

The Corporation of the City of Port Colborne

By-Law No. _____

**Being a By-law to Amend the Assessment Schedule to
Levy the Actual Costs Incurred in Constructing a Drainage Works
Known as the Zavitz Municipal Drain**

Whereas Section 61 Chapter D.17 of the *Drainage Act* R.S.O. 1990 authorizes a municipality, upon the completion of the drainage works, to levy the final cost thereof to the lands and roads liable, as stated in the engineer's report; and

Whereas By-law 6521/88/17, Being a By-law to Provide for Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara, known as the Zavitz Municipal Drain, was enacted on the 10th day of October, 2017, and provided for the appointment of Paul Smeltzer, P. Eng. of AMEC Earth & Environment Limited to prepare a Section 4 & 78 report; and

Whereas By-law 6641/05/19, Being a By-law to Provide for Drainage Works in the City of Port Colborne, in the Regional Municipality of Niagara, known as the Zavitz Municipal Drain, was enacted the 23rd day of April, 2019, and provided for the construction of the Young & was enacted on the 11th day of February, 2019 which repealed the appointment of P. Smeltzer and provided for the appointment of Paul Marsh, P. Eng of EWA Engineers Inc. to finalize the previously appointed Section 4 & 78 report; and

Whereas the Drainage Works was completed as per the Engineer's Report, by the Town of Fort Erie as the initiating municipality; and

Whereas the total actual costs incurred by the Town of Fort Erie were \$234,028 compared to an original estimated cost of \$316,032; and

Whereas By-law 94-2024, enacted by the Town of Fort Erie approved the billing for the drainage works and further billed the City of Port Colborne for all lands assessed in the City of Port Colborne on the 27th day of October 2024; and

Whereas through this By-law, the Engineer's Report titled the 'Zavitz Municipal Drain Sherkston North Branch Drain East & West Branch Drains' submitted to the Town of Fort Erie and dated October 2016, as amended by the Court of Revision and the Tribunal, and adopted under its third and final reading of By-law 16-2014 on April 24th, 2017 by the Town of Fort Erie, be adopted by the City of Port Colborne for future maintenance;

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

1. That the Treasurer levy the amount assessed to the lands in the City of Port Colborne in accordance with Schedule 'A', attached hereto, against the lands and roads in the City of Port Colborne, being the amounts to be charged for completing the construction of the drainage works known as the Zavitz Municipal Drain.
2. That the owners of the property's within the City of Port Colborne have the option of submitting full payment of the net cost or make yearly payments over a period of 5 years at 5% interest per annum. The full payments not received by December 31, 2024, shall be added to the final tax bill beginning in the year 2025 and ending in the year 2029.

3. That in the event of nonpayment, the City of Port Colborne's penalty and interest charges on outstanding accounts receivable, By-law 6841/91/20 shall be followed.

4. This by-law shall come into force and take effect on the day of its final passing.

Enacted and passed this 26th day of November 2024.

William C. Steele
Mayor

Charlotte Madden
City Clerk