

## **The Corporation of the City of Port Colborne**

**By-law No. \_\_\_\_\_**

### **Being a By-law to Provide for a Section 78 Engineer's Report for Drainage works in the City of Port Colborne, In the Regional Municipality of Niagara Known as the Oil Mill Creek Municipal Drain**

Whereas the Oil Mill Creek Drain is a municipal drain within the limits of The Corporation of the City of Port Colborne, having status under the *Drainage Act R.S.O. 1990*; and

Whereas the Oil Mill Creek Drain is a municipal drain which drains lands from The City of Port Colborne; and

Whereas on the 28<sup>th</sup> day of October, 2019, the Council of the City of Port Colborne appointed Paul Marsh P.Eng of EWA Engineering Inc. to complete a new report for the Oil Mill Creek Drain watershed; and

Whereas pursuant to Section 78 of the *Drainage Act*, R.S.O. 1990, the Council of The Corporation of the City of Port Colborne, in the Regional Municipality of Niagara, has procured a report titled Oil Mill Creek Drain, dated June 20, 2024, prepared by Paul Marsh, P. Eng., of EWA Engineering Inc, which report was filed with the City Clerk on the 18<sup>th</sup> day of July, 2024; and

Whereas the Council of The Corporation of the City of Port Colborne, at its meeting on the 3<sup>rd</sup> day of September, 2024, rejected the Department of Public Works, Report No. 2023-164 Oil Mill Creek Municipal Drain Meeting to Consider, whereby the proposed drainage works was referred back to the engineer for further consideration; and

Whereas on the 11<sup>th</sup> day of March, 2025, Council received an update that the revised report had been received and approved staff report 2025-22, allowing staff to notify the assessed landowners of the revised report; and

Whereas pursuant to Section 78 of the *Drainage Act*, R.S.O. 1990, the Council of The Corporation of the City of Port Colborne, in the Regional Municipality of Niagara, has procured a report titled Oil Mill Creek Drain, dated February 27, 2025, prepared by Paul Marsh, P. Eng., of EWA Engineering Inc, which report was filed with the City Clerk on the 11<sup>th</sup> day of April, 2025, containing plans, profiles and assessment schedules for the construction and future maintenance of the Oil Mill Creek Drain, and is attached hereto and forms part of this by-law; and

Whereas the total estimated cost the Oil Mill Creek Drain, inclusive of the engineer's report, construction, contract administration and HST (net) is \$436,808.69; and

Whereas \$37,670.02 is the total estimated cost assessed to the City of Port Colborne for City owned parcels; and

Whereas \$52,614.55 is the total estimated cost assessed to the City of Port Colborne for their roads; and

Whereas \$346,524.12 is the total estimated cost assessed to the private lands within the City of Port Colborne; and

Whereas on the 11<sup>th</sup> day of March, 2025 the Council of the City of Port Colborne directed staff, by resolution, to proceed to the "Meeting to Consider", under Section 41 of the *Drainage Act*, R.S.O. 1990, in accordance with the recommendations laid out in Public Works Report 2025-90; and

Whereas the Council of The Corporation of the City of Port Colborne, at its meeting on the 6<sup>th</sup> day of May, 2025, approved the Department of Public Works, Report No. 2025-90 Meeting to Consider the Oil Mill Creek Municipal Drain – Second Sitting, whereby the proposed drainage works was deemed necessary and desirable;

Now therefore the Municipal Council of The Corporation of the City of Port Colborne under the *Drainage Act R.S.O. 1990*, enacts as follows:

1. The report Oil Mill Creek dated February 27, 2025, may be amended by pronouncement(s) of Courts of Revision and Final Decisions/Orders of the Agriculture, Food and Rural Affairs Appeals Tribunal and/or Referee, and appended hereto as Schedule "A" is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be maintained in accordance therewith.
2. If the actual cost of the drainage works varies from the estimated costs as set out in Schedule "B" forming part of this By-law, the actual construction costs shall be assessed, levied and collected upon the lands, roads and parcels in the same proportions and in the same manner as provided in the revised Schedule "B" forming part of this by-law, as revised by the Court of Revision and Final Decisions of the Agriculture, Food and Rural Affairs Appeal Tribunal and/or Referee together with interest there on.
3. A special equal annual rate sufficient to redeem the principal and interest, shall be defined in the drain levy by-law inclusive of interest, calculated until the issuance of the certificate of completion, upon the lands and roads as set forth in Schedule "B" hereto to be collected in the same manner and at the same time as other taxes are collected.
4. That any and all By-laws pertaining to the adoption of an Engineer's report for the Oil Mill Creek Municipal Drain are hereby superseded by this by-law, and therefore repealed.
5. This By-law may be cited as "The Oil Mill Creek Municipal Drain By-law" and shall come into force and effect on the day of its final passing.

Read a first and second time and provisionally adopted this 6<sup>th</sup> day of May 2025.

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William C. Steele  
Mayor

\_\_\_\_\_  
Charlotte Madden  
City Clerk

Read a third time and enacted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Head of Council

\_\_\_\_\_  
Clerk