

# The Corporation of the Town of Essex

## By-Law Number 2301

Being a by-law to provide for the Richmond Drain: 5th Concession Road Bank Repair Phase 1 & 2, Geographic Township of Colchester South, Project REI2022D010, Town of Essex, County of Essex

**WHEREAS** the Town of Essex Drainage Department recommended that Council appoint a Drainage Engineer to prepare a drainage report for the Richmond Drain, 5th Concession Road Bank Repair Phase 1 & 2, Geographic Township of Colchester South, Project REI2022D010, Town of Essex, County of Essex;

**AND WHEREAS** Section 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended, states that the Council of any municipality that is responsible for maintaining and repairing the drainage works considers it appropriate to undertake one or more of the minor improvement projects permitted for the better use, maintenance or repair of the drainage works or of lands or roads; the municipality may undertake and complete the project in accordance with the report of an engineer following the prescribed process set out in O. Reg 500/21;

**AND WHEREAS** an Engineer's Drainage report dated November 15, 2023, and considered by the Drainage Board at its December 12, 2023, Consideration of Report meeting, has been procured and made by Gerard Rood, Professional Engineer, Rood Engineering Inc. and that the said report is attached hereto and forms part of this by-law as Schedule "A" hereto;

**AND WHEREAS** the Council of the Corporation of the Town of Essex is of the opinion that the said drainage works and/or improvements are warranted and desirable;

**NOW THEREFORE** be it resolved that the Council of The Corporation of the Town of Essex hereby enacts as follows:

1. That the Engineer's Drainage report dated November 22, 2023, and considered by the Drainage Board at its December 12, 2023, Consideration of Report meeting and attached hereto as Schedule "A" to this By-Law is hereby adopted and that the said drainage works and/or improvements as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.
2. That the Corporation may issue debentures for the amount borrowed less the total amount of:
  - Grants received under Section 85 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended;
  - Commuted payments made in respect of lands and roads assessed within the Municipality;
  - Money paid under Section 61(3) of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended;

and such debentures shall be made payable: a) in the case of assessments in value of between \$1,500.00 and \$7,499.99 within (5) five years from the date of the debenture and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s); or b) in the case of assessments in value of \$7,500.00 and greater, within (10) ten years from the date of the debenture and shall bear interest at a rate not higher than 2% more

than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

3. That a special equal annual rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads as set forth in the Schedule, to be collected in the same manner as other taxes collected in each year for (5) five or (10) ten years (as applicable) after the passing of this by-law.
4. For paying the amount assessed upon the lands and roads belonging to or controlled by the Municipality, a special rate sufficient to pay the amount assessed plus interest thereon, shall be levied upon the whole rateable property in the Town of Essex, in each year for five years after the passing of this by-law to be collected in the same manner and at the same time as other taxes are collected.
5. All assessments of \$1,499.99 or less are payable in the first year in which the assessment is imposed.
6. The by-law comes into force on the passing thereof and may be cited as "Richmond Drain: 5th Concession Road Bank Repair Phase 1 & 2".

**Read a first and a second time and provisionally adopted on January 15, 2024.**

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Mayor

\_\_\_\_\_  
Clerk

**Read a third time and finally passed on [Month Day, Year].**

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Mayor

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Clerk