

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2024 – 004

Amending By-law to provide for the Levying of costs for the Bridges Over the Owen Bondy Drain based on the Drainage Report by N.J. Peralta Engineering Ltd.

It is recommended:

THAT By-Law 2021-009 being a Capital Drain By-Law to provide for the assessment upon the lands and roads liable to contribute for drainage works that has been acted upon by the completion of the drainage works under for actual costs for which Council was obligated to raise.

WHEREAS Collection of actual costs related to the Bridges Over the Owen Bondy Drain works approved by By-Law 2024-004 and, be given first, second and third reading;

WHEREAS \$56,056.00 was the approved estimated cost of repairing and improving the drainage works;

WHEREAS \$101, 353.54 is the actual cost to be recovered by lands and roads liable for their contribution of drainage works.

WHEREAS the report from the Towns Drainage Superintendent, dated December 7, 2023 and was considered by the Amherstburg Drainage Board at their meeting held on December 13, 2023;

AND WHEREAS the schedule of assessment as presented by N.J. Peralta Engineering Ltd. for the Court of Revision held on March 2, 2021, be used to assess actual costs;

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

1. AUTHORIZATION

The assessment upon lands and roads that are liable for their contribution to the Tremblay Drain 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 \$101,353.54 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 adopted this 29th day of January, 2024.


MAYOR – MICHAEL PRUE


CLERK – KEVIN FOX