

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 Schihl 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 6708/72/19, Being a By-law to Provide for Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara, known as the Schihl Municipal Drain, was enacted the 15th day of October, 2019, and provided for the construction of the Schihl Municipal Drain based on the estimates contained in the drainage report dated March 28, 2019, as submitted by Neal Morris P. Eng, from the firm of K. Smart Associates Ltd.; and

Whereas the Drainage Works was completed as per the Engineer's Report, as amended, and the total actual costs incurred were \$363,000.71 compared to an original estimated cost of \$390,980. Actual costs for the drain were 7.16% under the Engineer's estimate. The net cost of the project to be billed to the watershed is \$222,347.49. The net cost is inclusive of two components. The first is an OMAFRA (Ontario Ministry of Agriculture, Food and Rural Affairs) grant for farm parcels, a total of \$35,853.23 has been received. The second are allowances provided by the Engineer for payment to the parcel owners for affected land for right of way and damages, a total of \$104,800. The amount of \$104,800 is raised as a part of the overall project and is apportioned to all the property assessed through the project.

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 in accordance with Schedule 'A', attached hereto, being the amounts to be charged for completing the construction of the drainage works known as the Schihl Drain for the portions of work within the Town of Fort Erie, 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 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 Schihl Drain.
3. 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 September 1, 2022 shall be added to the final tax bill beginning in the year 2023 and ending in the year 2027.
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 6708/72/19 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 26th day of April, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk