

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW #386 (1976)

Being a by-law to provide for the preparation of construction drawings and approval of same for a water distribution system to serve lands within the Town of Pelham to be defined herein as the Pelham Water Area #1.

WHEREAS under the provisions of the Municipal Act, R.S.O. 1970, Section 354 (1), Paragraph 53, by-laws may be passed by the Council's of local municipalities for authorizing the extension of water works without the assent of electors if the by-law authorizing the undertaking has been approved by the Ontario Municipal Board and passed by a vote of three-fourths of all members of Council;

AND WHEREAS under the provisions of Section 362 (4) of the said Municipal Act, subject to the approval of the Ontario Municipal Board, Council's of local municipalities may, by by-law, designate the land for which the owners or occupants are made liable for the water rates imposed, and where the land designed does not comprise all lands within the municipality, may define the water area in the by-law;

AND WHEREAS the Director of the Regional Health Unit has determined the existence of a large number of polluted private wells serving some of the properties within the said Fenwick Water Area;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it expedient and necessary to provide for the supply of potable water by the construction of a water distribution system together with all necessary appurtenances to serve the lands within the Pelham Area #1;

AND WHEREAS the Council of the Corporation of the Town of Pelham wishes to limit the extent of the construction work for the present to the preparation of engineering construction drawings and cost estimates,

AND WHEREAS the Town Engineer in his report dated October 25th., 1976 entitled "Fenwick Water Services" advises that the total cost of the preparation of the said engineering construction drawings for the said Pelham Water Area #1 and application to the appropriate authority for the necessary approvals to be \$20,000.00;

AND WHEREAS the estimated lifetime of the said water distribution system is 20 years or more;

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AND WHEREAS the Council deems it to be expedient and desirable to proceed with the establishment of the said Area and the said design work;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

(1) THAT the preparation of engineering construction drawings as recommended by the Town Engineer be hereby authorized at an estimated cost of \$20,000.00.

(2) THAT the lands adjoining the streets described in Schedule "A" attached to and forming part of this by-law be served by the said water works.

(3) THAT the lands described on Schedule "B" attached to and forming a part of this by-law be known hereafter as the Pelham Water Works Area #1.

(4) THAT the total estimated cost of the said work amounting to \$20,000.00 be assessed and levied as follows:

(a) a rate on the dollar on all rateable property in the Pelham Water Works Area #1 defined herein.

(5) THAT the Notice of Application to the Ontario Municipal Board, appended hereto as Schedule "C" be inserted in the local newspapers as prescribed by the Ontario Municipal Board.

(6) THAT the Town's consulting engineering firm of Proctor & Redfern Limited to forthwith make such plans, profiles and specifications and furnish such information as may be necessary for obtaining the necessary approvals.

(7) THAT the Treasurer, subject to the approval of Council, may agree with any bank or person for temporary financing to meet the cost of the said works pending the completion thereof.

(8) THAT the debentures to be issued for the loan be effected to pay for the cost of the works when completed shall be the responsibility of the Regional Municipality of Niagara and shall be payable in twenty (20) years on the installment plan.

(9) THIS By-law does not come into force or take effect until approved by the Ontario Municipal Board.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED IN COUNCIL BY
THREE-FOURTHS VOTE THEREOF ON THE
8th. DAY OF November, 1976 A.D.

Douglas C. Beatty A.M.
MAYOR

[Signature]
CLERK

SCHEDULE "A"

to
By-law #386 (1976)

DESCRIPTION OF PELHAM WATER AREA #1

COMMENCING at the southeast corner of the former Township of Pelham, Lot 17, Concession 9;

THENCE northerly along the east boundary of the said Lot 17, Concession 9 for a distance of 400 feet;

THENCE easterly along a line parallel to the north limit of West Canboro Street to a point in the said line distant 400 feet measured westerly along the said parallel from the west limit of Maple Avenue;

THENCE northerly parallel to the said west boundary of Maple Avenue to a point which is 300 feet north of the line between the north and south halves of the former Township of Pelham, Lot 16 in Concession 9;

THENCE easterly along a line parallel to the said line between the north and south halves of former Township Lots 16, 15, 14 and 13 in Concession 9 to a point measured along the said parallel line 200 feet east of the east limit of Balfour Avenue;

THENCE southerly along a line which is parallel to the said east limit of Balfour Street to a point 400 feet south of the south limit of Welland Street;

THENCE westerly along a line parallel to the south limit of Welland Street to a point in the said line distant 400 feet measured easterly along the said parallel line from the east limit of Church Street;

THENCE southerly along a line parallel to the said east limit of Church Street to the north limit of the Toronto-Hamilton-Buffalo Railway right-of-way;

THENCE north-westerly along the said north limit of the Toronto-Hamilton-Buffalo Railway right-of-way to its point of intersection with a line drawn parallel to and perpendicularly distant 400 feet westerly from the west limit of the said Church Street;

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THENCE northerly along the said parallel line to the south limit of the lands held by Luink and Anna Luinee otherwise known under Municipal Roll No. 15-85;

THENCE westerly parallel to the south limit of the said west Canboro Street to a point on the west boundary of the lands owned by the Roman Catholic School section known in the Municipal Assessment Rolls as No. 15-82;

THENCE northerly along the said west boundary of the lands owned by the Roman Catholic School section and the Roman Catholic Church to the south limit of West Canboro Street;

THENCE north-westerly and in a straight line to the said point of commencement.

SCHEDULE

"C"

NOTICE OF APPLICATION BY THE CORPORATION OF THE TOWN OF PELHAM FOR APPROVAL OF A BY-LAW TO PROVIDE FOR THE PREPARATION OF CONSTRUCTION DRAWINGS AND APPROVAL OF SAME FOR A WATER DISTRIBUTION SYSTEM TO SERVE LANDS WITHIN THE TOWN OF PELHAM TO BE DEFINED AS THE "PELHAM WATER AREA NO. 1" OF THE TOWN OF PELHAM AND IMPOSING A SPECIAL LEVY OR RATE ON THE DOLLAR ON ALL REAL PROPERTY WITHIN THE SAID AREA.

TAKE NOTICE THAT:

1. The Council of the Corporation of the Town of Pelham intends to apply to the Ontario Municipal Board for approval to prepare construction drawings for a water distribution system to serve lands within the "Pelham Water Area No. 1" of the Town of Pelham. The accompanying map (Schedule "B") illustrates the extent of the water area. Details of the exact limits of the area are described in a Metes and Bounds Description attached as Schedule "A" to the by-law. This by-law and attached Schedules may be seen at the office of the Clerk of the Municipality.

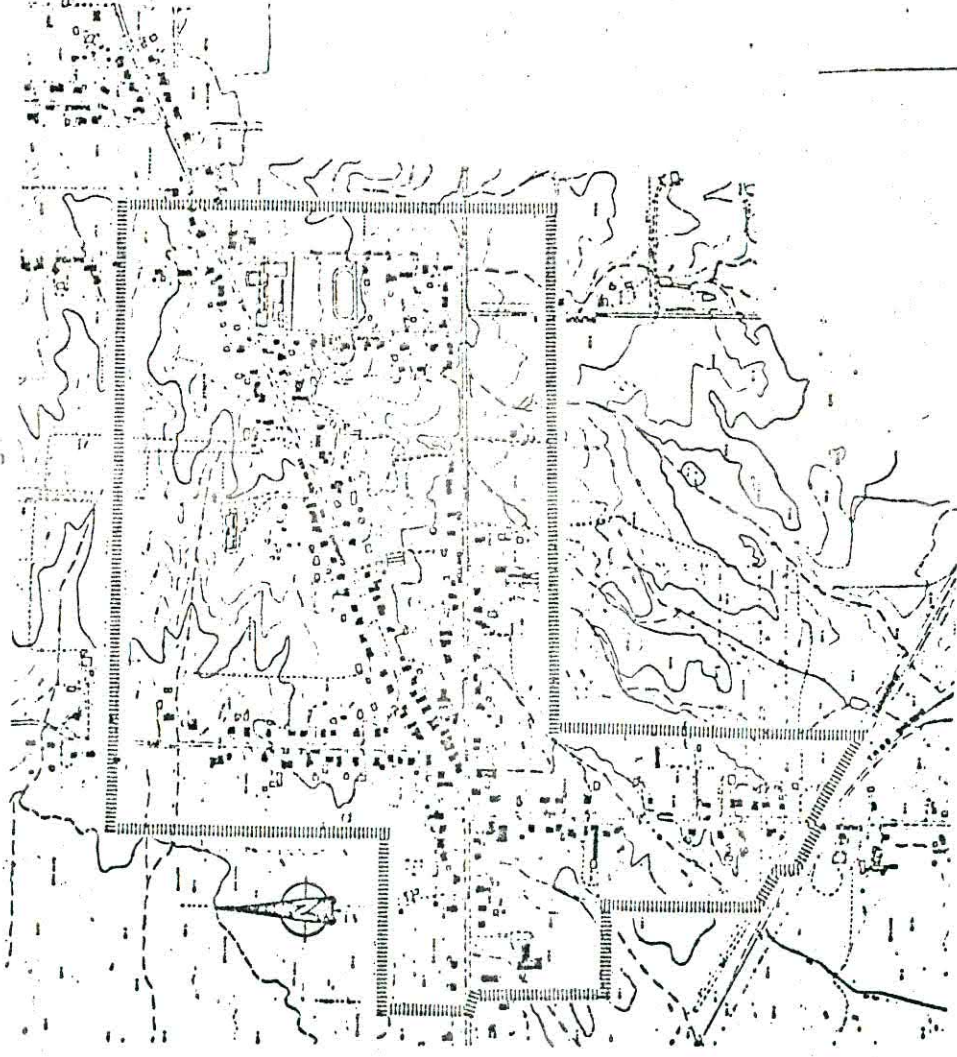
2. All real property within the said water area will be subject to a special levy or rate on the dollar (*). This additional rate of 1.44 mills will be assessed over a 20-year period.

*Based on a maximum expenditure of \$20,000.00 for the preparation of the construction drawings.

3. Any ratepayer may, within twenty-one (21) days after the first publication of this notice, send by prepaid post to the Clerk of the Town of Pelham, at the address given below, a notice in writing stating his objections to such approval or to the imposition of the special rate.

4. The Ontario Municipal Board may approve the said Water Area and the said rates pursuant to the statute and may approve of the said design of the water distribution, but before doing so may appoint a time and place for a public hearing when any objection will be considered, but notice of such hearing will be given only to those persons who have given notice of objection as provided for above.

THIS IS THE FIRST PUBLICATION OF THE
NOTICE SCHEDULE "B"



Map of the Pelham Water
Area No. 1 of the Town
of Pelham

DATED AT THE TOWN OF PELHAM THIS
8th. DAY OF November, 1976

L. C. HUNT, A.M.C.T.
CLERK-TREASURER
TOWN OF PELHAM
43 South Pelham Street
P. O. Box 400
FONTHILL, Ontario
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