



The Municipal Corporation of the Town of Fort Erie

By-law No. 109-2018

Being a By-law to Approve the Final Assessment Levy for the Schooley Municipal Drain

Whereas By-law No. 33-08 was passed by the Municipal Council of the Town of Fort Erie on the 10th day of March, 2008 to appoint K. Smart and Associates as Drainage Engineer for the Schooley Municipal Drain and repealing By-law No. 122-05 which appointed Wiebe Engineering to prepare a New Engineer's Report for the Baer, Schooley, Zavitz and Outlet Municipal Drains; and

Whereas By-law No. 83-10 was given first and second reading and provisionally adopted by the Municipal Council of the Town of Fort Erie on July 19, 2010 to adopt the new Engineer's Report prepared by K. Smart and Associates dated February 12, 2010 and filed with the Clerk on June 4, 2010 to provide for drainage works for the Schooley Road Municipal Drain; and

Whereas following the Court of Revision and appeals thereto, the Decision of the Ontario Drainage Tribunal dated January 31, 2011 ordered as follows:

1. The appeal of Karin Gagne under Section 54(1) of the Act is denied.
2. The appeals of Fred and Moira Daubert under Section 48 and 54(1) of the Act are denied.
3. The appeal of Barbara and Andy Huard under Section 48(1) of the Act is denied.
4. Pursuant to the Engineer's request, the Report shall be amended as follows:
 - a) The working corridor from Station 0+900 to 1+159 shall be changed from the south side of the drain to the north side of the drain.
 - b) The allowance to Barbara and Andy Huard, Roll No. 20018-277 shall be revised from \$500 to \$800 and the allowance to Fred and Moira Daubert, Roll No. 20018-276 shall be revised from \$500 to \$200.

Whereas By-law No. 83-10 received third and final reading on February 14, 2011; and

Whereas a Certificate of Completion of the drainage works was dated April 28, 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 \$126,214.75, shall be levied and assessed against the appropriate lands as apportioned by the Engineer's Report dated February 12, 2010 as amended by the Ontario Drainage Tribunal Order dated January 31, 2011 prepared by K. Smart and Associates;

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 \$126,214.75 shall be levied and assessed against the appropriate lands as apportioned by the Engineer's Report dated February 12, 2010 as amended by the Ontario Drainage Tribunal Order dated January 31, 2011 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 ninety (90) 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 2.75% on the date of such billing and added to the tax roll.
 - (d) Assessments greater than \$5,000.00 can be distributed over a five (5) year period with an interest rate of 2.75% or a ten (10) year period with an interest rate of 3.00% if notification is provided to the Town of Fort Erie from the benefitting land owners within ninety (90) days 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) or ten (10) equal amounts and one such amount shall be collected in each year for five (5) or ten (10) years 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 27th day of August, 2018.

Mayor

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. 109-2018 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____

**SCHOOLEY MUNICIPAL DRAIN
TOWN OF FORT ERIE
Regional Municipality of Niagara**

Schedule "A" to By-law No. 109-2018

Con LE	Lot	Roll No. 020-018	Estimated Assessmen t \$	Actual Assessmen t \$	1/3 Grant \$	Allowances \$	NET \$
*	1 PT 29	-266	1,959	2,142.91	714.30		1,428.61
*	1 PT 30	-267	9,591	10,491.39	3,497.13	100	6,894.26
	1 PT 30	-268	64	70.01			70.01
	1 PT 31	-269	16	17.50			17.50
*	1 PT 31	-272	578	632.26	210.75		421.51
	1 PT 31	-273-15	26	28.44			28.44
	1 PT 31	-275	17	18.60			18.60
	1 PT 31	-276	2,435	2,663.59		200	2,463.59
	1 PT 31	-277	3,142	3,436.97		800	2,636.97
	1 PT 31	-278	965	1,055.59			1,055.59
	1 PT 31	-278-01	965	1,055.59			1,055.59
	1 PT 31	-279	612	669.45			669.45
	1 PT 31	-279-01	500	546.94			546.94
	1 PT 31	-280	400	437.55			437.55
*	1 PT 32	-281	10,349	11,320.55	3,773.52	4,200	3,347.03
	1 PT 32	-281		11,608.27			11,608.27
	1 PT 32	-282	5	5.47			5.47
*	1 PT 32	-285	22	24.07	8.02		16.05
	1 PT 33	-291	2,200	2,406.53			2,406.53
	2 PT 32	-334	400	437.55			437.55
	Special Assessment		2,000	2,094.60			2,094.60
Total Assessments on Lands:			36,246	51,163.83	8,203.72	5,300	37,660.11
	Point Abino Rd		50,054	54,753.02			54,753.02
	Special Assessment to Point Abino Road		14,500	20,297.90			20,297.90
Total Assessment on Roads:			64,554	75,050.92	0	0	75,050.92
TOTAL ASSESSMENT SCHOOLEY MUNICIPAL DRAIN			100,800	126,214.75	8,203.72	5,300	112,711.03

Notes:

1. The lands noted with an asterisk (*) are classified as agricultural and according to current OMAFRA policy qualify for the 1/3 grant
2. Actual assessment is levied to the owner of the parcel at the time the final cost is levied

Annual Payment for Properties Over \$100 Amortized for 5 years (2019 - 2023)	Total of Payments after Amortization (including Interest)	Annual Payment for Properties Over \$100 Amortized for 10 years (2019 - 2028)	Total of Payments after Amortization (including Interest)
\$309.72	\$1,548.60		
\$1,494.66	\$7,473.32	\$808.22	\$8,082.18
\$91.38	\$456.91		
\$534.10	\$2,670.51		
\$571.69	\$2,858.45		
\$228.85	\$1,144.25		
\$228.85	\$1,144.25		
\$145.14	\$725.68		
\$118.58	\$592.88		
\$94.86	\$474.30		
\$725.63	\$3,628.15		
\$2,516.65	\$12,583.27	\$1,360.84	\$13,608.43
\$521.73	\$2,608.66	\$282.12	\$2,821.19
\$94.86	\$474.30		
\$7,676.71	\$38,383.53	\$2,451.18	\$24,511.80