

The Corporation of the Town of Essex

By-Law Number 1987

Being a by-law to provide for the Relocation of the Rush Drain, Former Township of Colchester North Now in the Town of Essex, File No. 19-1023

Whereas the Town of Essex Drainage Department recommended that Council appoint a Drainage Engineer to prepare a drainage report for the Relocation of the Rush Drain, Former Township of Colchester North Now in the Town of Essex, File No. 19-1023.

And Whereas Section 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010, states that the Council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof, may on the report of an Engineer appointed by it, complete the drainage works as set forth in such report;

And Whereas an Engineers Drainage report dated January 8, 2021 and considered by the Drainage Board at its January 21, 2021 Consideration of Report meeting, has been procured and made by Tim R. Oliver, Professional Engineer, Dillon Consulting 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 the Council of The Corporation of the Town of Essex pursuant to the Drainage Act enacts as follows:

1. That the considered report dated January 8, 2021 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 of the Town of Essex may borrow on the credit of the Corporation the amount of \$1,024,500, the amount necessary for the construction of the said drainage works.
3. Save and except for the properties identified as "Block B" in the Report attached hereto as Schedule 'A' to this By-law, the Corporation may issue debentures in respect of the lands identified in the Schedule(s) to the Report, in

accordance with and as further described below, 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, 2010;
- 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 2010;

and such debentures shall be made payable: a) in the case of assessments in value of between \$1,500.00 and \$7,500.00 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 greater than \$7,500.00 , 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)

4. 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.
5. 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.
6. All assessments of less than \$ 1,500.00 are payable in the first year in which the assessment is imposed.
7. The by-law comes into force on the passing thereof and may be cited as "Relocation of the Rush Drain".

Read a first and a second time and provisionally adopted on February 1, 2021.

Mayor

Clerk

Read a third time and finally passed on

Mayor

Clerk