

# BY-LAW No. 1078

Oct. 1951

A BY-LAW to provide for drainage work in the Township of Sandwich South, in the County of Essex, and for borrowing on the credit of the Municipality the sum of \$3,129.00, being the estimated cost of repairing the West Branch of the Delisle Drain.

Provisionally adopted the 1st day of October A.D., 1951.

Whereas George Dawson, one of the owners assessed to the West Branch of the Delisle Drain, served written notice on the Council of the said Township to have the said drain repaired.

And Whereas, thereupon the said Council has procured an examination to be made by C. G. R. Armstrong, being a person competent for such purpose, of the said area proposed to be drained and the means suggested for the drainage thereof, and of other lands and roads liable for assessment under this Act, and has also procured plans, specifications and estimates of the drainage work to be made by the said C. G. R. Armstrong, and an assessment to be made by him of the lands and roads to be benefited by such drainage work, and of other lands and roads liable for contribution thereto, stating as nearly as he can, the proportion of benefit outlet liability and injuring liability, which, in his opinion, will be derived or incurred in consequence of such drainage work by every road and lot or portion of lot, the said assessment so made being the assessment hereinafter by this bylaw enacted to be assessed and levied upon the roads and lots and parts of lots hereinafter in that behalf especially set forth and described, and the report of the said C. G. R. Armstrong in respect thereof, and of the said drainage work being as follows:

Windsor, Ont., August 7th, 1951  
To the Reeve and Municipal Council of the Township of SANDWICH SOUTH.

Gentlemen:

As instructed by you I have made an examination, survey, etc., of the West Branch of the Delisle Drain, in your Township, and now report thereon as follows:

I commenced my survey of this drain at its outlet in the Czowski Drain, on the south side of the North Talbot Road. Thence I followed the course of the drain, upstream, to its upper end at Stake 126 on the south side of the South Talbot Road.

I find that this drain was last improved under a report made by J. J. Newman, C.E., dated July 8th, 1938. Since that time the drain has become considerably filled with sediment and in many places much brush has accumulated.

I would, therefore, recommend that the drain be cleaned out and improved in accordance with the accompanying profile and specifications.

I further find that it will be necessary to construct a new access culvert in front of E. Pt. of Lot 5, Con. 9 owned by Jos. Dureno, I have provided for this in my estimates as is provided for in sub-section 3 of section 8 of the Municipal Drainage Act.

I further find that each of the following owners is entitled to and should receive the following amount as allowance for damages to lands and crops (if any):

Joseph Dureno, owner of E. Pt. Lot 5, Con. 9, \$60.00; Art St. Julien, owner W. Pt. Lot 5, Con. 9, \$27.00; Robert Schwertner, owner N.W. 1/4 Lot 295, S. T. R. \$90.00; George Dawson, owner S.W. 1/4 Lot 295, S.T.R., \$39.00; James Halford, owner S.E. 1/4 Lot 296, S.T.R. \$36.00; Mike Palencar, owner Pt. S 1/2 Lot 296, N.T.R., \$15.00; Harvey Thorne owner Pt. S 1/2 Lot 296, N.T.R., \$9.00; John Rosnovan, owner E. Pt. S.E. 1/4 Lot 296, N.T.R., \$42.00; Harold Jobin, owner S 1/2 NW 1/4 Lot 296, N.T.R., \$27.00; Godfrey Montgomery, owner N 1/2 NW 1/4 Lot 296, N.T.R., \$6.00; Harold Jobin, owner N. Pt. E 1/4 Lot 297, N.T.R. \$30.00.

I have provided for these in my estimates as is provided for under sub-section 7 of section 8 of the Municipal Drainage Act.

I further find that it will be necessary to clean out the drain where it crosses the right-of-way of the Canada Southern Railway Company. My estimate for completing this portion of the work is \$65.00. My estimate of the cost of completing the same portion of the work, if the Railway was NOT there is \$15.00. Thus the increased cost caused by the construction and operation of the railway is \$50.00. This last mentioned amount I have assessed against the Canada Southern Railway Company to be borne and contributed by it in case it does not exercise its option of doing the said work within a reasonable time and without any unnecessary delay. Should the Railway Company exercise its option and complete this portion of the work, then the special assessment of \$50.00 should be deleted from the schedule and the Company should be paid \$15.00.

My estimate of the total cost of the above work, including all incidental expenses, is the sum of \$3,129.00, made up as follows:

Sec. 1, from Stake 0 to Stake 45 (exclusive of across Railway right-of-way) 4,400 lin. ft. \$675.00; Sec. 2, from Stake 45 to Stake 126, 8,100 lin. ft., \$1,210.00; Across Canada Southern Railway right-of-way, from Stake 30+24' to Stake 31+24', 100 lin. ft., \$65.00; Brushing and grubbing \$90.00; Removing and replacing fences, \$50.00; Damages to lands and crops (if any), \$381.06; 24" corr. pipe culvert, 20 ft. long, in front of E. Pt. Lot 5, Con. 9, owned by Joseph Dureno, \$85.00.

