

The Corporation of the Township of Pelee

By-law 1634

Being a by-law to provide for drainage work for the
Repair of the Big Marsh Drain No. 2 and Outlet
In the Township of Pelee in the County of Essex

WHEREAS the Council of the Township of Pelee has accepted a petition in accordance with the provisions of Section 78 of the Drainage Act, R.S.O. 1990, requesting that the following lands be drained by the drainage works;

Lots 13, R.P. 338 and Lot 1, R.P. 384

AND WHEREAS the Council of the Township of Pelee is of the opinion that drainage of the area is desirable and has procured a report prepared by Dillon Consulting Limited dated October 5, 2005;

AND WHEREAS the estimated cost of constructing the drainage work is \$23,000.00;

NOW THEREFORE The Council of the Corporation of the Township of Pelee, pursuant to the Drainage Act, R.S.O. 1990, **ENACTS AS FOLLOWS:**

1. The Engineer's Report, dated October 5, 2005, is hereby adopted and the drainage work as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.

2. (1) The Corporation of the Township of Pelee may borrow on the credit of the Corporation the amount of \$23,000.00, being the amount necessary for the construction of the drainage works, of which \$23,000.00 is assessed to the Pelee Island Winery.

(2) The Corporation may issue debentures 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) monies paid under Section 61 of the Act;

(d) such debentures shall be made payable within five (5) years from the date of debentures 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.

3. (i) A special equal annual rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads set forth in the Engineer's Report, to be collected in the same manner and at the same time as other taxes are collected in each year for five (5) years after the passing of this by-law.

(ii) If the actual cost of the drainage works varies from the estimated cost as set out in the Schedule of Assessment, 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 of Assessment, or as revised by the Court of Revision or some higher Court of Appeal.

(iii) Pursuant to the provisions of the Drainage Act, R.S.O. 1990, as amended, where any allowance or compensation has been determined for an owner under Subsection 29 to 33, and where the amount so determined is less than the total amount owing from that owner, then such total of allowance and compensation shall be deducted from the owner's net assessment and the said owner shall be responsible for paying the balance in the manner prescribed by the applicable rating by-law.

4. All assessments of \$100.00 or less are payable in the first year in which the assessment is imposed.

5. This by-law comes into force on the passing thereof and may be cited as the "Big Marsh Drain No. 2 and Outlet".

Read a first, second and third time and finally passed this 25th day of January, 2006


Mayor


Clerk-Treasurer

Clerk's Certificate

I, Heather Marchand, Clerk-Treasurer of the Township of Pelee, DO HEREBY CERTIFY the foregoing to be a true and complete copy of the By-law No. 1634 of the Township of Pelee in the Province of Ontario, duly passed at a meeting of the Council of the Corporation of the Township of Pelee, on the ____ day of _____, 2006 and that this By-law is in full force and effect

CERTIFIED THIS _____ day of _____, 2006

Heather Marchand, AMCT, AMTC
Clerk-Treasurer