



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 40-2018

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### Being a By-law to Approve the Final Assessment Levy for the Nigh Road Municipal Drain

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**Whereas** By-law No. 76-11 was passed by the Municipal Council of the Town of Fort Erie on the 20<sup>th</sup> day of June, 2011 to appoint a Drainage Engineer for the preparation of the Engineer's Report and to execute an agreement with Spriet Associates London Limited for professional engineering services for an improved outlet for Stonemill Road and Nigh Road Area; and

**Whereas** By-law No. 43-2016 was given first and second reading and provisionally adopted by the Municipal Council of the Town of Fort Erie on March 29, 2016 to adopt the new Engineer's Report prepared by Spriet Associates Engineers & Architects dated January 29, 2016 and filed with the Clerk on February 23, 2016 to provide for drainage works for the Nigh Road Municipal Drain; and

**Whereas** a Court of Revision was held on May 4, 2016 for the purpose of hearing any objections to the Schedule of Assessments for the drainage works on the Nigh Road Municipal Drain; and

**Whereas** the decision of the Court of Revision was that the appeal by Susan J. Russell be denied on the grounds that the Drainage Engineer has acted in a fair and responsible manner pursuant to the requirements of the *Drainage Act* and no evidence to the contrary was heard, and the Schedule of Assessments prepared by Spriet Associates Engineers & Architects and attached to the Engineer's Report dated January 29, 2016 be upheld; and

**Whereas** By-law No. 43-2016 received third and final reading on June 20, 2016; and

**Whereas** a Certificate of Completion of the drainage works was dated September 1, 2017; and

**Whereas** Section 61(2) of the *Drainage Act* provides the council of any local municipality may provide that persons whose lands are assessed may commute for a payment in cash the assessments imposed thereon and may prescribe the terms and conditions thereof; and

**Whereas** pursuant to the *Drainage Act*, it is necessary that the final assessments listed in Schedule "A" attached to this by-law in the amount of \$91,601.36, shall be levied and assessed against the appropriate lands as apportioned by the Engineer's Report dated January 29, 2016 as prepared by Spriet Associates Engineers & Architects;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the final assessments listed in Schedule "A" attached to this by-law in the amount of \$91,601.36 shall be levied and assessed against the appropriate lands as apportioned by the Engineer's Report dated January 29, 2016 prepared by Spriet Associates Engineers & Architects are adopted and approved.

2. **That** all assessments shall be paid as follows:
- (a) All assessments of \$5.00 or less shall be payable by the municipality from the general funds of the municipality;
  - (b) Assessments up to \$100.00 shall be added to the property tax account;
  - (c) Assessments greater than \$100.00 up to \$5,000.00 may be paid in full within forty-five (45) days from the date of the assessment billing and if not, shall be distributed over five (5) years from the date of the assessment billing and shall be calculated at an interest rate of 2.8% on the date of such billing and added to the tax roll.
3. **That** the amount of the special rate levied upon each parcel of land or part thereof shall, where applicable, in accordance with Section 2, be divided into five (5) equal amounts and one such amount shall be collected in each year of the five (5) year period after the passing of this by-law.
4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 19<sup>th</sup> day of March, 2018.**

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 40-2018 of the said Town. Given under my hand and the seal of the said Corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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## Schedule "A" to By-law No 40-2018

