



REVISED - CITY COUNCIL ADDITIONAL AGENDA

Tuesday, September 03, 2013 – Council Chambers, City Hall

Call to Order: 2:00 PM

I. REPORTS

- I.1. Sullivan Quarter (Water / Sanitary) Servicing Local Improvement
Local Improvement Bylaw 3504/2013
Consideration of Three Readings

(Agenda Pages 1 – 38)

- I.2. Red Deer County Water Supply Agreement Amendment

(Agenda Pages 39 – 45)



August 16, 2013

Sullivan Quarter (Water / Sanitary) Servicing

Local Improvement Bylaw 3504/2013

Consideration of Three Readings

Engineering Department

Report Summary & Recommendation:

Based on Administration's interpretation of the Municipal Government Act (MGA) and having received no objections for the abovementioned Local Improvement, Administration is recommending that Council approve the Sullivan Quarter (Water / Sanitary) Servicing Local Improvement Bylaw No. 3504/2013.

City Manager Comments:

I support the recommendation of Administration that Council consider three readings of Local Improvement Bylaw 3504/2013. This local improvement will be funded through grants and development levies, with no impact on the tax levy.

Craig Curtis
City Manager

Proposed Resolution

That Council consider three readings of Local Improvement Bylaw 3504/2013.



Report Details

Background:

In December of 2009, Council considered a petition for a Local Improvement for the provision of water and sanitary services to the industrial development located NE 25-38-28 W4, commonly referred to as the Sullivan Quarter. Council's resolution is as follows:

December 14, 2009 –

“Resolved that Council of The City of Red Deer having considered the Petition for Local Improvement, Water and Sanitary Service to NE 25-38-28-W4, Sullivan Quarter Section, as submitted by Mr. Dave Richter on November 20, 2009, hereby agrees that Administration prepare a local improvement plan for the proposed water and sanitary services in the area specified.”

April 6, 2010 –

“Resolved that Council of The City of Red Deer having considered the report from the Development Engineer and Engineering Services Manager, dated March 26, 2010, re: Water and Sanitary Services to Sullivan Quarter (NE 25-38-28-W4) – Local Improvement Costs hereby approves the budget amount of \$300,000 to be funded through the Capital Project Reserve (CPR), to be used towards engineering costs required to prepare the Local Improvement Plan for the water and sanitary services in the Sullivan Quarter Section.”

In 2010, an engineering consultant was retained to assist in preparation of the Plan by undertaking detailed servicing study and detailed design.

On June 10, 2013 a Notice of Intention was mailed out to impacted landowners in relation to the Sullivan Quarter Local Improvement which detailed the expected costs associated with the Local Improvement. There were no petitions objecting to the Local Improvement received. However, prior to bringing the bylaw forward for Council approval, we were required to change the original Plan, resulting in a need to re-issue the Notice of Intention.

The updated Plan was completed and on July 26, 2013, notices to those land owners who will be responsible to pay the local improvement tax were mailed out. There have been no petitions objecting to the local improvement filed with Legislative Services within the 30 day period allowed for in the MGA.

Preparation of the Local Improvement Plan has been challenging. At the time of responding to the original request, it was understood that this assignment would be significantly more complex than a typical local improvement but the following unforeseen items delayed the plan preparation:



- Capacity needs: significant work was required reviewing capacities of lines to ensure the new servicing plan will work with existing infrastructure and that the servicing plan will accommodate future growth areas.
- Land negotiations: Extending water and sanitary trunks to the development required easements across adjacent lands.
 - A water trunk is required to be extended northerly and tie into Queens's reservoir and pump station. Negotiations with the land owner to the immediate north for a utility easement along the future 75 Avenue road rights-of-way have been ongoing since 2009 with no success. The land owner to the northwest of this development has entered into an agreement to sell an easement for the extension water trunk subject to Council approval of the Local Improvement.
 - An extension to the sanitary trunk is required to the east through private industrial lots, across QE2, through Edgar Industrial Park, and across Red Deer Soccer Association sports field, all of which required evaluation of alternative utility routing and different construction methodologies. Significant time and effort was spent negotiating with land owners for the final approved routes.
- Limitation of directional drilling – The original servicing concepts to extend the sanitary trunk across QE2 and through existing industrial properties was to use directional drilling. This technique was recommended after consultation with contractors and formed the basis for the detailed design. During the course of preparing final estimates, a second round of consultation with directional drilling contractors was undertaken and due to shallow grades of the trunk crossings, directional drilling limits were changed and a redesign of the crossing was required.

Discussion:

The estimated cost of the Local Improvement Plan is within the 2013 Capital Budget approved by Council. The following is an outline of the anticipated costs:

	Budget	Revised Project Cost	Funding Source
Local Improvement	\$ 7,035,000	\$ 5,072,535	90% MSI, 10% CPR
Water Trunk	\$ 1,600,000	\$ 1,600,000	Water Offsite Levy
Sanitary Trunk	\$ 1,750,000	\$ 1,750,000	Sanitary Offsite Levy
TOTAL	\$ 10,385,000	\$ 8,422,535	

The total cost of the local improvement tax for an average one hectare property would result in a one-time payment of \$96,616.36 or an annual payment of \$6,867.72 for twenty years. This cost is less than the original 2009 Local Improvement Plan estimate of \$7,286,319 which results in an average one hectare property requiring a one-time payment of \$138,500 or an annual payment of \$10,425.



The Local Improvement project cost originally included the connection fees in order to reflect the original petition submitted by landowners. The City has confirmed it does not have the authority to include a connection fee as part of a Local Improvement Tax; therefore the estimated cost of the Local Improvement has been reduced to \$5,072,535.50. The affected landowners were notified through a revised Notice of Intention that a connection fee will be charged at the time each property owner applies to connect to utility services, as per Utility Bylaw 3464/2011. Based on 2013 rates, the service connection fee for a one hectare parcel of land would be \$37,702.

If the Local Improvement is approved, construction could begin in late September 2013 in order to proceed with the extension of sanitary trunks through the Edgar Industrial soccer fields this year and allow for turf re-establishment throughout 2014. Final completion of construction is anticipated for fall of 2014.



----- Local Improvement Project Boundary -----

Sullivan Quarter

Figure #1

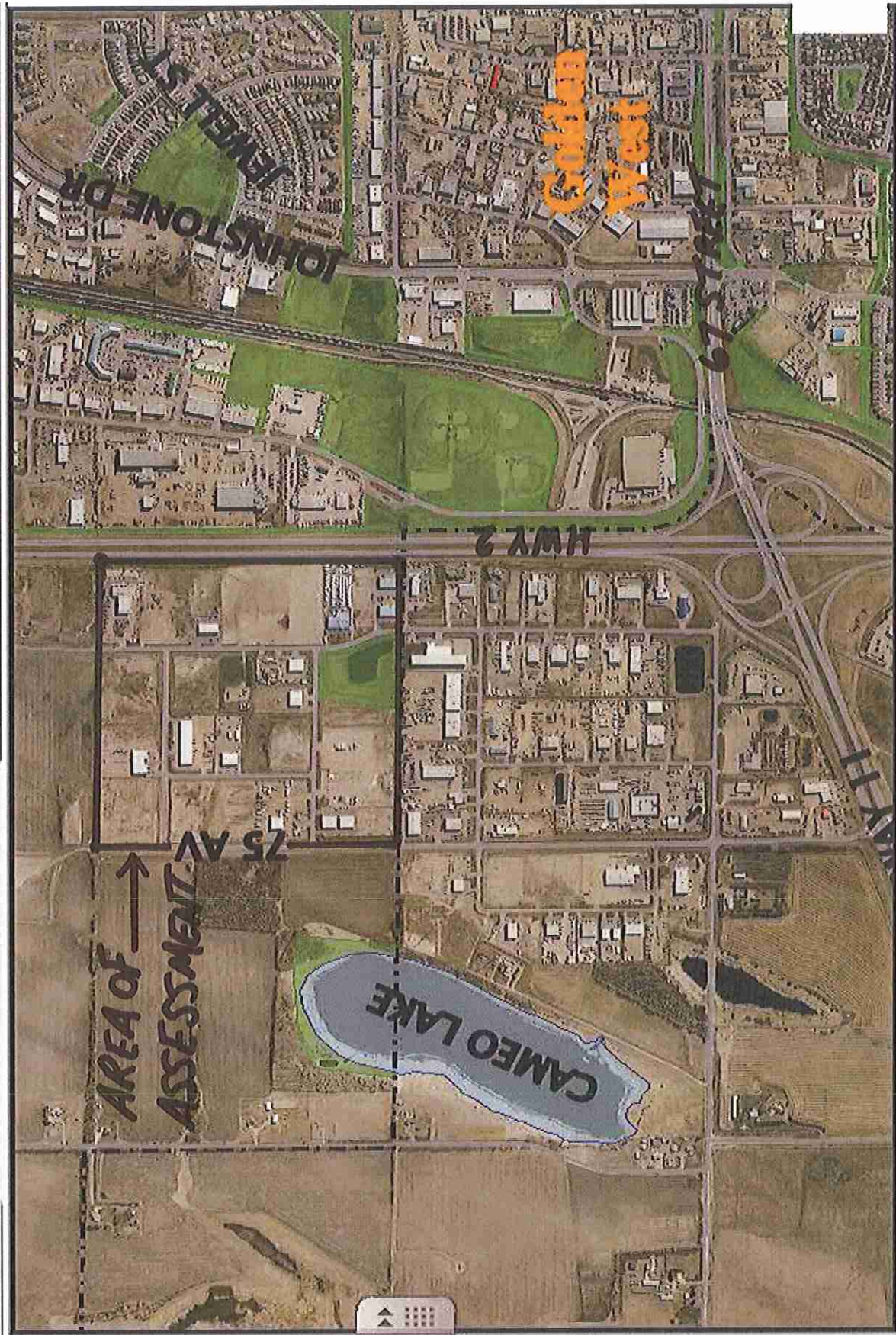


Figure #1

Sullivan Quarter Water & Sanitary Services

BYLAW NO. 3504/2013

Being a Bylaw to authorize the Municipal Council of The City of Red Deer to impose a special assessment for the construction of the Sullivan Quarter water & sanitary servicing.

WHEREAS it is deemed expedient and proper pursuant to the provisions of Section 393 (1) of the Municipal Government Act, R.S.A., 2000, as amended, that the Council shall issue a bylaw to authorize undertaking, completing, and levying a special assessment for construction of water & sanitary services;

AND WHEREAS plans, specifications and estimates for such work have been made by the Engineering Services Manager, whereby the total cost of the said project is \$ 8,422,536;

AND WHEREAS the estimated lifetime of the project is 20 years;

AND WHEREAS the proposed construction will serve about 52.502 ha of assessable land;

AND WHEREAS pursuant to the provisions of Section 393 (1) of the Municipal Government Act, R.S.A., 2000, as amended, the Council has given proper notice of intention to undertake and complete the construction of the Sullivan Quarter water & sanitary services, the cost or a portion of the costs thereof to be assessed against the abutting (or benefiting) properties in accordance with the attached Schedule "A", and no sufficiently signed and valid petition against the said proposal has been received by the Council.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. The Municipal Council of The City of Red Deer is hereby empowered to enter into contracts for the purpose of constructing the Sullivan Quarter water & sanitary services as may be necessary.
2. That for the purpose aforesaid, the sum of five million, seventy-two thousand, five hundred, thirty-five dollars (\$5,072,535) will be loaned from the Capital Projects Reserve (CPR) and Municipal Sustainability Initiative (MSI) funding (10% CPR, 90% MSI) of which amount the sum of \$0.00 is to be paid by The City at large and the sum of \$5,072,535 is to be collected by way of special assessment as herein provided in attached Schedule "A". The remaining project costs in the sum of \$3,350,000 will be funded by The City's offsite levy fund.
3. During the currency of the said loan there shall be raised annually for payment of the owner's portion of the cost and interest thereon, by special assessment under the Municipal Government Act, R.S.A., 2000, as amended, the respective sums shown as yearly payments on Schedule "A" hereby attached, and there is

hereby imposed on all privately owned lands within the Sullivan Quarter fronting or abutting on that portion of the streets or places whereon the said improvements are to be constructed, a special assessment sufficient to cover the owner's portion of the cost of the said work and the interest payable at the unit rate or rates set forth in said Schedule "A". The said special assessment shall be in addition to all other rates and taxes.

4. Nothing in this Bylaw shall prohibit the owner of the lands herein described from making payment in full of the balance of the assessment and interest accruing thereon which may be owing from time to time at any time prior to the expiration of the term of 20 years.
5. This Bylaw shall take effect on the day of the final passing thereof.

READ A FIRST TIME IN OPEN COUNCIL this day of 2013

READ A SECOND TIME IN OPEN COUNCIL this day of 2013

READ A THIRD TIME IN OPEN COUNCIL this day of 2013

AND SIGNED BY THE MAYOR AND DEPUTY CITY CLERK this day of 2013

MAYOR

CITY CLERK

Schedule "A"**BYLAW NO. 3504/2013****LOCAL IMPROVEMENT - SPECIAL ASSESSMENT
FOR CONSTRUCTION OF THE SULLIVAN QUARTER
WATER & SANITARY SERVICING**

1. Properties to be assessed:

See Figure #1

- | | |
|---|-------------------|
| 2. Total Area | 52.502 ha |
| 3. Total Special Assessment against all properties | \$ 5,072,535 |
| 4. Annual Repayment rate based on assessable area for a period of 20 years calculated at 3.613% interest. | \$ 6,867.72 / ha |
| 5. One-time payment amount based on Assessable area | \$ 96,616.36 / ha |

July 26 2013 Letter to
Affected Property
Owners and Notice of
Intention - Sullivan
Quarter - Local
Improvement - Updated
Plan

July 26, 2013

Dear Sir/Madam:

**Re: Proposed Construction of Water & Sanitary Services to a portion of NE 25-38-28 W4
Local Improvement Project Sullivan Quarter**

On June 10, 2013 a Notice of Intention was mailed to you in relation to the Sullivan Quarter Local Improvement which detailed the expected costs associated with the Local Improvement, as well as your proportional share of these costs as a property owner in the area. Unfortunately, the following deficiencies with this process have been noted:

- The original notice did not identify all the parcels of land in respect of which the Local Improvement Tax will be imposed, if approved by Council. Attached is a list of those properties, as well as a map, defining the area of assessment.
- The Local Improvement project cost identified in the original notice included connection fees in order to reflect the original petition submitted by landowners. The City has confirmed it does not have the authority to include a connection fee as part of a Local Improvement Tax; therefore the project cost has been reduced to \$5,072,535.50. Be advised, a connection fee will be charged at the time each property owner applies to connect to utility services, as per Utility Bylaw 3464/2011. Based on 2013 rates, the connection fee for a one hectare parcel of land would be \$37,702.

As a result of these changes, The City is required to issue a new Notice of Intention and once again allow 30 days in which affected property owners may petition against the Local Improvement. Enclosed with this letter is a Revised Notice of Intention.

If you wish to object to this local improvement, please send a petition to the Legislative Services Manager at The City of Red Deer. If you propose to submit a petition, it must be submitted on the appropriate forms available from the Office of the Legislative Services Manager.

Any petition against the improvement must be received by August 30, 2013.

If a sufficient petition objecting to the local improvement is not received by the above date, on September 3, 2013, Council may undertake the local improvement and impose the Local Improvement Tax at any time within 3 years.

If Council approves the project, construction will likely begin in early October 2013, continuing into the summer of 2014.

The City will review the Local Improvement Bylaw rate once construction is complete and all costs are confirmed. Following the rate review, the Revenue and Assessment Services Department will prepare and send a final notice confirming the amount to be paid by each property owner. **Please do not submit any payments to The City until the Revenue and Assessment Services Department has sent this notice to you.**

In order to install the service connections to your property line, the contractor will be giving each lot owner an opportunity to select where the services are to be stubbed out on the property line.

If you have any questions, please call Andrew Phillips at (403) 342-8158.

Yours truly,



Frank Colosimo, P. Eng
Engineering Services Manager

AP/mvb
Attachments

- c. Director of Corporate Services
City Clerk
City Assessor

**NOTICE OF INTENTION
TO CONSTRUCT A LOCAL IMPROVEMENT
IN THE CITY OF RED DEER**

Pursuant to Section 393 (1) of the Municipal Government Act, R.S.A., 2000, as amended, Notice is hereby given that the Council of The City of Red Deer intends to undertake the proposed construction of Water & Sanitary Services to a portion of NE 25-38-28 W4 / Sullivan Quarter as a local improvement. The cost of the aforementioned local improvement is \$ 8,422,536; of which amount the sum of \$ 5,072,535.50 is to be paid by special assessment as provided herein and the sum of \$ 3,350,000 is to be paid by The City of Red Deer at large.

The following information regarding the above noted local improvement project is shown in the attached Appendix A, Part 1:

1. The local improvement project estimate.
2. The annual interest rate.
3. The local improvement repayment (assessment) period.
4. The estimated annual payment amount based on hectares (ha) of land for this local improvement project.
5. The estimated one-time payment amount based on hectares (ha) of land for this local improvement project.

The rates noted in Appendix A, Part One may be subject to amendment once construction is completed and costs are finalized.

The following information and costs applicable to your property are shown in the attached Appendix A, Part 2:

1. The name of the registered property owner.
2. The mailing address of the property owner.
3. The civic address of your property.
4. The legal description of your property.
5. The area (ha) of your property.

Page 2

Notice of Intention to Construct a Local Improvement

6. The estimated annual payment amount for each year of the noted payment period.
7. The estimated one-time payment amount for your property.

Notice is also given that this local improvement project will not proceed if the property owners submit a petition against the proposed local improvement project. For a local improvement project not to proceed, the following conditions must be met:

1. If a petition is submitted, it must be signed by at least two-thirds (67%) of the property owners who would be liable to pay the local improvement tax and the owners who sign the petition must represent at least 50% of the value of the property assessment for the parcels of land subject to the local improvement tax.
2. If a Municipality, school, or health authority is the owner of any lands affected by the local improvement, and as such, is entitled to sign the petition; its name and assessment may be exempted from a determination of sufficiency of the petition, should the municipality, school, or health authority so elect.
3. If a parcel of land is owned by more than one owner, the owners are considered as one owner for the purpose of determining the validity of a petition.

If no petition or an insufficient petition has been received by the City objecting to the local improvement within the time limited specified, the local improvement may be undertaken and the cost of it assessed to the property owners by the system of assessment referred to in this Notice.

Council may undertake to construct the proposed local improvement at anytime within three years of the giving of this Notice.

Where the property owner(s) proposes to make annual payments for the noted repayment period, the owner(s) may pay the outstanding balance at anytime, including any interest and penalties less any previously amount paid.

Dated at The City of Red Deer this **July 26, 2013**.

Att.

Notice of Intention to Construct a Local Improvement

Page 3

APPENDIX A
THE CITY OF RED DEER
ENGINEERING SERVICES DEPARTMENT
LOCAL IMPROVEMENT TAX INFORMATION

PRELIMINARY COSTS FOR CONSTRUCTION OF
Proposed Water & Sanitary Services to a portion of NE 25-38-28 W4
Sullivan Quarter
AS A LOCAL IMPROVEMENT PROJECT

The personal information contained on this form is collected under the authority of the Municipal Government Act, Division 7, Local Improvement Tax and will be used for the purpose of implementing a local improvement and a local improvement tax. If you have any questions about this collection, please contact the Engineering Services Manager, The City of Red Deer, 4914 - 48 Avenue, Red Deer, Alberta, T4N 3T4 or telephone (403) 342-8158.

Part 1: Local Improvement Project Information

a. Estimated Local Improvement Project Cost	\$5,072,535.50
b. Interest Rate	3.613%
c. Local Improvement Repayment Period	20 Years
d. Estimated Annual Repayment Rate based on Assessable Area	\$6,867.72 /hectare
e. Estimated One-time Payment Amount based on Assessable Area	\$96,616.36 /hectare

Part 2: Property Information

a. Tax Roll Number	8800417
b. Property Owner	WOODY PAYLOR ENTERPRISES LTD
c. Mailing Address	1702 49 AVE RED DEER AB T4R 2N7
d. Municipal Address	71 BURNT PARK DR
e. Legal Description	Lot 10 Block 1 Plan 1021413
f. Additional Legal	
g. Assessable Area	1.99105 hectares
h. Estimated Annual Payment Amount for Noted Repayment Period	\$13673.97 /annum
i. Estimated Total One-time Payment Amount	\$192368

Attachment A - Letter to affected property owners and Notice of Intention - Sullivan Quarter Local Improvement

June 10, 2013

Dear Sir/Madam:

**Re: Proposed Construction of Water & Sanitary Services to NE 25-38-28 W4
Local Improvement Project Sullivan Quarter**

At the December 2, 2009 Council Meeting, Council approved the initiation of a local improvement for the proposed construction of Water & Sanitary Services to NE 25-38-28 W4 / Sullivan Quarter. Attached is a Notice of Intention to Construct a Local Improvement that provides information on the charges applicable to your property based on a 20-year payment period or a "one-time" payment.

If you wish to object to this local improvement, please send a petition to the Legislative Services Manager at The City of Red Deer. If you propose to submit a petition, it must be submitted on the appropriate forms available from the Office of the Legislative Services Manager.

Any petition against the improvement must be received by July 16, 2013.

In the event that an insufficient number of objections have been received opposing the proposed Bylaw, as outlined in the attached Notice, Council will likely consider approval of this Bylaw on August 19, 2013.

If Council approves the project, construction will likely begin in early October 2013, continuing into the summer of 2014.

The City will review the Local Improvement Bylaw rate once construction is complete and all costs are confirmed. Following the rate review, the Revenue and Assessment Services Department will prepare and send a final notice confirming the amount to be

paid by each property owner. **Please do not submit any payments to The City until the Revenue and Assessment Services Department has sent this notice to you.**

In order to install the service connections to your property line, the contractor will be giving each lot owner an opportunity to select where the services are to be stubbed out on the property line.

If you have any questions, please call Andrew Phillips at (403) 342-8158.

Yours truly,

A handwritten signature in black ink, appearing to be 'FC' or similar initials, written in a cursive style.

Frank Colosimo, P. Eng
Engineering Services Manager
City of Red Deer

AP/mvb
Att.

- c. Director of Corporate Services
City Clerk
City Assessor

**NOTICE OF INTENTION
TO CONSTRUCT A LOCAL IMPROVEMENT
IN THE CITY OF RED DEER**

Pursuant to Section 393 (1) of the Municipal Government Act, R.S.A., 2000, as amended, Notice is hereby given that the Council of The City of Red Deer intends to undertake the proposed construction of Water & Sanitary Services to NE 25-38-28 W4 / Sullivan Quarter as a local improvement. The cost of the aforementioned local improvement is \$ 10,385,000, of which amount the sum of \$ 7,035,000 is to be paid by special assessment as provided herein and the sum of \$ 3,350,000 is to be paid by The City of Red Deer at large.

The following information regarding the above noted local improvement project is shown in the attached Appendix A, Part 1:

1. The location of the proposed local improvement.
2. The local improvement project estimate.
3. The annual interest rate.
4. The local improvement repayment (assessment) period.
5. The estimated annual payment amount based on hectares (ha) of land for this local improvement project.
6. The estimated one-time payment amount based on hectares (ha) of land for this local improvement project.

The rates noted in Appendix A, Part One may be subject to amendment once construction is completed and costs are finalized.

The following information and costs applicable to your property are shown in the attached Appendix A, Part 2:

1. The name of the registered property owner.
2. The mailing address of the property owner.
3. The civic address of your property.
4. The legal description of your property.
5. The area (ha) of your property.

Page 2

Notice of Intention to Construct a Local Improvement

6. The estimated annual payment amount for each year of the noted payment period.
7. The estimated one-time payment amount for your property.

Notice is also given that this local improvement project will not proceed if the property owners submit a joint petition against the proposed local improvement project. For a local improvement project not to proceed, the following conditions must be met:

1. If a petition is submitted, it must be signed by at least two-thirds (67%) of the property owners who would be liable to pay the local improvement tax and the owners who sign the petition must represent at least 50% of the value of the property assessment for the parcels of land subject to the local improvement tax.
2. If a Municipality, school, or health authority is the owner of any lands affected by the local improvement, and as such, is entitled to sign the petition; its name and assessment may be exempted from a determination of sufficiency of the petition, should the municipality, school, or health authority so elect.
3. If a parcel of land is owned by more than one owner, the owners are considered as one owner for the purpose of determining the validity of a petition.

If no petition or an insufficient petition has been received by the City objecting to the local improvement within the time limited specified, the local improvement may be undertaken and the cost of it assessed to the property owners by the system of assessment referred to in this Notice.

Council may undertake to construct the proposed local improvement at anytime within three years of the giving of this Notice.

Where the property owner(s) proposes to make annual payments for the noted repayment period, the owner(s) may pay the outstanding balance at anytime, including any interest and penalties less any previously amount paid.

Dated at The City of Red Deer this **June 10, 2013**.

Att.

Notice of Intention to Construct a Local Improvement
Page 3

APENDIX A
THE CITY OF RED DEER
ENGINEERING SERVICES DEPARTMENT
LOCAL IMPROVEMENT TAX INFORMATION

PRELIMINARY COSTS FOR CONSTRUCTION OF A
**Proposed Construction of Water & Sanitary Services to NE 25-38-28 W4/ Sullivan
Quarter**
AS A LOCAL IMPROVEMENT PROJECT

The personal information contained on this form is collected under the authority of the Municipal Government Act, Division 7, Local Improvement Tax and will be used for the purpose of implementing a local improvement and a local improvement tax. If you have any questions about this collection, please contact the Engineering Services Manager, The City of Red Deer, 4914 - 48 Avenue, Red Deer, Alberta, T4N 3T4 or telephone (403) 342-8158.

Part 1: Local Improvement Project Information

a. Estimated Local Improvement Project Cost	\$7,035,000
b. Interest Rate	3.613%
c. Local Improvement Repayment Period	20 Years
d. Estimated Annual Repayment Rate based on Assessable Area	\$9,524.71 /hectare
e. Estimated One-time Payment Amount based on Assessable Area	\$133,995.33 /hectare

Part 2: Property Information

a. Tax Roll Number	8800100
b. Property Owner	BRANDT TRACTOR PROPERTIES LTD
c. Mailing Address	PO BOX 3856 HWY 1 EAST REGINA SK S4P 3R8
d. Municipal Address	101 BURNT PARK DR
e. Legal Description	1 1 524232
f. Additional Legal	
g. Assessable Area	2.46858 hectares
h. Estimated Annual Payment Amount for Noted Repayment Period	\$23,512.51 /annum
i. Estimated Total One-time Payment Amount	\$330,778.19

Red Deer City Council Agenda, Monday, December 14, 2009

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Petitions and Delegations Item No. 1

Back up information from the
December 14, 2009 Council
meeting re: Sullivan Quarter Local
Improvement

November 20, 2009

The City of Red Deer
Box 5008
Red Deer, AB T4N 3T4

Dear Sir/Madam:

Re: Petition for Local Improvement – Burnt Lake Park / Sullivan Quarter Section

Enclosed for your information is a Local Improvement Petition related to the Burnt Lake Park / Sullivan Quarter Section. The Petition for Local Improvement requests the construction of water and sanitary services in the NE 25-38-28, W4 - Sullivan quarter section.

In discussions with Engineering Services over recent months, indication has been given that this project will be scheduled into their 2010 work plan, see attached letter dated June 26, 2009. It is our hope that this work plan can still be accomplished and request that the sufficiency of this petition be considered as quickly as possible so that this application can be brought before Red Deer City Council.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Richter', enclosed within a large, loopy oval scribble.

Dave Richter
4, 83A Burnt Park Drive
Red Deer, AB T4P 0J7

Red Deer City Council Agenda, Monday, December 14, 2009

Page 191

PETITION FOR LOCAL IMPROVEMENTPage 1

(Pursuant to the Municipal Government Act, Chapter M-26, of the RSA 2000, and amendments thereto)

To: The Council of The City Of Red Deer, in the Province of Alberta.

The undersigned persons, being electors of the City of Red Deer, in the Province of Alberta, hereby petition Council to construct water and sanitary services in the NE 25-38-28, W4 – Sullivan quarter section as a local improvement to be assessed by way of a unit rate to be fixed by council, in accordance with the provisions of the Municipal Government Act and the Bylaws of The City Of Red Deer.

Each petitioner, by signing this petition, certifies that he or she is an elector of The City Of Red Deer. Persons acting as signing authority on behalf of a business/corporate entity must complete a declaration of signing authority.

The estimated cost to provide these services is \$5,475,000. An average lot with an area of 1 hectare could pay approximately \$8,700 a year for twenty years or choose a one time payment of approximately \$104,000. These costs are preliminary only. A special tax will be charged of approximately \$34,500 for an average 1 hectare lot. Property owners would receive a detailed cost estimate after a valid petition is approved.

SIGNATURE OF REGISTERED OWNER OR ASSESSED OWNER	PRINTED NAME OF REGISTERED OWNER OR ASSESSED OWNER	STREET ADDRESS OR LEGAL DESCRIPTION OF LAND	DATE	SIGNATURE OF ADULT WITNESS
	COMMERCIAL LAND SALES LTD.	BURNT PARK DRIVE #2-83A BURNT PARK DRIVE	Nov 10/09	
	850104 ALBERTA LTD.	123453A BURNT PARK DRIVE	Nov. 10/09	
	850104 ALBERTA LTD.	83 B BURNT PARK DRIVE	Nov 10.09	
	858484 AB LTD)	30+24 BURNT PARK DRIVE	Nov 12/09	
	1190150 ALBERTA LTD.	84 BURNT PARK DRIVE	Nov. 12/09	
	Santa Cruz Properties Ltd.	81-88 37 BURNT PARK DRIVE	Nov 12/09	
	1333784 AB LTD.	A1-A8 37 BURNT PARK DRIVE	Nov 12/09	
	"	B3	Nov 12/09	
	"	B5+B6	Nov 12/09	
	Providence Trucking Inc.	94+100 BURNT PARK DRIVE	12-Nov-09	
	1403368 ALTA LTD	A4-B2 BURNT PARK DRIVE	12-Nov-09	

NOTES:

1. This form is prepared from suggestions by Alberta Municipal Affairs for the information and convenience of interested individuals. It has no legislative effect. For certainty, legal advice should be sought, when a petition is being considered.
2. Each page of this petition shall contain an accurate and identical statement of the purpose and objectives of the petition. As the wording of the petition is critical, legal advice should be obtained.
3. In the absence of a municipal address, indicate legal description of property which petitioner owns.
4. Each person witnessing a signature on the petition is required to sign an Affidavit that to the best of their belief, the persons whose signatures they witnessed are electors of the municipality.
5. All signatures must be obtained within the 60 days prior to the date the petition is received by The City of Red Deer.

Handwritten note:
Nov 20 2009

Red Deer City Council Agenda, Monday, December 14, 2009

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PETITION FOR LOCAL IMPROVEMENTPage 2

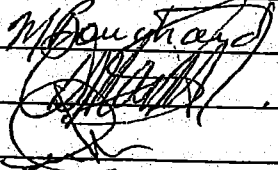
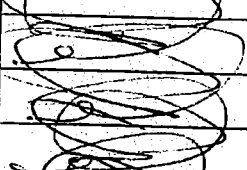
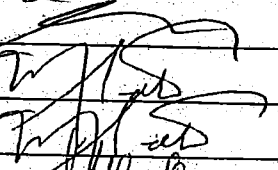
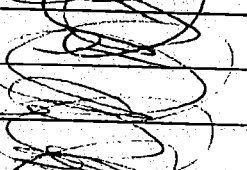
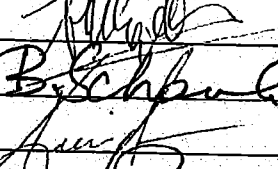
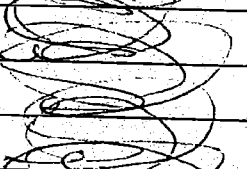
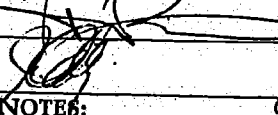

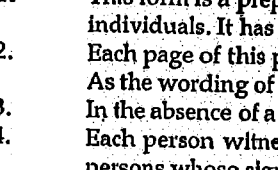
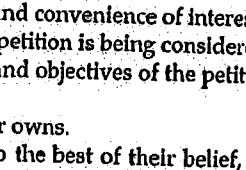
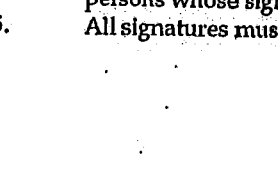
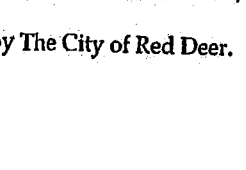


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The estimated cost to provide these services is \$5,475,000. An average lot with an area of 1 hectare could pay approximately \$8,700 a year for twenty years or choose a one time payment of approximately \$104,000. These costs are preliminary only. A special tax will be charged of approximately \$34,500 for an average 1 hectare lot. Property owners would receive a detailed cost estimate after a valid petition is approved.

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	SHAW INTERNATIONAL INC.	1387220 ALBERTA LTD. B11BZ183.53 Burnt Park Dr.	Nov 18/09	
	STARS AND HOLDINGS INC.	34 BURNT BASIN	Nov 18, 09	
	BIRCH CREEK DEVELOPMENT	1422468 ALBERTA LTD. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 15 BURNT BLVD ST	Nov 19, 2009	
	BIRCH CREEK DEVELOPMENT	22 BURNT BASIN ST	Nov 19, 2009	
	BIRCH CREEK DEVELOPMENT	27 BURNT BLVD ST.	Nov 19, 2009	
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	BIRCH CREEK DEVELOPMENT	412575 AB KIDS B6 53 BURNT PARK DR	Nov. 19/09	
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Red Deer City Council Agenda, Monday, December 14, 2009

Page 193

PETITION FOR LOCAL IMPROVEMENTPage 3

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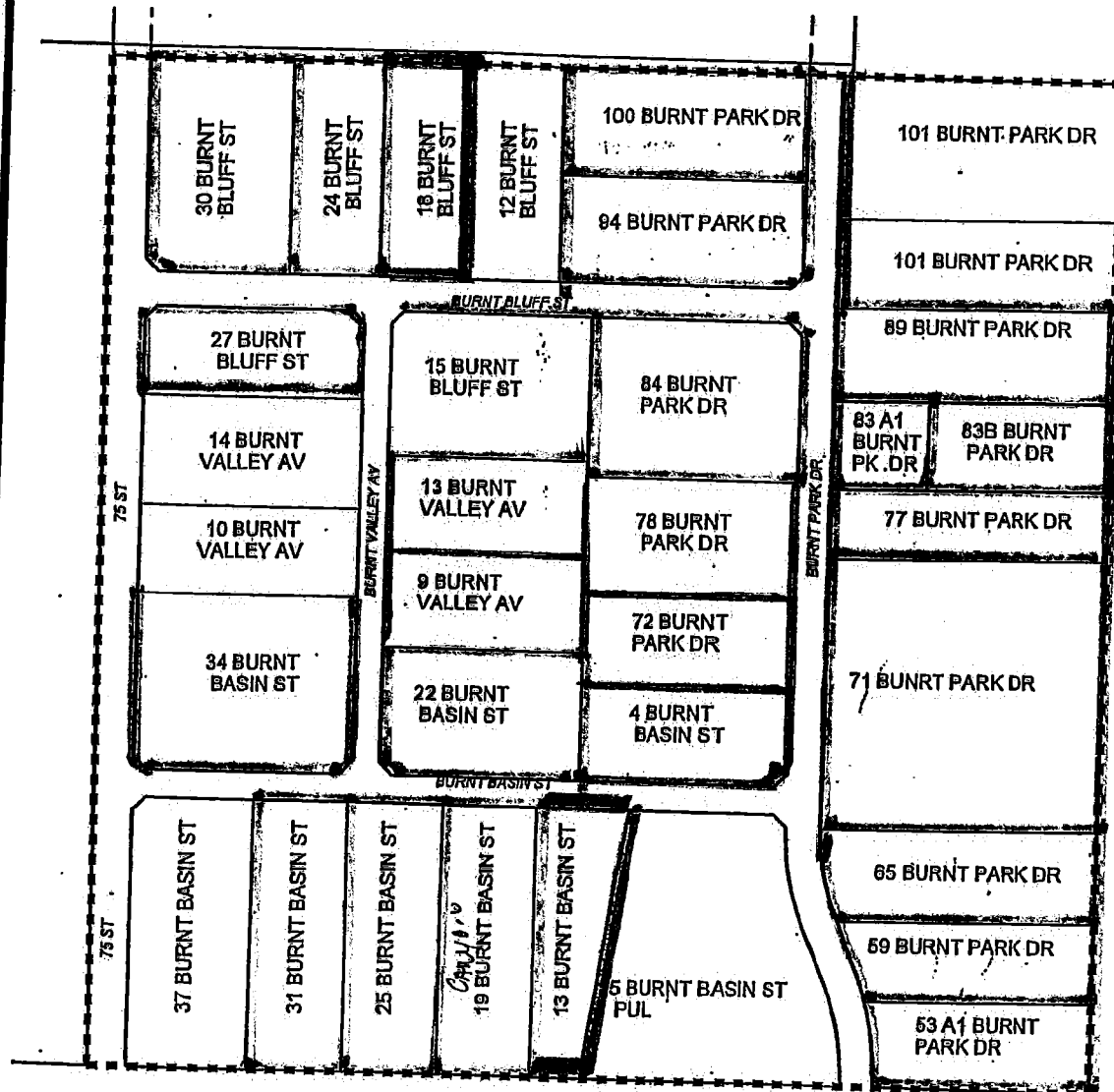
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	CANYON Technical SERVICES LTD	19.25.191 Burnt Brim St	Nov. 20 2009	
	1389655 ALBERTA INC LTD/KMS TOOLS	11.12.113 53 Burnt Brim St	Nov. 20/09	
	Watson & Watson RESOURCES LTD	89 Burnt Brim St	Nov. 20/09	

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BURNT LAKE BUSINESS PARK PHASE 2

POTENTIAL LOCAL IMPROVEMENT PROJECT
TO INSTALL
SANITARY & WATER MAINS

■■■■ BOUNDARY OF POTENTIAL LOCAL IMPROVEMENT ■■■■

AREA OF POTENTIAL LOCAL IMPROVEMENT 52.448 ha.

**Legislative & Administrative Services**

DATE: December 2, 2009

TO: Legislative & Administrative Services Manager

FROM: Deputy City Clerk

SUBJECT: Local Improvement Petition / Water & Sanitary Services to NE 25-38-28 W4 / Sullivan Quarter Section

A local improvement petition was filed with Legislative & Administrative Services on November 20, 2009 requesting that The City provide water and sanitary services to lands as noted above. To determine sufficiency, Assessment & Tax examine the petition as it relates to section 392(2) of the Municipal Government Act and this office reviews the petition in light of provisions outlined in sections 224 and 225 which relate to the way in which a petition is completed: printed surname and given name, signature, street/civic address, signature witnessed, affidavit of the witness, exclusion of any names that are not witnessed and/or incomplete submissions. Additionally, because the petitioners in this instance are corporate bodies, this office required, in accordance with section 392(5) of the MGA, that a certificate authorizing the person to sign the petition also be provided. Certificates of signing authority were also verified.

Based on the above noted criteria and the sufficiency of section 392(2) as identified by Assessment & Tax, this petition meets the requirements for a local improvement petition as set out in the MGA.

The Municipal Government Act provides that a group of owners may petition Council for a local improvement. A petition is valid if it is signed by two thirds of the owners who would be liable to pay the local improvement tax and the owners who sign the petition represent at least one half of the value of the assessment.

If the petition is valid, The City must prepare a local improvement plan which includes an estimate of the cost of the improvement for each property. This plan is sent out to all property owners affected who then have 30 days to object to the local improvement.

If a valid petition is received objecting to the local improvement, Council must not proceed with the improvement. If there is not a valid petition, Council can proceed with the improvement and pass a local improvement tax bylaw.

Recommendation

That Council approves proceeding with the local improvement plan.

Frieda McDougall
Deputy City Clerk

**Assessment & Taxation Services**

DATE: December 1, 2009

TO: Elaine Vincent, Legislative & Administrative Services Manager

FROM: Debra Stott, Tax Collector

SUBJECT: Petition for Local Improvement – Water and Sanitary Services to NE 25-38-28, W4 – Sullivan Quarter Section

There are 60 properties, with a total assessment value of \$53,859,699 which will be affected by this proposed local improvement. In order to be valid:

1. A minimum of 41 registered owner signatures must appear on the petition. Forty-seven registered owners signed this petition, and
2. Assessment value of the properties whose registered owners signed the petition must total a minimum of \$26,929,850. The assessment value of the properties whose registered owners signed the petition totals \$34,830,270.

Section 392 (2) of the Municipal Government Act states:

"A petition is not a sufficient petition unless

- (a) it is signed by 2/3 of the owners who would be liable to pay the local improvement tax, and
- (b) the owners who sign the petition represent at least ½ of the value of the assessments prepared under Part 9 for the parcels of land in respect of which the tax will be imposed. "

This petition meets the above requirements of the Municipal Government Act.

Debra Stott, CMA
Tax Collector

Comments:

As the City received a valid petition, we recommend that Council approve proceeding with the local improvement plan.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager

Unfinished Business Item 1

Back up information from the April 6, 2010 Council Meeting re: Sullivan Quarter Local Improvement



Date: March 26, 2010

To: Legislative & Administrative Services Manager

From: Development Engineer
Engineering Services Manager

Re: Water & Sanitary Services to Sullivan Quarter (NE 25-38-28 W4)
Local Improvement Costs

In December of 2009, Council considered a petition for a local improvement regarding water and sanitary services to NE 25-38-28-W4 (Sullivan Quarter section). Engineering Services has been directed to prepare a Local Improvement Plan for the water and sanitary services in the area.

A. Background

Typically, local improvement requests are of small magnitude (i.e. lane paving, etc.) and are designed and estimated with "in house" Engineering Services staff, and the cost is absorbed in Engineering's operating budget until a local improvement bylaw is approved. However, this local improvement request is significantly more complex than typical improvement projects.

This quarter section was previously constructed as a rural development meeting Red Deer County's standards with individual wells and septic systems. This local improvement project will require a servicing study to be completed in order to:

- Review the water and sanitary servicing requirements within the quarter section;
- Provide an evaluation of the existing storm drainage system;
- Determine over-sizing of water and sanitary sewer mains to pick up adjacent quarter sections;
- Determine if major repair/reconstruction of roadways and ditches will be required;
- Design the extension of levy funded infrastructure into the serviced area.

Upon completion of the servicing study, a detailed design and an associated cost estimate can be prepared for a potential local improvement bylaw. Based on the above tasks identified, the cost associated will be significant.

Legislative & Administrative Services Manager
March 26, 2010
Page 2

B. Approved and Required Budgets

Based on the initial estimates of the local improvement petition, the following is a summary of anticipated costs.

Table 1 - Anticipated Cost Summary

	Offsite Levy Component	Onsite Component
Engineering - Design	\$160,000	\$300,000
Construction	\$3,403,000	\$5,180,000
Total	\$3,563,000	\$5,480,000

Offsite Levy Funded Component

The City's approved 2010 Capital Budget has included the amount of \$3.563 M to design (2010) and construct (2011) the required water and sanitary offsite levy funded infrastructure to support this development and the surrounding area.

Onsite Improvement Component

The 2010 budget is not carrying funds to front end the costs associated with the servicing study, design or construction of the infrastructure required to service the Sullivan Quarter. Engineering Services has prepared an initial cost estimate related to servicing the Sullivan Quarter with water and sanitary sewer services of approximately \$5.48 M. Note: This excludes the offsite levy funded infrastructure.

Typically, engineering fees and services for design of a project such as this are anticipated to be approximately 5% of the estimated construction cost. Engineering Services is estimating \$300 K will be required to be spent at the onset of this project (\$50 K servicing study costs plus \$250 K design costs). Currently, no funding source has been identified to cover the cost associated with the study and design component of the preparation of the local improvement plan.

Legislative & Administrative Services Manager

March 26, 2010

Page 3

C. Funding Source

In consultation with Financial Services, the requested amount of \$300,000 for engineering costs related to onsite work should be funded through Capital Project Reserve (CPR). If the local improvement tax bylaw is approved, the \$300,000 in engineering costs, as well as the associated construction costs, would be recovered. It should be noted that if the local improvement tax bylaw is not approved, the \$300,000 spent on the engineering cost will not be recovered.

At this point in time, this request does not consider the funding of construction costs. Once the local improvement plan is developed and this study informs the actual costs of this development, financial implications will be known and will be presented to Council for consideration. Financial sustainability will need to be closely examined as this expenditure is currently not considered in our Capital Plan.

D. Recommendation

We respectfully recommend that City Council approve the new budget amount of \$300,000 from CPR to be used towards engineering costs required to prepare the Local Improvement Plan for the water and sanitary services in the Sullivan Quarter Section.



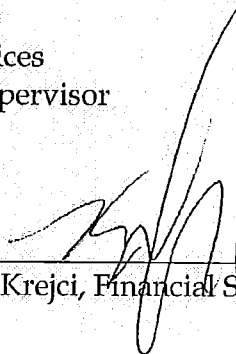
Lee Birn, P.Eng.
Development Engineer



Frank Colosimo, P.Eng.
Engineering Services Manager

LB/ldr

- c. Paul Goranson, Director of Development Services
Teresa Truant, Engineering Administrative Supervisor
Sean LaFrance, Project Coordinator



Dean Krejci, Financial Services Manager

Red Deer City Council Agenda, Tuesday, April 6, 2010

Page 4

Originally Presented to Council on
Monday, December 14, 2009

November 20, 2009

The City of Red Deer
Box 5008
Red Deer, AB T4N 3T4

Dear Sir/Madam:

Re: Petition for Local Improvement – Burnt Lake Park / Sullivan Quarter Section

Enclosed for your information is a Local Improvement Petition related to the Burnt Lake Park / Sullivan Quarter Section. The Petition for Local Improvement requests the construction of water and sanitary services in the NE 25-38-28, W4 - Sullivan quarter section.

In discussions with Engineering Services over recent months, indication has been given that this project will be scheduled into their 2010 work plan, see attached letter dated June 26, 2009. It is our hope that this work plan can still be accomplished and request that the sufficiency of this petition be considered as quickly as possible so that this application can be brought before Red Deer City Council.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to be "Dave Richter", enclosed within a large, loopy oval scribble.

Dave Richter
4, 83A Burnt Park Drive
Red Deer, AB T4P 0J7

Red Deer City Council Agenda, Tuesday, April 6, 2010

Page 5

PETITION FOR LOCAL IMPROVEMENTPage 1

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	COMMERCIAL TRND	H2-83A BURNT PARK DRIVE	Nov 10/09	
	850104 ALBERTA LTD.	H2-83A BURNT PARK DRIVE	Nov. 10/09	
	850104 ALBERTA LTD.	83 B BURNT PARK DRIVE	Nov 10.09	
	858484 AB LTD	30+24 BURNT BLVD	Nov 12/09	
	1190150 ALBERTA LTD.	84 BURNT PARK DR.	Nov. 12/09	
	Santa Cruz M. Ltd.	B1-37 B. 18	Nov 12/09	
	1333784 ALBERTA LTD.	A1-A8 37 B. 18	Nov 12/09	
	"	B3	Nov 12/09	
	"	B5+B6	Nov 12/09	
	Providence Trucking Inc	94+100 BURNT PARK DRIVE	12-Nov-09	
	1403366 ALTA LTD	A9. B2 BURNT PARK DRIVE	12-Nov-09	

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PETITION FOR LOCAL IMPROVEMENTPage 2

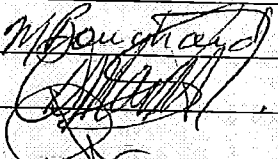

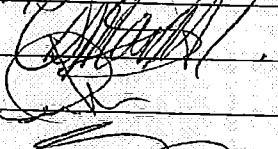

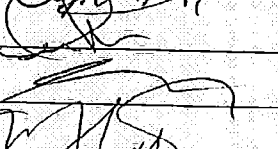
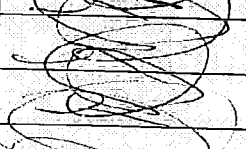
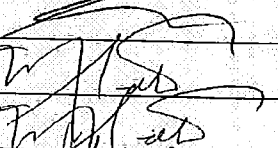

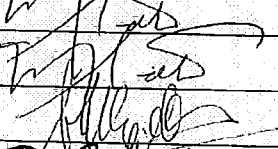

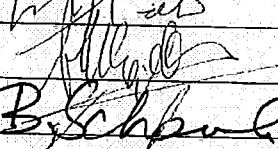

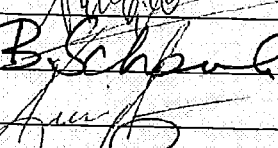

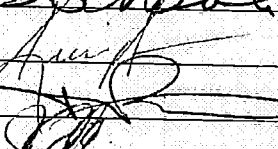

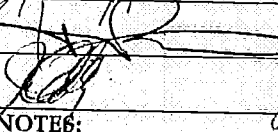
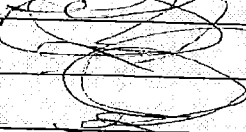
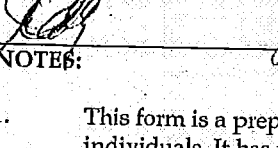
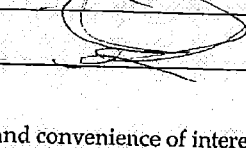
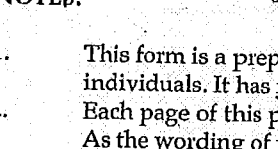
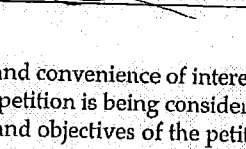
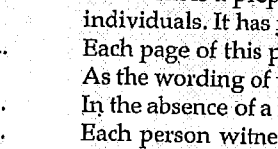
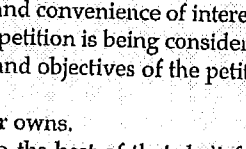
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	BIRCH CREEK DEVELOPMENT	412575 AB FID	Nov. 19/09	
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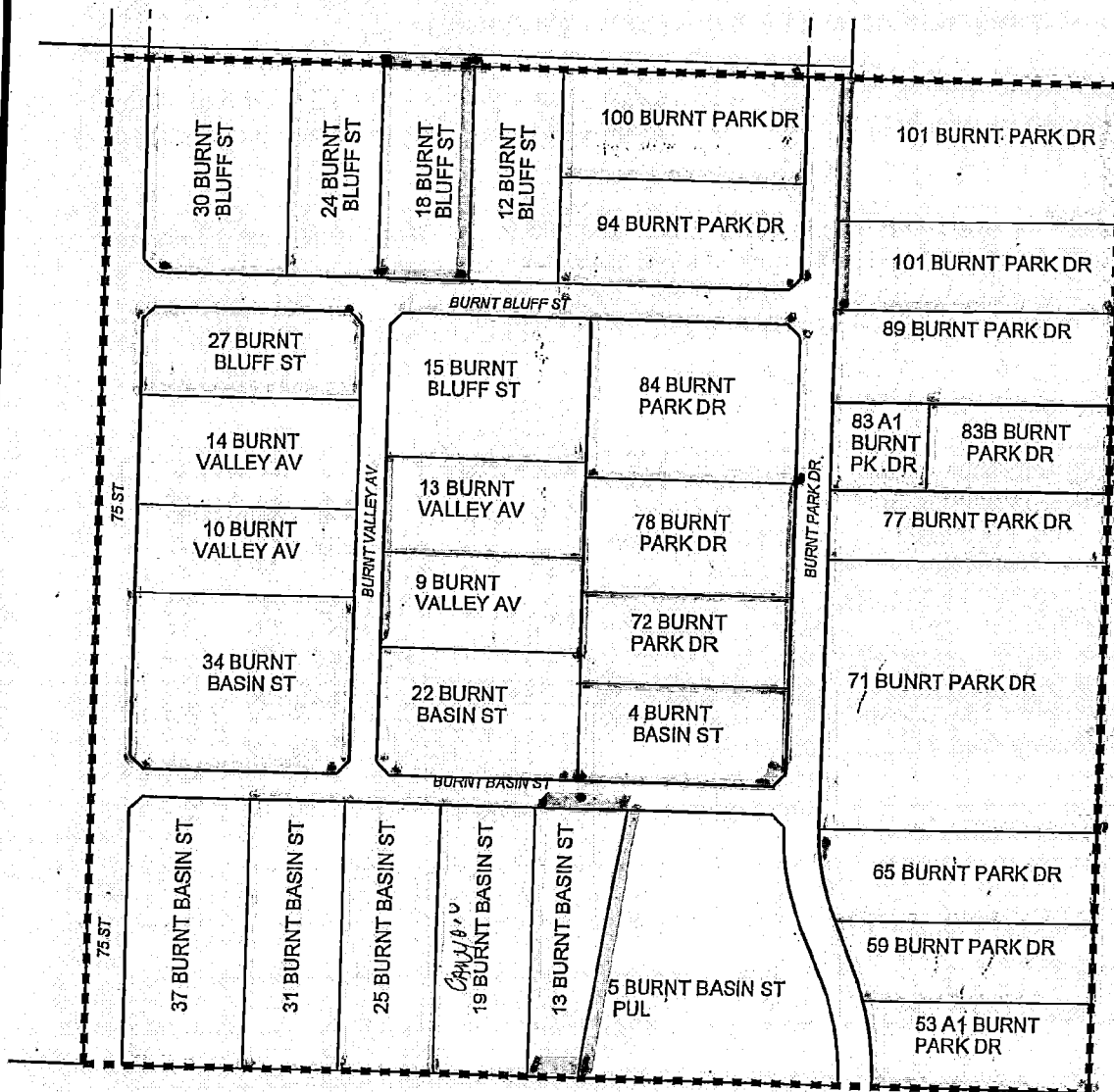
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TO INSTALL
SANITARY & WATER MAINS

■■■■ BOUNDARY OF POTENTIAL LOCAL IMPROVEMENT ■■■■

AREA OF POTENTIAL LOCAL IMPROVEMENT 52.448 ha

**Legislative & Administrative Services**

DATE: December 2, 2009

TO: Legislative & Administrative Services Manager

FROM: Deputy City Clerk

SUBJECT: Local Improvement Petition / Water & Sanitary Services to NE 25-38-28 W4 / Sullivan Quarter Section

A local improvement petition was filed with Legislative & Administrative Services on November 20, 2009 requesting that The City provide water and sanitary services to lands as noted above. To determine sufficiency, Assessment & Tax examine the petition as it relates to section 392(2) of the Municipal Government Act and this office reviews the petition in light of provisions outlined in sections 224 and 225 which relate to the way in which a petition is completed: printed surname and given name, signature, street/civic address, signature witnessed, affidavit of the witness, exclusion of any names that are not witnessed and/or incomplete submissions. Additionally, because the petitioners in this instance are corporate bodies, this office required, in accordance with section 392(5) of the MGA, that a certificate authorizing the person to sign the petition also be provided. Certificates of signing authority were also verified.

Based on the above noted criteria and the sufficiency of section 392(2) as identified by Assessment & Tax, this petition meets the requirements for a local improvement petition as set out in the MGA.

The Municipal Government Act provides that a group of owners may petition Council for a local improvement. A petition is valid if it is signed by two thirds of the owners who would be liable to pay the local improvement tax and the owners who sign the petition represent at least one half of the value of the assessment.

If the petition is valid, The City must prepare a local improvement plan which includes an estimate of the cost of the improvement for each property. This plan is sent out to all property owners affected who then have 30 days to object to the local improvement.

If a valid petition is received objecting to the local improvement, Council must not proceed with the improvement. If there is not a valid petition, Council can proceed with the improvement and pass a local improvement tax bylaw.

Recommendation

That Council approves proceeding with the local improvement plan.

Frieda McDougall
Deputy City Clerk

**Assessment & Taxation Services****DATE:** December 1, 2009**TO:** Elaine Vincent, Legislative & Administrative Services Manager**FROM:** Debra Stott, Tax Collector**SUBJECT:** Petition for Local Improvement – Water and Sanitary Services to NE 25-38-28, W4 – Sullivan Quarter Section

There are 60 properties, with a total assessment value of \$53,859,699 which will be affected by this proposed local improvement. In order to be valid:

1. A minimum of 41 registered owner signatures must appear on the petition. Forty-seven registered owners signed this petition, and
2. Assessment value of the properties whose registered owners signed the petition must total a minimum of \$26,929,850. The assessment value of the properties whose registered owners signed the petition totals \$34,830,270.

Section 392 (2) of the Municipal Government Act states:

“A petition is not a sufficient petition unless

- (a) it is signed by 2/3 of the owners who would be liable to pay the local improvement tax, and
- (b) the owners who sign the petition represent at least ½ of the value of the assessments prepared under Part 9 for the parcels of land in respect of which the tax will be imposed. ”

This petition meets the above requirements of the Municipal Government Act.

A handwritten signature in cursive script that reads 'Debra Stott'.

Debra Stott, CMA
Tax Collector

Comments:

We support the recommendation of Administration.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager



Council Decision – September 3, 2013

DATE: September 9, 2013
TO: Frank Colosimo, Engineering Services Manager
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Sullivan Quarter (Water/Sanitary) Servicing Local Improvement Bylaw 3504/2013

Reference:

Engineering Services, dated August 16, 2013.

Bylaw Reading:

At the Tuesday, September 3, 2013 Council meeting, Council gave all three readings to Bylaw 3504/2013 (Local Improvement Bylaw for construction of Sullivan Quarter water and sanitary servicing).

Report back to Council: No

A handwritten signature in blue ink, appearing to read 'Frieda McDougall'.

Frieda McDougall
Legislative Services Manager

c: Director of Development Services
Corporate Meeting Coordinator

BYLAW NO. 3504/2013

Being a Bylaw to authorize the Municipal Council of The City of Red Deer to impose a special assessment for the construction of the Sullivan Quarter water & sanitary servicing.

WHEREAS it is deemed expedient and proper pursuant to the provisions of Section 393 (1) of the Municipal Government Act, R.S.A., 2000, as amended, that the Council shall issue a bylaw to authorize undertaking, completing, and levying a special assessment for construction of water & sanitary services;

AND WHEREAS plans, specifications and estimates for such work have been made by the Engineering Services Manager, whereby the total cost of the said project is \$ 8,422,536;

AND WHEREAS the estimated lifetime of the project is 20 years;

AND WHEREAS the proposed construction will serve about 52.502 ha of assessable land;

AND WHEREAS pursuant to the provisions of Section 393 (1) of the Municipal Government Act, R.S.A., 2000, as amended, the Council has given proper notice of intention to undertake and complete the construction of the Sullivan Quarter water & sanitary services, the cost or a portion of the costs thereof to be assessed against the abutting (or benefiting) properties in accordance with the attached Schedule "A", and no sufficiently signed and valid petition against the said proposal has been received by the Council.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1. The Municipal Council of The City of Red Deer is hereby empowered to enter into contracts for the purpose of constructing the Sullivan Quarter water & sanitary services as may be necessary.
2. That for the purpose aforesaid, the sum of five million, seventy-two thousand, five hundred, thirty-five dollars (\$5,072,535) will be loaned from the Capital Projects Reserve (CPR) and Municipal Sustainability Initiative (MSI) funding (10% CPR, 90% MSI) of which amount the sum of \$0.00 is to be paid by The City at large and the sum of \$5,072,535 is to be collected by way of special assessment as herein provided in attached Schedule "A". The remaining project costs in the sum of \$3,350,000 will be funded by The City's offsite levy fund.
3. During the currency of the said loan there shall be raised annually for payment of the owner's portion of the cost and interest thereon, by special assessment under the Municipal Government Act, R.S.A., 2000, as amended, the respective sums shown as yearly payments on Schedule "A" hereby attached, and there is hereby imposed on all privately owned lands within the Sullivan Quarter fronting or abutting on that portion of the streets or places whereon the said improvements are to be constructed, a special assessment sufficient to cover the owner's portion of the cost

of the said work and the interest payable at the unit rate or rates set forth in said Schedule "A". The said special assessment shall be in addition to all other rates and taxes.

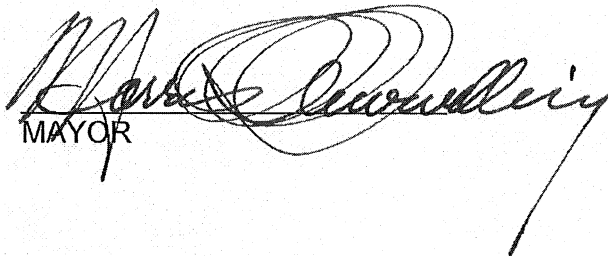
4. Nothing in this Bylaw shall prohibit the owner of the lands herein described from making payment in full of the balance of the assessment and interest accruing thereon which may be owing from time to time at any time prior to the expiration of the term of 20 years.
5. This Bylaw shall take effect on the day of the final passing thereof.

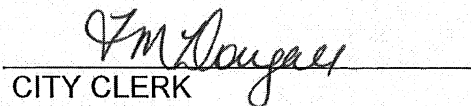
READ A FIRST TIME IN OPEN COUNCIL this 3rd day of September 2013

READ A SECOND TIME IN OPEN COUNCIL this 3rd day of September 2013

READ A THIRD TIME IN OPEN COUNCIL this 3rd day of September 2013

AND SIGNED BY THE MAYOR AND DEPUTY CITY CLERK this 3rd day of September 2013


MAYOR


CITY CLERK

Schedule "A"**BYLAW NO. 3504/2013****LOCAL IMPROVEMENT - SPECIAL ASSESSMENT
FOR CONSTRUCTION OF THE SULLIVAN QUARTER
WATER & SANITARY SERVICING**

1. Properties to be assessed:

See Figure #1

- | | |
|---|-------------------|
| 2. Total Area | 52.502 ha |
| 3. Total Special Assessment against all properties | \$ 5,072,535 |
| 4. Annual Repayment rate based on assessable area for a period of 20 years calculated at 3.613% interest. | \$ 6,867.72 / ha |
| 5. One-time payment amount based on Assessable area | \$ 96,616.36 / ha |



August 29, 2013

Red Deer County Water Supply Agreement Amendment

Environmental Services

Report Summary & Recommendation:

The purpose of this report is to provide information to City Council in support of a proposed amendment to the Water Supply Agreement with Red Deer County.

We recommend that City Council authorize City Administration to amend the Water Supply Agreement with Red Deer County in accordance with the attached Amending Agreement.

City Manager Comments:

I support the recommendation of Administration.

Craig Curtis
City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer, having considered the report from Environment Services dated August 29, 2013 re: Red Deer County Water Supply Agreement, hereby agrees to amend the Water Supply Agreement with Red Deer County in accordance to the recent negotiations between Red Deer County and The City of Red Deer.



Report Details

Background:

The City entered into an agreement with Red Deer County in 2004 to supply water to the Gasoline Alley and Liberty Park areas. In 2007, the City and County adopted an Intermunicipal Development Plan (IDP) that, among other things:

- Established areas around the city perimeter designated for City growth and other areas for County growth
- Agreed to “jointly identify and explore opportunities to collaborate in the planning of, or, where mutually agreed upon, in providing access to, Intermunicipal infrastructure and services to provide cost efficiency and avoid duplication.”

City and County administration have recently negotiated an amendment (see attachment) to the Water Supply Agreement that is in keeping with the IDP and allows the County to utilize the water supplied by the City within the areas designated for County growth.

Discussion:

Although Red Deer County plans to expand the area that City water will be supplied to, the maximum volume of water that the City is committed to provide will not change from the original agreement. Based on current growth projections, it would take 20 to 30 years to exceed the maximum.

The current water supply to Red Deer County accounts for approximately 1.5% percent of the total water treatment plant production. With the amendment, the rate is predicted to increase to roughly 2.4%. This will have a negligible effect on the City’s water infrastructure capacity.

WATER SUPPLY AGREEMENT AMENDING AGREEMENT

Amendment dated _____, 2013

Between:

RED DEER COUNTY
("the County")

- and -

THE CITY OF RED DEER
("the City")

BACKGROUND

- A. The County and the City entered the Water Supply Agreement, dated August 26, 2004 (the "Agreement"), whereby the County agreed to purchase potable Water from the City and the City agreed to supply potable Water to the County, up to an agreed Maximum Daily Quantity.
- B. The City and the County are parties to an Intermunicipal Development Agreement (IDP) dated July 5, 2007 (as amended) which establishes an area of County land around the fringe of the City, which is known as the City of Red Deer Growth Area. The two parties agree that the area identified as the City Growth Area in that plan is reserved for future city growth. The two parties also agree that water servicing in the City Growth Area will not occur unless either the land is annexed into the City or there is a mutual agreement between the two parties.
- C. The IDP provides the following direction regarding provision of infrastructure:
- 3.5.2 Objective – To coordinate, where mutually agreed, in the Intermunicipal planning and provision of infrastructure and services.
 - 3.5.3 Policies (6) – The municipalities may jointly identify and explore opportunities to collaborate in the planning of, or, where mutually agreed upon, in providing access to, Intermunicipal infrastructure and services to provide cost efficiency and avoid duplication.

