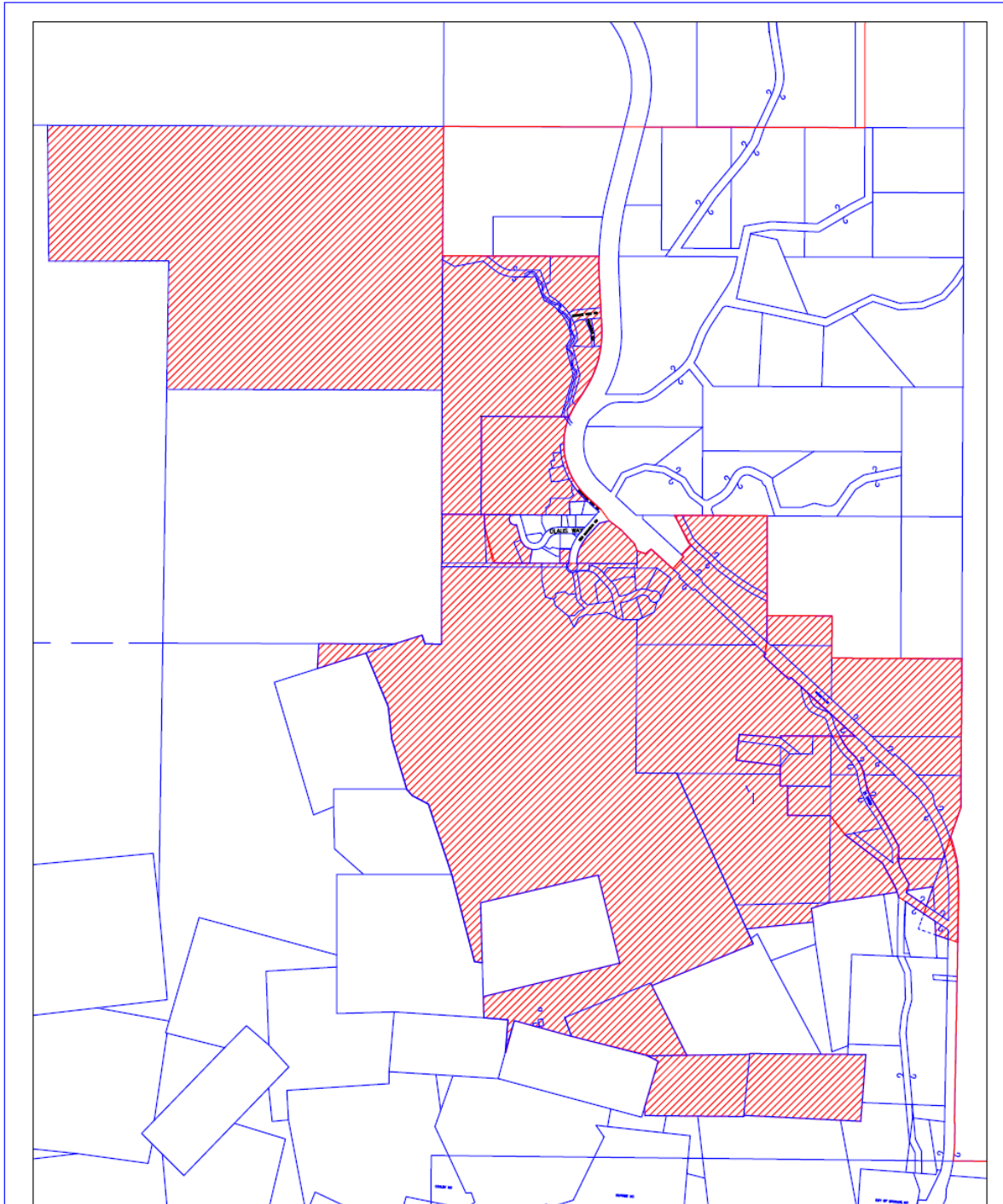
That portion of Sublot 33, Plan X60, Except Part included in Plan 1245, Township 9A, Kootenay District; being the Plan of Proposed Subdivision compiled by Milos J. Hinterberger, BCLS, and certified correct on the 27th day of April, 2004.

and;

- To construct upgrades to the City of Rossland's existing water treatment plant, known as the Rossland Water Treatment Plant, for the purpose of upgrading the water service supply, treatment, conveyance, storage and distribution of water.

