

## **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 Point Abino Municipal Drain**

Whereas the Point Abino Drain is a municipal drain within the limits of the Corporation of the City of Port Colborne and the Town of Fort Erie, having status under the *Drainage Act R.S.O. 1990*; and

Whereas the Point Abino Drain is a municipal drain which drains lands from The City of Port Colborne through the Town of Fort Erie to its outlet into Lake Erie; 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 Point Abino 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 Point Abino Municipal Drain, dated April 9, 2025, prepared by Paul Marsh, P. Eng., of EWA Engineering Inc., which report was filed with the City Clerk on the 16<sup>th</sup> day of May, 2025, containing plans, profiles and assessment schedules for the construction and future maintenance of the Point Abino Drain, and is attached hereto and forms part of this by-law; and

Whereas the total estimated cost the Point Abino Drain, inclusive of the engineer's report, construction, contract administration and HST (net) is \$2,555,208.06; and

Whereas \$721,993.77 is the total estimated cost assessed for the private lands in the Town of Fort Erie, \$17, 226.00 is the total estimated cost assessed to Enbridge in the Town of Fort Erie and \$1,293,243.78 is the total estimate cost assessed to the roads within the Town of Fort Erie; and

Whereas \$482,168.93 is the total estimated cost assessed to the private lands within the City of Port Colborne; and

Whereas the remaining amount of \$40,635.57 is the estimated cost assessed to the City of Port Colborne for the municipalities share of roads and lands; and

Whereas on the 13<sup>th</sup> day of May 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 2025-91; and

Whereas the Council of the Corporation of the City of Port Colborne, at its meeting on the 7<sup>th</sup> day of July, 2025, approved the Department of Public Works, Report 2025-156 Point Abino Municipal Drain Meeting to Consider, whereby the proposed drainage works was deemed necessary and desirable; and

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 dated April 9, 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. The Corporation of the City of Port Colborne may borrow on the credit of the Corporation the amount of \$2,555,208.06, excluding HST, being the amount assessed in the City, necessary for payment of the cost of the said drainage works.
3. The Corporation may arrange for the issue of debentures on its behalf for the amount borrowed less the total amount of,

- a) grants received under Section 85 of the Act;
  - b) commuted payments made in respect of lands assessed within the municipality; and
  - c) money paid under subsection 61(3) of the Act; and,
- and such debentures shall be made payable within 5 years from the date of the debenture and shall bear interest at a rate not higher than the rate charged by The Ontario Municipal Improvement Corporation on the date of sale of such debentures.

- 4. A special equal annual rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads as set forth in the report hereto to be collected in the same manner and at the same time as other taxes are collected.
- 5. For paying the amount of \$2,555,208.06 being the amount assessed upon the lands, a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the City of Port Colborne in each year for 5 years after the passing of this by-law to be collected in the same manner and at the same time as other taxes are collected.
- 6. If the actual of the drainage works varies from the estimated costs as set out in the report, the actual cost shall be assessed, levied and collected upon and from the said parcel of land in the same proportions and in the same manner as provided in the report in Schedule “A” 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.
- 7. This By-law may be cited as “The Point Abino Municipal Drain By-law” and shall come into force on the day of its final passing.

Read a first and second time and provisionally adopted this 7<sup>th</sup> day of July 2025.

\_\_\_\_\_  
William Steele  
MAYOR

\_\_\_\_\_  
Jessica Beaupre  
DEPUTY CLERK

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

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

\_\_\_\_\_  
Clerk