- D. Under the Water Supply Agreement, the County agreed to pay a Connection Fee in lieu of Off-site Levies to the City. The Connection Fee was based on a peak hour demand of 58 litres per second and a corresponding Equivalent Development Area of 136 hectares (see Schedule "H"). It was agreed that the Connection Fee would be paid on a monthly basis, including interest over a period of 240 months (20 years). The County wishes to pay the remaining balance of the Connection Fee in a lump sum.
- E. The County agreed to limit the sale of Water supplied under the Water Supply Agreement to customers located within an area defined in Schedule "B" as the Customer's Boundaries. The County no longer wishes to utilize water wells to supplement the supply of water to their customers within the Customer Boundaries and wishes to expand the Customer's Boundary to be the same as the boundary of the Gasoline Alley/Liberty Crossing Growth Area identified in the IDP.
- F. The parties now wish to amend the Agreement to reflect these details and to better clarify their mutual and respective rights and obligations.

NOW THEREFORE THE PARTIES AGREE TO AMEND THE AGREEMENT AS FOLLOWS:

- 1. Section 1. (g) of the Definitions part of the Agreement is deleted and replaced with the following new Section 1. (g):
 - (g) **Customer's Boundaries** means those areas of the County colored pink on the plan (Map 1 of the IDP as amended) included in Schedule "B" of this Amending Agreement and identified as "Gasoline Alley, Liberty Crossing"
- 2. Section 1 of Part 1, Annual Quantity of Schedule "A" of the Agreement is deleted and replaced with the following new Section 1.
 - 1. Subject to Section 2 of this Schedule, the County and the City agree that the Annual Quantity of Water for each of the years in the following table shall be the quantity set forth opposite that year.

Year	Annual Quantity in Cubic Metres
2013	250,000
2014	340,000
2015	350,000
2016	360,000
2017	370,000

3. Section 1 of Part 2, Maximum Daily Quantity of Schedule “A” of the Agreement is deleted and replaced with the following new Section 1.
1. The Maximum Daily Quantity for each day shall be equal to the quantity set forth opposite that year.

Year	Maximum Daily Quantity in Cubic Metres
2013	1,130
2014	1,540
2015	1,580
2016	1,630
2017	1,670

4. As the County no longer wishes to utilize well water to supply their customers within the area covered by this agreement, Section 3 of Part 2, Maximum Daily Quantity of Schedule “A” of the Agreement is no longer applicable and is therefore deleted from the Agreement.
5. Schedule “B” The Customer’s Boundaries of the Agreement is deleted and replaced by the attached Schedule “B” (Map 1 of the IDP as amended).
6. The County agrees that the City is not obliged to supply water to the County at a rate exceeding 58 litres per second, nor an amount exceeding 3,130 cubic metres during any 24 hour period, nor an amount exceeding 693,000 cubic metres during any calendar year. Any increase in flow rate beyond any of these limits would be subject to an amending agreement between the Parties and may require water system improvements and additional Connection Fees. Furthermore, the County may be required to obtain their own water withdrawal license from the province for water withdrawal from the Red Deer River, at the City’s water treatment plant.

7. Upon payment by The County to the City the remaining balance owing of the Connection Fee identified in the Agreement Section 4 and Table 1 – Schedule of Payments in Schedule “H” of the Agreement will no longer be needed and will be deleted from the Agreement.
8. If in the future, the IDP is amended in such a way that the provisions of the Water Supply Agreement including any amendments thereto are in conflict with IDP, then the provisions of the IDP will prevail. However, if at any time no IDP exists between the parties, then this agreement will nevertheless continue in full force and effect.
9. In all other respects, the Agreement is confirmed and ratified.

THE CITY OF RED DEER

Per: _____
(c/s)

Per: _____

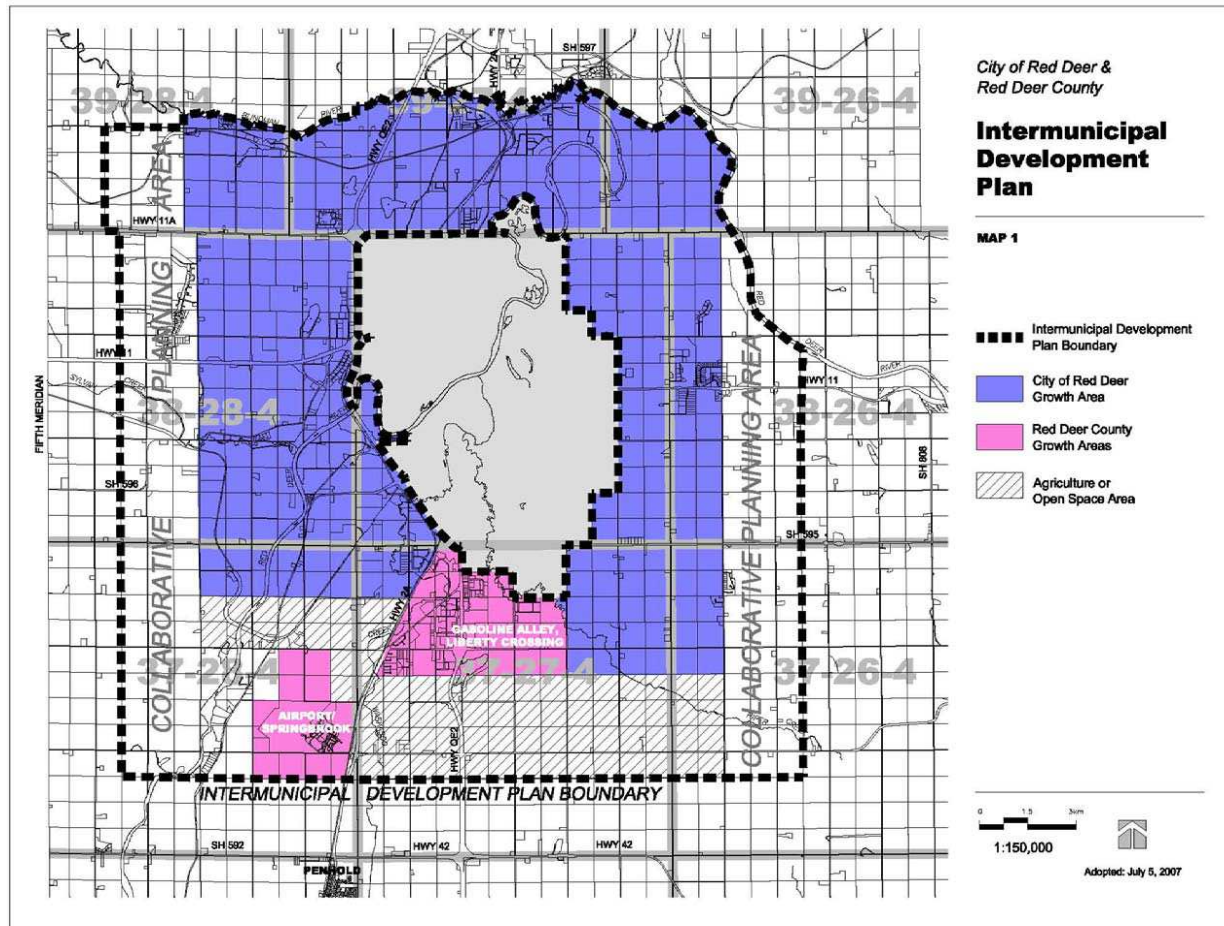
RED DEER COUNTY

Per: _____
(c/s)

Per: _____

SCHEDULE "B"
THE CUSTOMER'S BOUNDARIES

The Customer's Boundaries shall be the same as the Gasoline Alley/Liberty Crossing Growth Area identified in the IDP as amended.



FILE COPY



Council Decision – September 3, 2013

DATE: September 9, 2013
TO: Tom Warder, Environmental Services Manager
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Red Deer County Supply Agreement Amendment

Reference:

Environmental Services, dated August 29, 2013

Resolution:

The following resolution was passed at the Tuesday, September 3, 2013 Red Deer City Council meeting:

Resolved that Council of The City of Red Deer, having considered the report from Environment Services dated August 29, 2013 re: Red Deer County Water Supply Agreement, hereby agrees to amend the Water Supply Agreement with Red Deer County in accordance to the recent negotiations between Red Deer County and The City of Red Deer.

Report back to Council: No

A handwritten signature in blue ink, appearing to read 'Frieda McDougall'.

Frieda McDougall
Legislative Services Manager

c: Director of Development Services

FILE COPY



LEGISLATIVE SERVICES

September 9, 2013

Mayor Jim Wood, Red Deer County
38106 RGE RD 275
Red Deer County
Red Deer, AB T4S 2L9

**RE: Council Decision – September 3, 2013
Red Deer County Supply Agreement Amendment**

Dear Mayor Wood:

At the Tuesday, September 3, 2013 Red Deer City Council Regular Meeting, Council passed the following resolution:

Resolved that Council of The City of Red Deer, having considered the report from Environment Services dated August 29, 2013 re: Red Deer County Water Supply Agreement, hereby agrees to amend the Water Supply Agreement with Red Deer County in accordance to the recent negotiations between Red Deer County and The City of Red Deer.

Should you have any questions, please contact Tom Warder, Environmental Services Manager at 403.342.8750.

Sincerely,

Frieda McDougall
Legislative Services Manager

c: Curtis Herzberg, County Manager, Red Deer County
Craig Curtis, City Manager, The City of Red Deer
Paul Goranson, Director of Development Services, The City of Red Deer