

The Corporation of the City of Port Colborne

By-Law No. \_\_\_\_\_

Being a By-law to Levy the Actual Costs Incurred in  
Constructing a Drainage Works  
Known as the St. John's Marsh 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 Fort Erie By-law 115-2016, Being a By-law to Provide for Drainage Works in the Town of Fort Erie in the Regional Municipality of Niagara, known as the St. John's Marsh Municipal Drain, was enacted the 24th day of April, 2017, and provided for the construction of the St. John's Marsh Municipal Drain based on the estimates contained in the drainage report dated April 8, 2016, 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 \$278,570.00 compared to an original estimated cost of \$303,555.00. Actual costs for constructing the drain were 8.23% under the Engineer's estimate; and

Whereas the Town of Fort Erie has invoiced the City of Port Colborne for drainage works related to lands assessed with the City of Port Colborne the amount of \$6,980.00 and it is the City of port Colborne's responsibility to pay this invoice and in turn, invoice the property owners who have benefitted from the drainage works.

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

1. That the Treasurer levy the 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 St. John's Marsh Drain.
2. 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 December 31, 2022 shall be added to the final tax bill beginning in the year 2023 and ending in the year 2027.
3. 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.
4. This by-law shall come into force and take effect on the day of its final passing.

Enacted and passed this 23rd day of August, 2022.

---

William C. Steele  
Mayor

---

Nicole Rubli  
Acting City Clerk