

THE CORPORATION OF THE
T O W N O F P E L H A M
By-LAW # 366 (1976)

Being a by-law to provide for the maintenance, repair, and improvement of the Big Creek Drain, a Municipal Drain in the Town of Pelham in the Regional Municipality of Niagara and for borrowing on the credit of the municipality the sum of one hundred and forty-one thousand two hundred and thirty-six dollars for carrying out the maintenance, repair and improvement.

PROVISIONALLY adopted this 31st. day of May, 1976.

WHEREAS the Council of the Corporation of the Town of Pelham deems it expedient, for the better use and maintenance of the Big Creek Drain, hereinafter referred to as "The Drain", to initiate the maintenance, repair and improvement of the Drain from its outlet in the Welland River in the City of Welland in the Regional Municipality of Niagara to the outlet of the James Swayze Drain in Lot #14, Concession #13, in the Town of Pelham in the said Regional Municipality, formerly in the Township of Pelham in the County of Welland;

AND WHEREAS, thereupon the Council by resolution dated the 22nd. day of November, 1971 instructed Wilfred J. Smith & Associates Limited, Consulting Engineers to bring in a Report and Assessment under the authority of Section 52 of the Drainage Act, R.S.O. 1962-63, Chapter 39;

AND WHEREAS Council has procured the Report of R. Blake Erwin, P. Eng. on behalf of Wilfred J. Smith & Associates Limited dated the 11th. day of February, 1974;

AND WHEREAS, pursuant to the provisions of Section 28 of the Drainage Act, R.S.O. 1970, Chapter 136 the said Engineers Report, the Council by resolution dated the 10th. day of February, 1975 referred the Report back to Wilfred J. Smith & Associates Limited, for revision and reconsideration of the matter of the number of bridges;

AND WHEREAS the Council has procured an Amended Report and Assessment prepared by R. Blake Erwin, P. Eng. on behalf of Wilfred J. Smith & Associates Limited dated the 6th. day of November, 1975 containing the plans, specifications and estimates of maintenance, improvements and repairs including the construction of and the number of bridges and assessments to be made against all the owners of the lands affected by such maintenance, improvements and repairs stating as nearly as he can a proportion of the benefit which will be derived or incurred in consequence of such maintenance, repairs and improvements and the assessment to be made against those benefited as set forth and described in the said Amended Report which is shown as Schedule "A" attached hereto and forming part of this by-law;

con't.....

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM, pursuant to the provisions of the Drainage Act, enacts as follows:

(1) The Report of November 6th., 1975 and Assessments, plans, and specifications and estimates included in said report are hereby adopted, and the maintenance, improvements and repairs including the construction of bridges as recommended are hereby authorized and shall be completed in accordance therewith. Said report is attached hereto as Schedule "A" and forms part of this by-law.

(2) The Corporation of the Town of Pelham may borrow on the credit of the Corporation the sum of One Hundred and Forty-one Thousand, Two Hundred and Thirty-six Dollars being the municipality's proportion of the funds necessary for the maintenance, improvements and repairs including the construction of bridges and not otherwise provided for; subject to the approval of the Ontario Municipal Board, the Regional Municipality of Niagara shall issue debentures in the aggregate principal amount sufficient to provide the total net cost of such undertaking after deducting any amounts received for or in respect of such undertaking by way of grants, subsidies or contribution from the Province of Ontario or any other source. The debentures hereby authorized shall be issued within the time limited by-law. The debentures shall be dated, bear interest at such rate of interest, shall be payable in such currency and at such place or places, shall mature within 10 years subject to Ontario Municipal Board approval and shall have such other attributes, conditions and terms as the Council of the Regional Municipality of Niagara shall by by-law hereinafter called the Debenture By-law provide, subject to the approval of the Ontario Municipal Board.

(3) For paying the sum of \$2,480.51, the amount charged against such lands and roads for benefit, and the sum of \$128,472.23 the amount charged against such lands and roads for outlet liability, both being the assessment against the Town of Pelham and for covering interest thereon for 10 years, at the estimated rate of 9% per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the under-mentioned parcels of land and parts of parcels and roads, and the amount of the total special rates and interest against each parcel or part of parcel respectively shall be divided into equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year, for 10 years, after the final passing of this by-law, during which the debentures have to run, provided that no greater amount shall be levied than is required after taking into account and crediting the amount of grants under subsections (2) and (3) of Section 64 of the Drainage Act, the amount of monies paid under a by-law passed under subsection 4 of Section 41 of that Act and commuted payments with respect to the lands and roads assessed.

con't.....

(4) For paying the sum of \$10,283.26, the amount assessed against such roads and lands of the Corporation of the Town of Pelham and for covering interest thereon for 10 years at the estimated rate of 9 percent per annum a special rate, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the Town of Pelham in each year for 10 years after the final passing of this by-law, during which the debentures have to run.

(5) This by-law shall be printed and mailed, pursuant to the provisions of Section 29 of the Drainage Act and shall come into force upon and after the final passing thereof and may be cited as Report and Assessment of the Big Creek Drain, 1975.

READ A FIRST AND SECOND TIME,
AND PROVISIONALLY ADOPTED THIS
31st. DAY OF May, 1976 A.D.


MAYOR


CLERK

READ A THIRD TIME AND FINALLY
PASSED BY COUNCIL THIS 19th.
DAY OF DECEMBER , 1977 A.D.


MAYOR


CLERK