

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2023 – 097**

**A By-law to Amend By-law 2020-062 for the John Parks Drain No. 2**

---

**WHEREAS** a request for improvement of the John Parks Drain No. 2 was received under Section 78 of the Drainage Act;

**WHEREAS** Council of the Corporation of the Town of Amherstburg appointed an engineer for the purpose of preparation of an engineer's report for John Parks Drain No. 2 Improvements under Section 78 of the Drainage Act;

**WHEREAS** By-law 2020-062 is a By-law to provide for the levying of costs for the improvement works to John Parks Drain No. 2;

**WHEREAS** Collection of actual costs related to the John Parks Drain No. 2 Improvement works was approved by By-Law 2020-062, and given first, second and third reading;

**WHEREAS** \$195,182.00 was the approved estimated cost of repairing and improving the drainage works;

**WHEREAS** \$294,617.98 is the final cost to be recovered by lands and roads liable for their contribution of drainage works.

**WHEREAS** the report from the Towns Drainage Superintendent, dated July 24, 2023 and was considered by the Amherstburg Drainage Board at their meeting held on August 9, 2023;

**AND WHEREAS** the schedule of assessment as presented by R. Dobbin Engineering Inc. revised for the Court of Revision held on January 5, 2021, be used to assess actual costs;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg hereby amends By-law 2020-062 to strike the following sections and insert the following:

**1. AUTHORIZATION**

The assessment upon lands and roads that are liable for their contribution to the John Parks Drain No. 2 be assessed the actual cost Council was obligated to raise.

**2. RECOVERING**

The Corporation of the Town of Amherstburg may recover to the credit of the Corporation the amount of \$294,617.98 being the amount used for the improvements of the drainage works.

**3. DEBENTURE(S)**

The Corporation may issue debenture(s) for the amounts collected less the total amount of:

- (a) Grants received under section 85 of the Drainage Act;
- (b) Monies paid as allowances;
- (c) Commuted payments made in respect of lands and roads assessed with the municipality;
- (d) Money paid under subsection 61(3) of the Drainage Act; and
- (e) Money assessed in and payable by another municipality.

**4. RECEIPT OF PAYMENT**

Such debenture(s) shall be made payable within 5 years from the date of the

debenture(s) and shall bear interest at a rate not higher than 1% more than the municipal lending rates as posted by The Town of Amherstburg's Bank's Prime Lending Rate on the date of sale of such debenture(s).

(1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads and shall be collected in the same manner and at the same as other taxes are collected in each year for 5 years after the passing of this by-law.

(2) All assessments of \$1000.00 or less are payable in the first year in which the assessments are imposed.

Read a first, second and third time and finally adopted this 25<sup>th</sup> day of September, 2023.

---

MAYOR – MICHAEL PRUE

---

CLERK – KEVIN FOX