

The Corporation of the City of Port Colborne

By-Law No. 6827/77/20

Being a By-law to Provide for a Section 4 and Section 78 Engineer's Report for a Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara Known as the Michener Municipal Drain

Whereas the Michener 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 Michener Drain is a municipal drain tributary of the Wignell Municipal Drain, situated in the City of Port Colborne; and

Whereas on the 23rd day of July, 2018, the Council of the City of Port Colborne appointed Paul Marsh, P. Eng of EWA Engineers Inc., to prepare a new 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 Michener Municipal Drain Report, dated May 7, 2020, prepared by Paul Marsh, P. Eng., of EWA Engineering Inc., which report was filed with the City Clerk on June 22, 2020, containing plans, profiles and assessment schedules for the construction and future maintenance of the Michener Municipal Drain, and is attached hereto and forms part of this by-law; and

Whereas the total estimated cost the Michener Drain, inclusive of the Engineer's Report, construction, contract administration and HST (net) is \$199,021.32; and

Whereas \$38,311.68 is the total estimated cost assessed to the City of Port Colborne for their roads and parcels; and

Whereas on the 22nd day of June, 2020 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 Engineering & Operations Report 2020-73; and

Whereas the Council of The Corporation of the City of Port Colborne, at its meeting of October 26, 2020 approved the Department of Engineering & Operations, Engineering Division, Report No. 2020-146, Michener Municipal Drain Meeting to Consider, whereby the proposed drainage works was deemed necessary and desirable;

Now therefore the 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 as May 7, 2020, 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 \$199,021.32, excluding HST, being the amount necessary for payment of the cost of the said drainage works.
3. The Corporation may arrange for the issuance 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 and roads assessed within the municipality;
 - c) money paid under subsection 61(3) of the Act;

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 Schedule “B” hereto to be collected in the same manner and at the same time as other taxes are collected.
- 5. For paying the amount of \$38,311.68 being the amount assessed upon the lands and roads belonging to or controlled by the municipality, 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 Schedule “B” forming part of this By-law, the actual cost shall be assessed, levied and collected upon and from the said parcels of lands and roads and parts of parcels in the same proportions and in the same manner as provided in the 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.
- 7. That all assessments of \$50.00 or less are payable the first year in which the assessment is imposed upon the land assessed, as provided for under Section 61(3) of the *Drainage Act*, R.S.O. 1990.
- 8. This By-law may be cited as “The Michener 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 26th day of October, 2020.

William Steele
Mayor

Amber La Pointe
City Clerk

Read a Third time and enacted this 8th day of March, 2022.

Head of Council

City Clerk