Total for Construction, Damages, etc., \$2,556.00.

Survey, plans, estimates, report and assessment, \$185.00; Assistance and expenses, \$51.00; Extra work for Clerk, \$70.00; Publishing By-Law \$90.00; Court of Revision, \$24.00; Ontario Municipal Board fee, \$3.00; Letting and Superintending, \$150.00.

Total for Incidentals, \$573.00.

Total estimate \$3,129.00.

This amount I have assessed against the lands and roads affected in accordance with the Schedule of Assessment.

I would further recommend that this drainage work be kept up and maintained at the expense of the lands

and roads assessed for its repair and improvement, and in the proportions herein contained until otherwise determined under the provisions of the Municipal Drainage Act.

All of which is respectfully submitted.

C. G. R. ARMSTRONG  
Township Engineer.

SPECIFICATIONS for repairing and improving the West Branch of the Delisle Drain, in the Township of Sandwich South.

The drain shall follow the course of the present drain from Stake 0 to Stake 126. It shall be of the size, depth, etc., shown on the accompanying profile and the depths are to the bottom of the drain and are taken from the surface of the ground beside the stakes.

The drain shall have a uniform and even bottom and in no case shall such bottom project above the grade line shown on the profile as determined by the bench marks.

It shall have uniform and even side slopes of not less than one and one-quarter horizontal to one foot vertical on each side.

The excavated earth shall be cast onto the lands where damages have been allowed in this report, and shall be well and evenly spread over a sufficient space so that no portion of the excavated material is more than 15" in depth, and kept at least 4 ft. clear from the edge of the drain, care being taken not to fill up any existing ditches, furrows or drains with the excavated material.

Where the drain passes along the southerly side of the Talbot Road (King's Highway No. 3), from Stake 44+75' to Stake 52+80', the excavated earth shall be hauled away and disposed of by the Contractor at his own expense.

Where the drain runs south from Stake 52+80' to Stake 74+80', the excavated earth shall be cast easterly onto the lane and graded as above specified.

Where it is necessary to take down any fence in order to proceed with the work, the same shall be done by the Contractor and when he has completed that portion of the work, he will replace the said fence in a neat and workmanlike manner, but will not be required to procure any new material for so doing, provided he has used reasonable care in removing and replacing the same.

The Contractor's attention is directed to the existence of the Bell Telephone Cable crossing the drain at Stake 93+55'. He shall take care not to damage this cable.

Where there is any brush, rubbish or trees in the course of the drain, or where the earth is to be spread, all such brush and rubbish and trees shall be grubbed out of the drain and close cut where the earth is to be spread, the whole to be burned or otherwise satisfactorily disposed of by the Contractor.

The Contractor will be required to remove the present Access Culvert in front of E. Pt. of Lot 5, Con. 9, owned by Joseph Dureno, and to furnish and install in the same location a 24" corrugated Pipe Culvert, 20 ft. long. He shall lay the culvert so that the bottom is three inches (3") below the bottom of the ditch at the location of the culvert. He shall thoroughly tamp the backfill into position around and over the culvert and grade same so as to provide easy access from the lands of the owner to the travelled portion of the road.

The whole of the work shall be done in a neat, thorough and workmanlike manner, to the full satisfaction of the Commissioner in charge.

Monthly estimates will be furnished the Contractor by the Commissioner. Said estimates shall not be more than 80% of the value of the work done and material furnished on the ground, but the paying of the full 80% does not imply that any portion of the work has been accepted. The remaining 20% will be paid thirty (30) days after the final completion and acceptance of the contract.

C. G. R. ARMSTRONG  
Township Engineer.  
Windsor, Ont., August 7th, 1951.

And whereas, the said Council is of opinion that the drainage of the areas described is desirable.

Therefore, the said Municipal Council of the Township of Sandwich South pursuant to the provisions of the Municipal Drainage Act, enacts as follows:

1st. The said report, plans, specifications, assessments and estimates are hereby adopted and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.

2nd. The Reeve of the said Township may borrow on the credit of the Corporation of the said Township of Sandwich South the sum of \$3,129.00, being the estimated cost of repairing the West Branch of the Delisle Drain, and may issue debentures of the corporation to that amount in sums of not less than \$50 each, and payable within 10 years from the date thereof, with interest at the rate of 5 per centum per annum, that is to say, in 10 equal instalments, such debentures to be payable at the Canadian Bank of Commerce, in the City of Windsor, and to have attached to them coupons for the payment of interest.

3rd. For paying the sum of \$932.00 the amount charged against the said lands and roads for benefit, and the sum of \$1,743.00 the amount charged against the said lands and roads for outlet liability, and the sum of \$..... the amount charged against the said lands and roads for injuring liability, apart from the lands and roads belonging to or controlled by the municipality, and for covering interest thereon for 10 years at the rate of 5 per centum per annum; the total special rate 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 undermentioned lots or parts of lots and roads, and the amount of the said total special rates and interest shall be divided into 10 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 bylaw, during which the said debentures have to run.