\* = *Non-agricultural*

|   | ROLL NUMBER | TOTAL<br>ESTIMATED<br>ASSESSMENT | TOTAL<br>ACTUAL<br>ASSESSMENT | GRANT       | MINUS<br>ALLOW. | TOTAL<br>AMOUNT<br>PAYABLE | Annual Payment<br>for Properties<br>Over \$100<br>Amortized for 5<br>years<br>(2018 - 2022) | Total of<br>Payments after<br>Amortization<br>(including<br>Interest) |
|---|-------------|----------------------------------|-------------------------------|-------------|-----------------|----------------------------|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| * | Block 1     | \$ 1,425.00                      | \$ 1,679.95                   | \$ -        | \$ -            | \$ 1,679.95                |                                                                                             | \$ -                                                                  |
| * | 10-988-05   | \$ 917.00                        | \$ 1,081.06                   | \$ -        | \$ -            | \$ 1,081.06                | \$ 234.71                                                                                   | \$ 1,173.54                                                           |
|   | 10-989-10   | \$ 223.00                        | \$ 262.90                     | \$ 87.63    | \$ -            | \$ 175.27                  | \$ 38.05                                                                                    | \$ 190.26                                                             |
| * | 10-989-07   | \$ 3,195.00                      | \$ 3,766.62                   | \$ -        | \$ 1,730.00     | \$ 2,036.62                | \$ 442.17                                                                                   | \$ 2,210.84                                                           |
| * | 10-996-05   | \$ 1,424.00                      | \$ 1,678.77                   | \$ -        | \$ 580.00       | \$ 1,098.77                | \$ 238.55                                                                                   | \$ 1,192.77                                                           |
| * | 10-996-15   | \$ 1,439.00                      | \$ 1,696.45                   | \$ -        | \$ 580.00       | \$ 1,116.45                | \$ 242.39                                                                                   | \$ 1,211.96                                                           |
| * | 10-990-09   | \$ 2,062.00                      | \$ 2,430.91                   | \$ -        | \$ 850.00       | \$ 1,580.91                | \$ 343.23                                                                                   | \$ 1,716.15                                                           |
| * | 23-021      | \$ 66.00                         | \$ 77.81                      | \$ -        | \$ -            | \$ 77.81                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-024      | \$ 196.00                        | \$ 231.07                     | \$ -        | \$ -            | \$ 231.07                  | \$ 50.17                                                                                    | \$ 250.84                                                             |
| * | 23-024-10   | \$ 12.00                         | \$ 14.15                      | \$ -        | \$ -            | \$ 14.15                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-020      | \$ 672.00                        | \$ 792.23                     | \$ -        | \$ -            | \$ 792.23                  | \$ -                                                                                        | \$ -                                                                  |
| * | 23-017      | \$ 41.00                         | \$ 48.34                      | \$ -        | \$ -            | \$ 48.34                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-036      | \$ 705.00                        | \$ 831.13                     | \$ -        | \$ -            | \$ 831.13                  | \$ 180.45                                                                                   | \$ 902.23                                                             |
| * | 23-035      | \$ 203.00                        | \$ 239.32                     | \$ -        | \$ -            | \$ 239.32                  | \$ 51.96                                                                                    | \$ 259.79                                                             |
| * | 23-035-10   | \$ 59.00                         | \$ 69.56                      | \$ -        | \$ -            | \$ 69.56                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-035-20   | \$ 59.00                         | \$ 69.56                      | \$ -        | \$ -            | \$ 69.56                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-035-30   | \$ 66.00                         | \$ 77.81                      | \$ -        | \$ -            | \$ 77.81                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-034      | \$ 32.00                         | \$ 37.73                      | \$ -        | \$ -            | \$ 37.73                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-033      | \$ 21.00                         | \$ 24.76                      | \$ -        | \$ -            | \$ 24.76                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-042      | \$ 153.00                        | \$ 180.37                     | \$ -        | \$ -            | \$ 180.37                  | \$ 39.16                                                                                    | \$ 195.80                                                             |
| * | 23-042-01   | \$ 1,087.00                      | \$ 1,281.48                   | \$ -        | \$ -            | \$ 1,281.48                | \$ 278.22                                                                                   | \$ 1,391.11                                                           |
| * | 23-040-04   | \$ 155.00                        | \$ 182.73                     | \$ -        | \$ -            | \$ 182.73                  | \$ 39.67                                                                                    | \$ 198.36                                                             |
| * | 23-040-02   | \$ 155.00                        | \$ 182.73                     | \$ -        | \$ -            | \$ 182.73                  | \$ 39.67                                                                                    | \$ 198.36                                                             |
| * | 23-040      | \$ 264.00                        | \$ 311.23                     | \$ -        | \$ -            | \$ 311.23                  | \$ 67.57                                                                                    | \$ 337.85                                                             |
| * | 23-039-05   | \$ 155.00                        | \$ 182.73                     | \$ -        | \$ -            | \$ 182.73                  | \$ 39.67                                                                                    | \$ 198.36                                                             |
| * | 23-038-10   | \$ 74.00                         | \$ 87.24                      | \$ -        | \$ -            | \$ 87.24                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-039      | \$ 15.00                         | \$ 17.68                      | \$ -        | \$ -            | \$ 17.68                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-038      | \$ 177.00                        | \$ 208.67                     | \$ -        | \$ -            | \$ 208.67                  | \$ 45.30                                                                                    | \$ 226.52                                                             |
| * | 23-043      | \$ 42.00                         | \$ 49.51                      | \$ -        | \$ -            | \$ 49.51                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-049      | \$ 4.00                          | \$ 4.72                       | \$ -        | \$ -            | \$ 4.72                    | \$ -                                                                                        | \$ -                                                                  |
| * | 23-050      | \$ 42.00                         | \$ 49.51                      | \$ -        | \$ -            | \$ 49.51                   | \$ -                                                                                        | \$ -                                                                  |
|   | 23-053      | \$ 2,659.00                      | \$ 3,134.72                   | \$ 1,044.91 | \$ -            | \$ 2,089.81                | \$ 453.72                                                                                   | \$ 2,268.58                                                           |
| * | 23-054      | \$ 36.00                         | \$ 42.44                      | \$ -        | \$ -            | \$ 42.44                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-056      | \$ 1,908.00                      | \$ 2,249.36                   | \$ -        | \$ -            | \$ 2,249.36                | \$ 488.36                                                                                   | \$ 2,441.78                                                           |
| * | 23-055      | \$ 504.00                        | \$ 594.17                     | \$ -        | \$ -            | \$ 594.17                  | \$ 129.00                                                                                   | \$ 645.00                                                             |

## Schedule "A" to By-law No 40-2018

|   | ROLL NUMBER                       | TOTAL<br>ESTIMATED<br>ASSESSMENT | TOTAL<br>ACTUAL<br>ASSESSMENT | GRANT              | MINUS<br>ALLOW.    | TOTAL<br>AMOUNT<br>PAYABLE | Annual Payment<br>for Properties<br>Over \$100<br>Amortized for 5<br>years<br>(2018 - 2022) | Total of<br>Payments after<br>Amortization<br>(including<br>Interest) |
|---|-----------------------------------|----------------------------------|-------------------------------|--------------------|--------------------|----------------------------|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| * | 23-057                            | \$ 222.00                        | \$ 261.72                     | \$ -               | \$ -               | \$ 261.72                  | \$ 56.82                                                                                    | \$ 284.11                                                             |
| * | 23-058                            | \$ 1,192.00                      | \$ 1,405.26                   | \$ -               | \$ -               | \$ 1,405.26                | \$ 305.09                                                                                   | \$ 1,525.47                                                           |
| * | 23-058-10                         | \$ 222.00                        | \$ 261.72                     | \$ -               | \$ -               | \$ 261.72                  | \$ 56.82                                                                                    | \$ 284.11                                                             |
| * | 23-060                            | \$ 44.00                         | \$ 51.87                      | \$ -               | \$ -               | \$ 51.87                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-063                            | \$ 335.00                        | \$ 394.94                     | \$ -               | \$ -               | \$ 394.94                  | \$ 85.75                                                                                    | \$ 428.73                                                             |
| * | 23-064-10                         | \$ 378.00                        | \$ 445.63                     | \$ -               | \$ -               | \$ 445.63                  | \$ 96.75                                                                                    | \$ 483.75                                                             |
| * | 23-062                            | \$ 198.00                        | \$ 233.42                     | \$ -               | \$ -               | \$ 233.42                  | \$ 50.68                                                                                    | \$ 253.39                                                             |
| * | 23-061                            | \$ 177.00                        | \$ 208.67                     | \$ -               | \$ -               | \$ 208.67                  | \$ 45.30                                                                                    | \$ 226.52                                                             |
| * | 23-061-50                         | \$ 943.00                        | \$ 1,111.71                   | \$ -               | \$ 500.00          | \$ 611.71                  | \$ 132.81                                                                                   | \$ 664.04                                                             |
| * | 23-064-50                         | \$ 182.00                        | \$ 214.56                     | \$ -               | \$ -               | \$ 214.56                  | \$ 46.58                                                                                    | \$ 232.91                                                             |
| * | 23-064                            | \$ 3,148.00                      | \$ 3,711.21                   | \$ -               | \$ 1,040.00        | \$ 2,671.21                | \$ 579.94                                                                                   | \$ 2,899.72                                                           |
| * | Block 2                           | \$ 2,647.00                      | \$ 3,120.58                   | \$ -               | \$ -               | \$ 3,120.58                |                                                                                             |                                                                       |
| * | 22-207-02                         | \$ 876.00                        | \$ 1,032.73                   | \$ -               | \$ -               | \$ 1,032.73                | \$ 224.22                                                                                   | \$ 1,121.08                                                           |
| * | 22-290                            | \$ 12.00                         | \$ 14.15                      | \$ -               | \$ -               | \$ 14.15                   | \$ -                                                                                        | \$ -                                                                  |
| * | 22-291                            | \$ 12.00                         | \$ 14.15                      | \$ -               | \$ -               | \$ 14.15                   | \$ -                                                                                        | \$ -                                                                  |
| * | 22-205                            | \$ 827.00                        | \$ 974.96                     | \$ -               | \$ -               | \$ 974.96                  | \$ 211.67                                                                                   | \$ 1,058.36                                                           |
| * | 22-207                            | \$ 443.00                        | \$ 522.26                     | \$ -               | \$ -               | \$ 522.26                  | \$ 113.39                                                                                   | \$ 566.94                                                             |
| * | Block 3                           | \$ 1,099.00                      | \$ 1,295.62                   | \$ -               | \$ -               | \$ 1,295.62                |                                                                                             |                                                                       |
|   | 23-597                            | \$ 1,053.00                      | \$ 1,241.39                   | \$ 413.80          | \$ -               | \$ 827.59                  | \$ 179.68                                                                                   | \$ 898.39                                                             |
| * | 23-597-50                         | \$ 124.00                        | \$ 146.18                     | \$ -               | \$ -               | \$ 146.18                  | \$ 31.74                                                                                    | \$ 158.69                                                             |
| * | 23-598                            | \$ 98.00                         | \$ 115.53                     | \$ -               | \$ -               | \$ 115.53                  | \$ 25.08                                                                                    | \$ 125.41                                                             |
| * | 23-599                            | \$ 45.00                         | \$ 53.05                      | \$ -               | \$ -               | \$ 53.05                   | \$ -                                                                                        | \$ -                                                                  |
| * | 23-600                            | \$ 566.00                        | \$ 667.26                     | \$ -               | \$ -               | \$ 667.26                  | \$ 144.87                                                                                   | \$ 724.34                                                             |
|   | 23-645                            | \$ 289.00                        | \$ 340.71                     | \$ 113.57          | \$ -               | \$ 227.14                  | \$ 49.31                                                                                    | \$ 246.57                                                             |
| * | 23-646                            | \$ 26.00                         | \$ 30.65                      | \$ -               | \$ -               | \$ 30.65                   | \$ -                                                                                        | \$ -                                                                  |
|   | 23-644                            | \$ 1,773.00                      | \$ 2,090.21                   | \$ 696.74          | \$ -               | \$ 1,393.47                | \$ 302.54                                                                                   | \$ 1,512.68                                                           |
|   | 23-647                            | \$ 1,401.00                      | \$ 1,651.65                   | \$ 550.55          | \$ -               | \$ 1,101.10                | \$ 239.06                                                                                   | \$ 1,195.29                                                           |
|   | 23-648                            | \$ 1,379.00                      | \$ 1,625.72                   | \$ 541.91          | \$ -               | \$ 1,083.81                | \$ 235.31                                                                                   | \$ 1,176.53                                                           |
| * | 23-649                            | \$ 67.00                         | \$ 78.99                      | \$ -               | \$ -               | \$ 78.99                   | \$ -                                                                                        | \$ -                                                                  |
|   | 23-650                            | \$ 1,050.00                      | \$ 1,237.86                   | \$ 412.62          | \$ -               | \$ 825.24                  | \$ 179.17                                                                                   | \$ 895.84                                                             |
|   | <b>TOTAL ASSESSMENTS ON LANDS</b> | <b>\$ 41,075.00</b>              | <b>\$ 48,423.78</b>           | <b>\$ 3,861.73</b> | <b>\$ 5,280.00</b> | <b>\$ 39,282.05</b>        | <b>\$ 6,834.60</b>                                                                          | <b>\$ 34,172.97</b>                                                   |