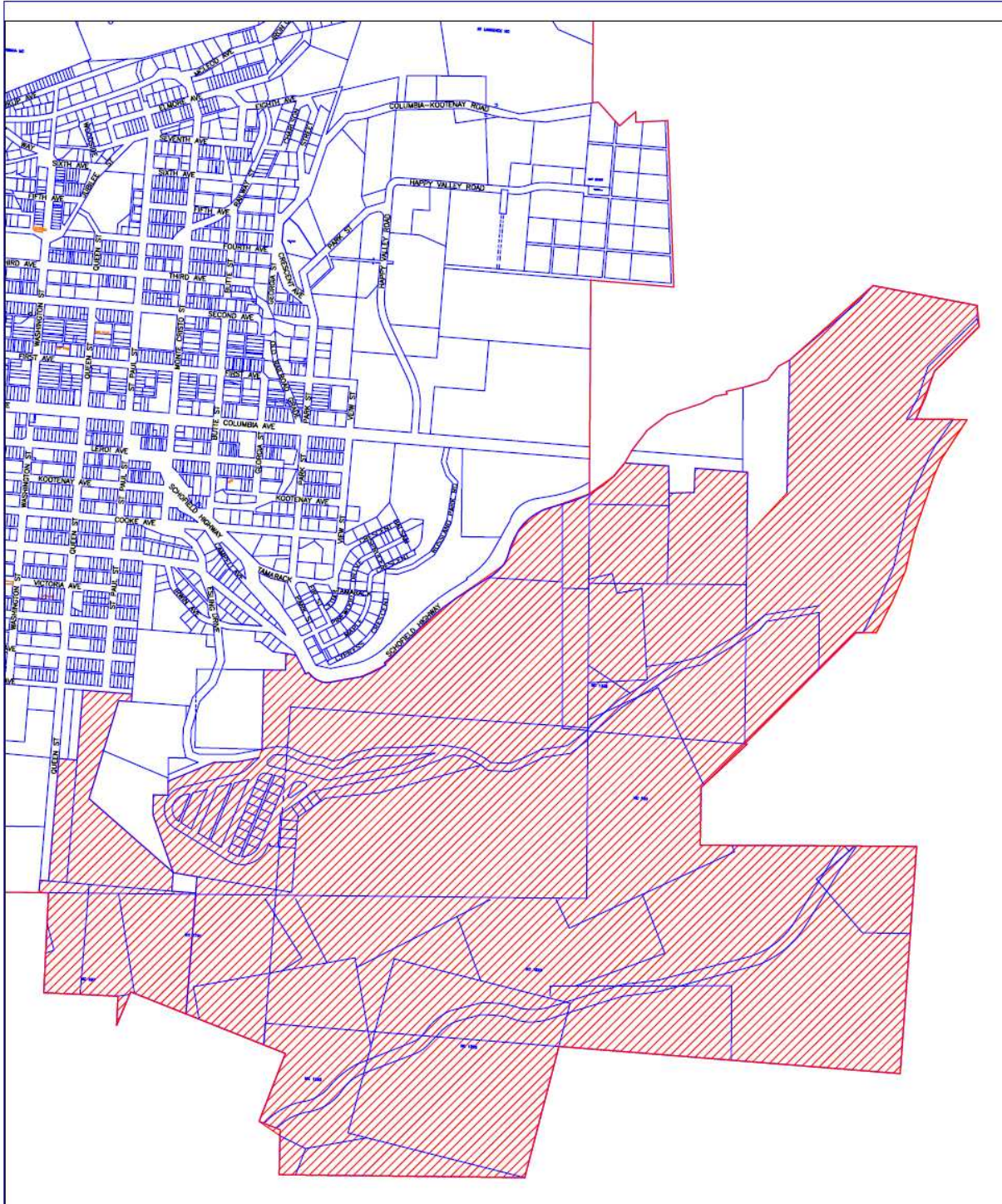
THE CORPORATION OF THE CITY OF ROSSLAND

**BYLAW #2343
SCHEDULE "B"**



SCHEDULE:	DRAWING TITLE:	BYLAW NUMBER:	CITY OF ROSSLAND	<small>2018-10-25 11:00 C:\Users\Public\Desktop\City of Rossland\2018-10-25 11:00</small>
Schedule 1	Local Service Area			

THE CORPORATION OF THE CITY OF ROSSLAND
BYLAW #2343
SCHEDULE "B" (CONT.)



Local Area Service Lands

<small>SCHEDULE</small> Schedule 1	<small>DRAWING TITLE</small> Local Service Area	<small>BYLAW NUMBER</small> CITY OF ROSSLAND	<small>DATE</small> 2014-04-10 <small>BY</small> CITY OF ROSSLAND <small>FOR</small> CITY OF ROSSLAND
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BYLAW # 2343

SCHEDULE "C"

Legal descriptions of Properties within Local Service Area

ROLL #	PID	LEGAL DESCRIPTION
1607.000	017-311-268	Parcel 1, District Lot 931, Kootenay Land District, Except Plan 2848 (SEE 2347I), Rossland Golf Course
1608.000	017-311-268	Parcel 1, Plan X62, Subsidy Lot 931, District Lot 931, Kootenay Land District, that part not included in Rossland Golf Course, Except Plan 2848
1609.000	015-044-181 015-044-203 015-044-211 015-044-220 015-044-246	Lots 1-19, Block 1, Plan 2848, Township 9A, Kootenay Land District,(2) Blocks 2-5 (3)Lots 1-8, Block 6 (4)Blocks 7-9 ETC; Lot 7, Block 6, Plan 2848, Section 26, Kootenay Land District, Township 9A, Lot 8, Block 6, Plan 2848 Section 26, Kootenay Land District, Township 9A, Block 8, Plan 2848, Section 26, Kootenay Land District, Township 9A, Block 9, Plan 2848, Section 26, Kootenay Land District, Township 9A, Block 7, Plan 2848, Section 26, Kootenay Land District, Township 9A
1627.000	016-969-847	Parcel A, Plan X62, Subsidy Lot 32, Section 26, Township 9A, Kootenay Land District, (SEE 18272I)
1627.010	016-731-280	Lot 52A, Plan X62, Subsidy Lot 52A, Township 9A, Kootenay Land District, (SEE DD13684I)
1627.020	016-957-768	Plan X62, Subsidy Lot 58, Township 9A, Kootenay Land District, in green on Plan DF3936
1705.000	017-018-439	Plan X62, Subsidy Lot 44, Township 9A, Kootenay Land District, SEE 21123I
1706.000	017-085-845	Plan X62, Subsidy Lot 51, Township 9A, Kootenay Land District, Assigned (SEE 13355I)
1707.000	017-085-861	Plan X62, Subsidy Lot 53, Section 26, Township 9A, Kootenay Land District, Assigned (SEE 13354I)
1709.000	017-311-276	Parcel 67, Plan X62, Township 9A, Kootenay Land District (REF PL 2347I) EXC (1) PL 2156 2220 2295 (2) Pcl B (REF PL 75084I) (3) SRW PL 15649
1720.000	017-311-292	Parcel 112, Plan X62, Township 9A, Kootenay Land District, (PL DF 3576) EXC PL 2156 2295 SRW PL 15649
1721.000	017-311-306	Parcel 114, Plan X62, Township 9A, Kootenay Land District (PL DF 3786) EXC PL 2156 2295 SRW PL 15649
3004.000	012-250-074	Parcel A, Plan X60, Subsidy Lot 18, Township 28, Kootenay Land District, (SEE 21298I) EXC PL 6323
3004.500	009-328-211	Lot 1, Plan 6323, Section 3, Township 28, Kootenay Land District
3005.000	014-031-892	Plan X60, Subsidy Lot 19, Township 28, Kootenay Land District
3006.100	012-733-628	Plan X60, Subsidy Lot 20, Township 28, Kootenay Land District
3007.000	012-250-040	Parcel A, Plan X60, Subsidy Lot 21, Township 28, Kootenay Land District, (SEE 21298I)
3008.000	012-250-031	Parcel A, Plan X60, Subsidy Lot 22, Township 28, Kootenay Land District
3009.000	012-733-580	Plan X60, Subsidy Lot 23, Township 28, Kootenay Land District, Except Plan 4697
3009.100	014-735-598 014-880-458	Lot 1, Plan 4697, Subsidy Lot 23, Township 28, Kootenay Land District; Lot A, Plan 5102, Subsidy Lot 24, Township 28, Kootenay Land District
3009.200	014-880-482	Lot 2, Plan 4697, Subsidy Lot 23, Section 3, Township 28, Kootenay Land District
3010.000	011-958-057	Parcel A, Plan X60, Subsidy Lot 24, Township 28, Kootenay Land District, (SEE 21298I), Except (1) part lying west of a line parallel to and 10 chains distant from the westerly boundary (2) parts included in Plans 5102 and NEP19698 (3) part included in Plan R299
3013.000	014-031-914	Parcel A, Plan X60, Subsidy Lot 27, Township 28, Kootenay Land District, (SEE 72554I)
3014.000	012-040-134	Parcel A, Plan X60, Subsidy Lot 28, Township 28, Kootenay Land District, (SEE 21298I) EXC (1) part lying south of a line parallel to & 5 chains distant from southerly boundary & west of a line parallel to & 20 chains distant from easterly boundary & (2) PL 5201, 5552, 6874
3014.010	026-522-128	Lot 1, Plan NEP79845, Township 28, Kootenay Land District
3014.020	026-522-136	Lot 2, Plan NEP79845, Township 28, Kootenay Land District
3014.030	026-522-144	Lot 3, Plan NEP79845, Township 28, Kootenay Land District
3014.040	026-522-152	Lot 4, Plan NEP79845, Township 28, Kootenay Land District
3014.050	026-522-161	Lot 5, Plan NEP79845, Township 28, Kootenay Land District
3014.060	026-522-179	Lot 6, Plan NEP79845, Township 28, Kootenay Land District
3014.070	026-522-187	Lot 7, Plan NEP79845, Township 28, Kootenay Land District
3014.080	026-522-195	Lot 8, Plan NEP79845, Township 28, Kootenay Land District
3014.090	026-522-209	Lot 9, Plan NEP79845, Township 28, Kootenay Land District
3014.100	026-522-217	Lot 10, Plan NEP79845, Township 28, Kootenay Land District
3014.500	014-488-531	Lot A, Plan 5552, Subsidy Lot 28, Township 28, Kootenay Land District, EXC (1) Parcel A (SEE 154519I) (2) Plan NEP 19211
3016.000	011-714-140	Lot A, Plan 6098, Section 10, Township 28, Kootenay Land District, Except Plan NEP 75494
3016.050	023-979-038	Lot A, Plan NEP60773, Section 3, Township 28, Kootenay Land District
3016.075	023-979-046	Lot B, Plan NEP60773, Section 3, Township 28, Kootenay Land District

