

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2002-83**

**Being a Bylaw to establish a water rate to recover a portion of the cost of the construction of water works in the Town of Amherstburg**

**WHEREAS** the Municipal Act, R.S.O. 1990 c. M. 45, Section 221 authorizes Council to establish a water rate upon owners or occupants of land who derive or will or may derive a benefit from the construction of the waterworks to pay all or such portion of the capital costs of the works as specified;

**AND WHEREAS** Boblo Island has an antiquated water plant that requires upgrading to comply with provincial standards;

**AND WHEREAS** the Super Build Funding Program has approved funding for the construction of a waterline from the mainland to Boblo Island

**AND WHEREAS** the Town of Amherstburg deems it desirable to construct a watermain from the mainland to Boblo Island to provide potable water for the Island;

**AND WHEREAS** the Town of Amherstburg desires to assess on an acreage basis at the time of development the Town share of the cost of the project to the presently undeveloped lands as described in Schedule A and Schedule B (Plan) attached to and forming part of this bylaw;

**AND WHEREAS** the Town share of the project to be charged to the lands described in Schedule A and Schedule B (Plan) is \$605,666.00

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE**


**TOWN OF AMHERSTBURG ENACTS AS FOLLOWS:**

- 1.** That the construction of a water main between the mainland and Boblo Island be authorized.
- 2.** That the Town's share of the cost of the water main project, estimated to be \$605,666.00 plus interest calculated at 8% per annum calculated on outstanding principal be levied from the date of substantial completion of the water main, as a water works rate, on the undeveloped lands as described in Schedule "A" and Schedule "B" (Plan) attached hereto, on an acreage basis, for a term of twenty years.
- 3.** That the said water works rate in respect of the said water main, together with interest incurred to date, shall be paid by the owners of the said lands on a pro-rated basis, at the time development approval is obtained by the said owners, on any part or parts of the said undeveloped lands.
- 4.** In the event that any or all of the outstanding principal and interest remains unpaid at the expiry of twenty years, calculated from the date of substantial completion of the said water works by the Town, the entire balance then outstanding shall immediately become fully due and payable, and collected in the same manner as municipal taxes are collectible.

5. The water rate imposed upon any owner or occupant of land is a lien and charge upon the land, and if the rate or any part thereof remains unpaid after the due date the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the Clerk upon notice to the owner or occupant of the amount due for which a lien is claimed shall enter the same upon the collector's roll, and the collector shall proceed to collect it in the same way as municipal taxes are collected.
6. That this bylaw be registered on the titles of the lands as described in Schedule "A" and Schedule "B" (Plan).

Read a first, second and third time and finally passed this 16<sup>th</sup> day of December, 2002.

  
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MAYOR

  
\_\_\_\_\_  
CLERK

SCHEDULE 'A' TO BY-LAW 2002-83

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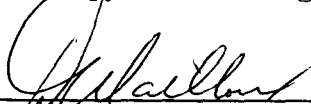
LAND TITLES DIVISION OF ESSEX (12)  
IN THE TOWN OF AMHERSTBURG  
(Geographic Township of Malden)  
COUNTY OF ESSEX

- FIRSTLY:** Part of Bois Blanc Island (Bob-Lo Island)  
Designated as Part 2, Plan 12R- 20127  
  
Being Part of PIN 01569-0005
- SECONDLY:** Part of Bois Blanc Island (Bob-Lo Island) and  
Part of Water Lot Adjoining Thereto (CLS 58410)  
Designated as Parts 1 to 6 (Inclusive), Plan 12R-16059, except Parts 10, 11 and 12,  
Plan 12R-16260; Parts 1 and 2, Plan 12R-16199; and Part 1, Plan 12R-16226  
  
Being All of PIN 01569-0006
- THIRDLY:** Part of Bois Blanc Island (Bob-Lo Island) and  
Part of Water Lot Adjoining Thereto (CLS 58410)  
Designated as Parts 10, 11 and 12, Plan 12R-16260;  
Parts 1 and 2, Plan 12R-16199; and Part 1, Plan 12R-16226  
  
Being All of PIN 01569-0007
- FOURTHLY:** Part of Bois Blanc Island (Bob-Lo Island) and  
Part of Water Lot Adjoining Thereto (CLS 58410)  
Designated as Part 15, Plan 12R-14574; Parts 8 and 28, Plan 12R-15216; and  
Part 20, Plan 12R-16149  
  
Being All of PIN 01569-0121
- FIFTHLY:** Part of Bois Blanc Island (Bob-Lo Island) and  
Part of Water Lot Adjoining Thereto (CLS 58410)  
Designate as Parts 1 to 9 (Inclusive), Plan 12R-16260  
  
Being All of PIN 01569-0130
- SIXTHLY:** Part of Bois Blanc Island (Bob-Lo Island)  
Designated as Part 4, Plan 12R- 20127  
  
Being Part of PIN 01569-0262
- SEVENTHLY:** Part of Bois Blanc Island (Bob-Lo Island)  
Designated as Parts 27 to 53 (Inclusive) and Part 55, Plan 12R-16199; and  
Parts 2 to 14 (Inclusive), Plan 12R-16226  
  
Being All of PIN 01569-0264

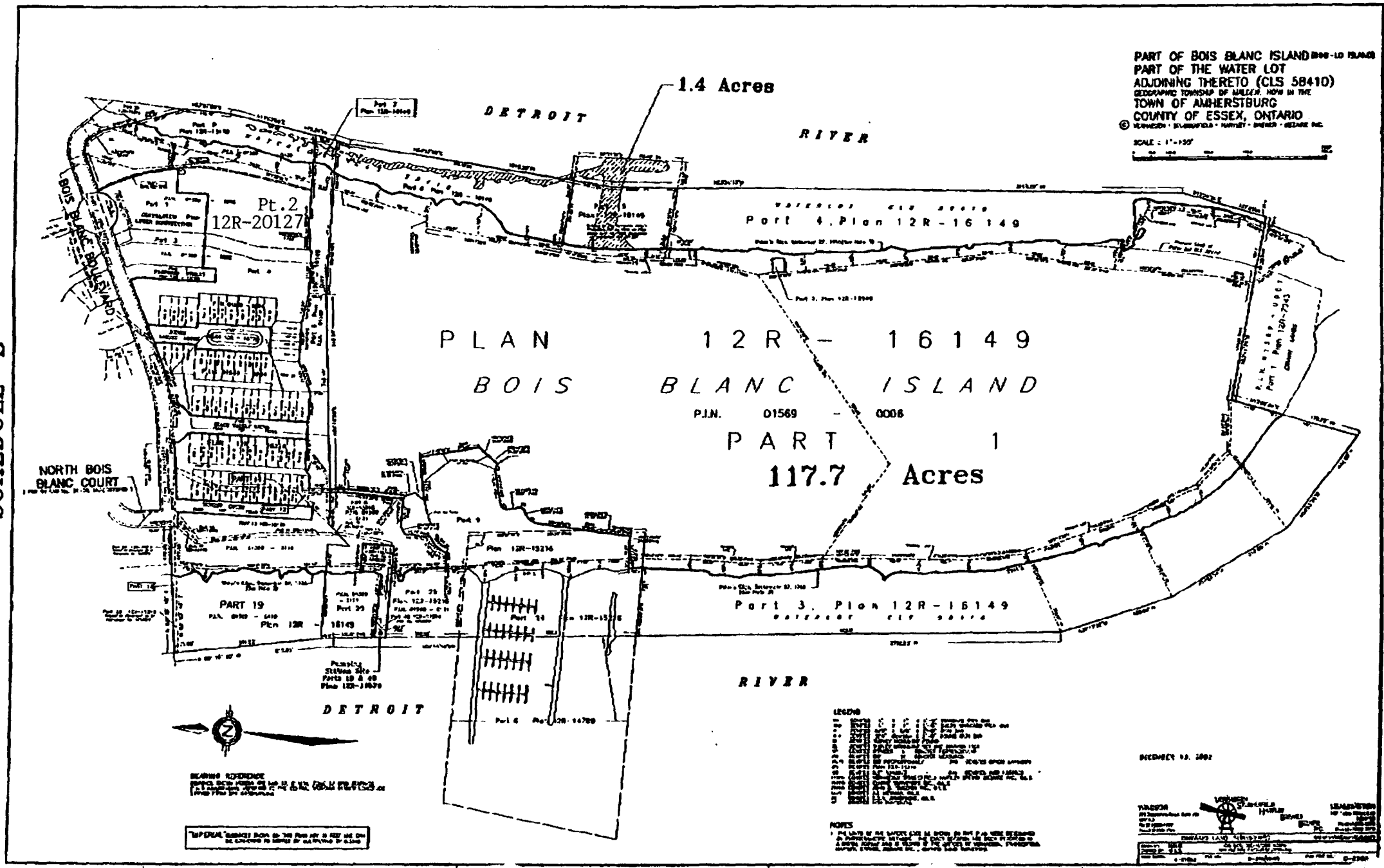
REGISTRY DIVISION OF ESSEX (12)  
IN THE TOWN OF AMHERSTBURG  
(Geographic Township of Malden)  
COUNTY OF ESSEX

- EIGHTHLY:** Part of Bois Blanc Island (Bob-Lo Island)  
Designated as Parts 16 to 40 (Inclusive) and 42 to 50 (Inclusive), Plan 12R-16226  
  
Being All of PIN 01569-0119

I hereby certify that this is a  
true copy of the original document.

  
\_\_\_\_\_  
David Mailloux, Clerk

SCHEDULE 'B' TO BY-LAW 2002-83



PART OF BOIS BLANC ISLAND 8800-10 ISLAND  
 PART OF THE WATER LOT  
 ADJOINING THERETO (CLS 58410)  
 GEOGRAPHIC TOWNSHIP OF MALLER, NOW IN THE  
 TOWN OF AMHERSTBURG  
 COUNTY OF ESSEX, ONTARIO  
 © SCHMIDT, SUNDWALD, HARTLEY, BREMER & BEZALE INC.  
 SCALE: 1" = 100'

I hereby certify that this is a  
 true copy of the original document.

*David Mailoux*  
 David Mailoux, Clerk

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DECEMBER 13, 2002

BEARING REFERENCE  
 THE BEARING REFERENCE IS TO THE PLAN AND IS NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY.

"THIS PLAN" SUBJECT HEREIN IS THE PLAN AND IS NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY.

FOR OFFICE USE ONLY

1540340

CERTIFICATE OF REGISTRATION  
CERTIFICAT DE REGISTREMENT  
ESSEX (E2) WINDSOR

03 MAY 5 AM 10 47



AND REGISTRAR/REGISTRATEUR

(1) Registry  Land Titles  (2) Page 1 of 5 pages

(3) Property Identifier(s) Block 01569 Property 0119 Additional: See Schedule

(4) Nature of Document  
**BY-LAW No. 2002-83**

(5) Consideration  
Dollars \$

(6) Description  
**Part of Bois Blanc Island (Bob-Lo Island) designated as Parts 16 to 40 (inclusive) and 42 to 50 (inclusive), Plan 12R-16226 Town of Amherstburg, County of Essex**  
  
**See Schedule attached**

New Property Identifiers Additional: See Schedule

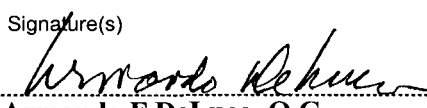
Executions Additional: See Schedule

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch  (b) Schedule for: Description  Additional Parties  Other

(8) This Document provides as follows:  
**By-Law No.. 2002-83 attached**

Continued on Schedule

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)  
Name(s) Signature(s) Date of Signature  
Y M D  
**THE CORPORATION OF THE TOWN OF AMHERSTBURG**  2003 04 28  
**(SOLICITOR) by its solicitor** **Armando F DeLuca, Q.C.**

(11) Address for Service **271 Sandwich St. s., Amherstburg, Ontario N9V 2Z3**

(12) Party(ies) (Set out Status or Interest)  
Name(s) Signature(s) Date of Signature  
Y M D

(13) Address for Service

(14) Municipal Address of Property  
**Bo. Island  
Amherstburg, Ontario**

(15) Document Prepared by:  
**ARMANDO F. DELUCA, Q.C.  
MOUSSEAU, DELUCA, MCPHERSON,  
PRINCE, LLP  
500-251 GOYEAU ST.  
WINDSOR, ONTARIO  
N9A 6V2**

Fees and Tax	
Registration Fee	60
<b>Total</b>	60

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