## Schedule "A" to By-law No 40-2018

|   | ROLL NUMBER                                    | TOTAL<br>ESTIMATED<br>ASSESSMENT | TOTAL<br>ACTUAL<br>ASSESSMENT | GRANT       | MINUS<br>ALLOW. | TOTAL<br>AMOUNT<br>PAYABLE |
|---|------------------------------------------------|----------------------------------|-------------------------------|-------------|-----------------|----------------------------|
| * | Stonemill Road - Town of Fort Erie             | \$ 666.00                        | \$ 785.15                     | \$ -        | \$ -            | 785.15                     |
| * | Nigh Road - Town of Fort Erie                  | \$ 27,160.00                     | \$ 32,019.21                  | \$ -        | \$ -            | 32,019.21                  |
| * | Windmill Point Road - Town of Fort Erie        | \$ 887.00                        | \$ 1,045.69                   | \$ -        | \$ -            | 1,045.69                   |
| * | Conc. 2 Lot 15 - Town of Fort Erie             | \$ 486.00                        | \$ 572.95                     | \$ -        | \$ -            | 572.95                     |
| * | Bertie Bay Road (Unopened) - Town of Fort Erie | \$ 285.00                        | \$ 335.99                     | \$ -        | \$ -            | 335.99                     |
| * | Ross Hill Road - Town of Fort Erie             | \$ 383.00                        | \$ 451.52                     | \$ -        | \$ -            | 451.52                     |
| * | Jewson Road - Town of Fort Erie                | \$ 102.00                        | \$ 120.25                     | \$ -        | \$ -            | 120.25                     |
| * | Sunset Drive - Town of Fort Erie               | \$ 230.00                        | \$ 271.15                     | \$ -        | \$ -            | 271.15                     |
| * | Laur Road - Town of Fort Erie                  | \$ 342.00                        | \$ 403.19                     | \$ -        | \$ -            | 403.19                     |
| * | Ridgemount Road - Town of Fort Erie            | \$ 289.00                        | \$ 340.70                     | \$ -        | \$ -            | 340.70                     |
| * | Highway No.3 (Ministry of Transportation)      | \$ 3,051.00                      | \$ 3,596.86                   | \$ -        | \$ -            | 3,596.86                   |
| * | Block 1 Roads - Town of Fort Erie              | \$ 1,027.00                      | \$ 1,210.74                   | \$ -        | \$ -            | 1,210.74                   |
| * | Block 2 Roads - Town of Fort Erie              | \$ 1,290.00                      | \$ 1,520.79                   | \$ -        | \$ -            | 1,520.79                   |
| * | Block 3 Roads - Town of Fort Erie              | \$ 427.00                        | \$ 503.39                     | \$ -        | \$ -            | 503.39                     |
|   | <b>TOTAL ASSESSMENT ON ROADS</b>               | <b>\$ 36,625.00</b>              | <b>\$ 43,177.58</b>           | <b>\$ -</b> | <b>\$ -</b>     | <b>43,177.58</b>           |

|                                                                                             |                                                                       |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Annual Payment<br>for Properties<br>Over \$100<br>Amortized for 5<br>years<br>(2018 - 2022) | Total of<br>Payments after<br>Amortization<br>(including<br>Interest) |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|

**TOTAL ASSESSED ON NIGH ROAD MUNICIPAL DRAIN      \$ 77,700.00    \$ 91,601.36    \$ 3,861.73    \$ 5,280.00    \$ 82,459.63**