

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2021 – 016

**By-law to provide for the Improvements to the Charles Shepley Drain based on
the Drainage Report by R. Dobbin Engineering Inc.**

WHEREAS a request for improvement of the Charles Shepley Drain 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 the improvements of the Charles Shepley Drain under section 78 of the Drainage Act;

WHEREAS Council of the Corporation of the Town of Amherstburg has authorized Mike Gerrits, P. Eng., to prepare a report and said engineer's report dated January 18, 2021,;

AND WHEREAS the report was considered by the Amherstburg Drainage Board at the meeting held on March 2, 2021.

AND WHEREAS the report was appealed to the Ontario Drainage Tribunal at a meeting held on October 20, 2021;

AND WHEREAS the revised report, submitted by Mike Gerrits, P. Eng., R. Dobbin Engineering Inc., dated December 7, 2021, per the Decision of the Drainage Tribunal dated November 10, 2021 and the Decision of the Court of Revision held on June 1, 2021, and can be referenced as Schedule A, as attached hereto

AND WHEREAS \$73,336.00 is the estimated cost of improving the drainage works;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report

2. BORROWING

The Corporation of the Town of Amherstburg may borrow on the credit of the Corporation the amount of \$73,336.00 being the amount necessary for the improvements of the drainage works.

3. DEBENTURE(S)

The Corporation may issue debenture(s) for the amount borrowed 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. 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 and second time and provisionally adopted this 8th day of March, 2021.

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY

Read a third time and finally passed this ____ day of _____, 2021.

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY