

The Corporation of the City of Port Colborne

By-Law no. _____

Being a by-law to amend the assessment schedule and to levy the actual costs incurred for the maintenance of drainage works known as the Howie Municipal Drain

Whereas By-law No. 2091/38/88, Being a By-law to Provide for the Repair and Improvement of the Howie Drain in the City of Port Colborne in the Region of Niagara, and For Borrowing on the Credit of the Municipality the Sum of \$39,463.57, was enacted the 13th day of June 1994, and provided for the update of assessment schedules, as submitted by C. J. Clarke Niagara Limited; and

Whereas Section 74, Chapter D.17 of the *Drainage Act, R.S.O. 1990* (the Act) compels each municipality to maintain that portion of a drainage works within its limits; and

Whereas Section 61(1) of the Act authorizes a municipality, upon the completion of the maintenance of the drainage works, to levy the final cost thereof to the lands and roads liable, as stated in the Engineer's Report, so as to recover the cost of said maintenance; and

Whereas in compliance with such duty, the municipality has carried out maintenance of said drainage works as per the design of the Engineer's Report, and the total actual cost incurred was \$79,927.41;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That the cost of the Howie Municipal Drain as provided for in By-law No. 2091/38/88, be levied against the lands and roads as set out in the assessment schedule in the Engineer's Report dated June 13th, 1994, as amended, pro rata and as listed in the actual assessment column, more particularly shown on Schedule A attached hereto, to be levied and collected in the same manner as taxes.
2. That the last date for making a commuted payment in cash shall be the 19th day of January, 2022.
3. That the payments that have not been received by this date will be added to the 2022 final tax bill and accrue interest of 1.5%.
4. That By-law 2091/38/88 is hereby amended by replacing the assessment schedule with Schedule A appended hereto.
5. That this by-law shall come into force and take effect on the day of its final passing.

Enacted and passed this 25th day of October, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk