

The Corporation of the City of Port Colborne

By-Law No. _____

Being a By-law to Amend the Assessment Schedule to Levy the Difference of Actual Costs Incurred in Constructing a Drainage Works Known as the Young & Hopf Wagner 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 6677/41/19, Being a By-law to Provide for Drainage Works in the City of Port Colborne, and the City of Niagara Falls in the Regional Municipality of Niagara, known as the Young & Hopf-Wagner Municipal Drain, was enacted the 23rd day of April, 2019, and provided for the construction of the Young & Hopf-Wagner Municipal Drain based on the estimates contained in the drainage report dated July 27, 2017, as submitted by Spriet Associates London Limited; and

Whereas the Drainage Works was completed as per the Engineer's Report, as amended, and the total actual costs incurred were \$1,173,095.89 compared to an original estimated cost of \$792,390.00. Actual costs for constructing the drain were 1.54% over the Engineer's estimate; and

Whereas By-law 7109/51/23, Being a By-law to amend the assessment Schedule to Levy the actual costs incurred in constructing a drainage works known as the Young & Hopf-Wagner Municipal Drain was completed prior to receiving the OMAFA grant allocation.

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

1. That the Treasurer invoice the Town of Fort Erie and the City of Niagara Falls in accordance with Schedule 'A', attached hereto, being the amounts to be charged for the difference in grant allocation received for completing the construction of the drainage works known as the Young & Hopf - Wagner Drain for the portions of work within the Town of Fort Erie and the City of Niagara Falls, with the invoice being due within 30 days of the invoice date.
2. That the Treasurer levy the remaining amount in accordance with Schedule 'A', attached hereto, against the lands in the City of Port Colborne, being the amounts to be charged for the difference in grant allocation received for completing the construction of the drainage works known as the Young & Hopf-Wagner Drain.
3. That the owners of the properties 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 May 15, 2025, shall be added to the final tax bill beginning in the year 2025 and ending in the year 2030.
4. 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.
5. That By-law 7109/51/23 is hereby amended by replacing the assessment schedule with Schedule 'A' appended hereto.

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

Enacted and passed this 11th day of March, 2025.

William C. Steele
Mayor

Charlotte Madden
City Clerk