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW # 2343

SCHEDULE “C” (CONT.)

Legal descriptions of Properties within Local Service Area

3016.278	026-045-435	Lot 1, Plan NEP76365, Township 28, Kootenay Land District
3016.291	026-408-082	Strata Lot 1, Plan NES2867, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.292	026-408-091	Strata Lot 2, Plan NES2867, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.293	026-408-104	Strata Lot 3, Plan NES2867, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.294	026-408-112	Strata Lot 4, Plan NES2867, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.295	026-408-121	Strata Lot 5, Plan NES2867, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.300	024-382-094	Lot 1, Plan NEP63705, Township 28, Kootenay Land District
3016.400	024-382-108	Lot 2, Plan NEP63705, Township 28, Kootenay Land District, Except Plan NEP79023
3016.420	026-426-838	Lot 1, Plan NEP79026, Township 28, Kootenay Land District, Except Plan NES2868 (Phase 1)
3016.501	026-426-846	Strata Lot 1, Plan NES2868, Township 28, Kootenay Land District
3016.502	026-426-854	Strata Lot 2, Plan NES2868, Township 28, Kootenay Land District
3016.503	026-426-862	Strata Lot 3, Plan NES2868, Township 28, Kootenay Land District
3016.504	026-426-871	Strata Lot 4, Plan NES2868, Township 28, Kootenay Land District
3016.505	026-426-889	Strata Lot 5, Plan NES2868, Township 28, Kootenay Land District
3016.506	026-426-897	Strata Lot 6, Plan NES2868, Township 28, Kootenay Land District
3016.507	026-426-901	Strata Lot 7, Plan NES2868, Township 28, Kootenay Land District
3016.508	026-426-919	Strata Lot 8, Plan NES2868, Township 28, Kootenay Land District
3016.509	026-426-927	Strata Lot 9, Plan NES2868, Township 28, Kootenay Land District
3016.510	026-426-935	Strata Lot 10, Plan NES2868, Township 28, Kootenay Land District
3016.511	026-426-943	Strata Lot 11, Plan NES2868, Township 28, Kootenay Land District
3016.512	026-426-951	Strata Lot 12, Plan NES2868, Township 28, Kootenay Land District
3016.513	026-426-960	Strata Lot 13, Plan NES2868, Township 28, Kootenay Land District
3016.514	026-426-978	Strata Lot 14, Plan NES2868, Township 28, Kootenay Land District
3016.523	026-544-351	Lot 3, Plan NEP79917, Section 10, Township 28, Kootenay Land District
3016.531	026-544-636	Strata Lot 1, Plan NES2942, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.532	026-544-661	Strata Lot 2, Plan NES2942, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.533	026-544-679	Strata Lot 3, Plan NES2942, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.534	026-544-695	Strata Lot 4, Plan NES2942, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.535	026-544-709	Strata Lot 5, Plan NES2942, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.541	026-544-971	Strata Lot 1, Plan NES2943, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.542	026-544-989	Strata Lot 2, Plan NES2943, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.543	026-544-997	Strata Lot 3, Plan NES2943, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.544	026-545-004	Strata Lot 4, Plan NES2943, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.545	026-545-012	Strata Lot 5, Plan NES2943, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.546	026-545-021	Strata Lot 6, Plan NES2943, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW # 2343

SCHEDULE "C" (CONT.)

Legal descriptions of Properties within Local Service Area

3016.547	026-545-039	Strata Lot 7, Plan NES2943, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.548	026-545-047	Strata Lot 8, Plan NES2943, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.549	026-545-055	Strata Lot 9, Plan NES2943, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3016.550	026-545-063	Strata Lot 10, Plan NES2943, Section 10, Township 28, Kootenay Land District, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V
3017.000	011-356-154	Lot 2, Plan 6177, Township 28, Kootenay Land District
3018.000	016-168-852	Lot 1, Plan 18912, Township 28, Kootenay Land District
3050.000	014-646-510	District Lot 921, Kootenay Land District, surface rights Cliff MC
3052.000	014-646-561	District Lot 924, Kootenay Land District, surface rights of consolidated St Elmo MC
3062.500	006-976-824	Lot 1, Plan 14633, District Lot 967 1045 1057 & Township 28, Kootenay Land District & DL 1345 EXC PL NEP62387
3090.000	014-031-876	District Lot 1295, Kootenay Land District
3107.150	024-249-033	Lot A, Plan NEP62765, Section 2-3, Township 28, Kootenay Land District
3107.200	024-249-050	Lot B, Plan NEP62765, Section 2-3, Township 28, Kootenay Land District
4915.000	017-311-268	Parcel 1, District Lot 931, Kootenay Land District, (REF PL 2347I) EXC PL 2848 Rossland Golf Course
4915.001	016-932-650 016-932-722 017-311-268	Sub Block 36, Plan X62, Kootenay Land District; Parcel 1, District Lot 931, Kootenay Land District, Except Plan 2848 (Reference Plan 2347I); Sub Block 35, Plan X62, Kootenay Land District, Township 9A except part coloured red on Explanatory Plan 22812A
10873.100	017-673-518	Parcel A, Plan X62, Subsidy Lot 32, Section 32, Township 9A, Kootenay Land District, (SEE 18272I)
10874.000	016-932-650	Parcel 35, Plan X62, Township 9A, Kootenay Land District, EXC EXPL PL 22812A & EXC Rossland Trail Golf Club
10875.000	016-791-118	Plan X62, Subsidy Lot 35, Section 25, Township 9A, Kootenay Land District, Sketch Plan 22812
10876.060	016-791-126	Plan X62, Subsidy Lot 37, Section 36, Township 9A, Kootenay Land District, (SEE SK PL 22812A) EXC PL 15649
10876.110	026-248-531	Lot A, Plan NEP77692, Section 25 & 36, Township 9A, Kootenay Land District
10878.000	016-731-280	Parcel A, Plan X62, Subsidy Lot 52, Township 9A, Kootenay Land District, Parcel A, (SEE DD13684-I)
10880.000	017-673-453	Plan X62, Subsidy Lot 56, Township 9A, Kootenay Land District
10881.000	016-957-768	Plan X62, Subsidy Lot 58, Township 9A, Kootenay Land District, shown in green on Plan DF 3936
10892.000	017-311-306	Parcel 114, Plan X62, Township 9A, Kootenay Land District, (PL DF 3786) EXC PL 2156 2295 SRW 15649
10912.030	017-311-284	Parcel 126, Plan X62, Township 9A, Kootenay Land District (PL DF 3576)