4th. For paying the sum of \$454.00 the amount assessed against the said roads and lands of the Municipality, and for covering interest thereon for 10 years at the rate of 5 per centum per annum, a special rate on the dollar, sufficient to produce the required yearly amount thereof, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as taxes are levied and collected), upon and from the whole rateable property in the said Township of Sandwich South in each year for 10 years after the final passing of this bylaw, during which the said debentures have to run.

5th. That a copy of this bylaw shall be served upon each of the several owners, their lessees, or occupants, or upon the agent or agents of such owners of land assessed under its provisions, under the authority of Section 25 of the Municipal Drainage Act, and this bylaw shall come into force upon and after the final passing thereof, and

may be cited and referred to as "The West Branch of Delisle Drain Repairs By-law."

6th. That C. G. R. Armstrong is hereby appointed commissioner to let contract for the said drain and works connected therewith, by public auction or tender, to the lowest bidder (not exceeding the estimate), but every such contractor, with two good and satisfactory sureties, shall be required forthwith to enter into bonds for the due performance and completion of the contract according to said plans and specifications and within the time mentioned within such bond, unless otherwise ordered by Council; and it shall be the duty of such Commissioner to cause said drain and works connected therewith, to be made and constructed in accordance with such plans and specifications (unless otherwise ordered by the Council), and to grant certificates to the Treasurer from time to time, to each contractor, less 20% of the amount due, until the contract is fully completed and accepted.

7th. The Corporation shall have the right, at its option, to redeem only the last debenture, bearing the latest maturity date, and no other of the said debentures shall be redeemable on any date prior to maturity at the places where, and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof, together with interest accrued to the date of redemption, and upon giving previous notice of said intention to redeem by advertising once in the Ontario Gazette and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall be sent by post, at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book.

ARNOLD AXCELL, Clerk.  
PERCY McKEE, Reeve.

I hereby certify that the foregoing is a true copy of a bylaw as provisionally adopted by the Municipal Council of the said Township of Sandwich South, on the 1st day of October A.D., 1951.

ARNOLD A. AXCELL,  
Clerk of Municipality of Sandwich South.

## NOTICE.

Notice is hereby given that a Court of Revision, held pursuant to the provisions of the Municipal Drainage Act, for the hearing and trial of appeals made against the above assessment, or any part thereof, will hold its first sittings at the Township Hall, Oldcastle, on Monday, the 5th day of November, 1951, at the hour of 3 p.m., in the afternoon, and that any person intending to appeal against the above assessment or any part thereof must, not later than ten days before the time fixed for holding of said Court, serve on the Clerk of this Municipality a written notice of such appeal, or otherwise he will be too late to be heard in that behalf.

And further notice is hereby given that any person intending to have such bylaw or any part thereof quashed must, not later than ten days after the final passing thereof, serve notice in writing, upon the Reeve or other head officer, and upon the Clerk of the Municipality of Sandwich South of intention to make application for that purpose, to the Drainage Referee during the six weeks next ensuing the final passing of this bylaw.

ARNOLD A. AXCELL,  
Township Clerk.

Concession	Lot or part of Lot	Acres	Value of Benefit	Value of Outlet Liability	Total of Benefit Outlet Liability and Injuring Liability in each case.	Cover interest for 10 years at 5 per cent.	Total Special Rate	Annual assessment during each year for 10 years	OWNER
9	m pt e 1/2 3.....	8	\$.....	\$ 24.00	\$ 24.00	\$ 7.08	\$ 31.06	\$ 3.11	George Ivanisko
	n pt e 1/2 3.....	16	.....	45.00	45.00	13.27	58.27	5.83	Godfrey Tremblay
	s pt e 1/2 4.....	30	.....	81.00	81.00	23.89	104.89	10.49	Oliver Izaak
	n pt e 1/2 4.....	60	.....	162.00	162.00	47.79	209.79	20.98	Mrs. Florence Brown
	w pt 5.....	56	150.00	150.00	300.00	88.50	388.50	38.85	Joseph Dureno
	w pt 5.....	15	60.00	39.00	99.00	29.20	128.20	12.82	Art St. Julien
	w pt 4 and 5.....	50	60.00	135.00	195.00	57.52	252.52	25.25	Alex Dawson
	n w pt 3.....	17	.....	45.00	45.00	13.27	58.27	5.83	Russell Farough
	m pt w 1/2 3.....	17	.....	45.00	45.00	13.27	58.27	5.83	Mrs. Margaret Farough
	n w 1/4 295.....	48	100.00	120.00	220.00	64.90	284.90	28.49	Robert Schwertner
STR	e 3/4 1/2 296.....	60	130.00	144.00	274.00	80.83	354.83	35.48	Robert Schwertner
	s w 1/4 295.....	50	100.00	135.00	235.00	69.32	304.32	30.43	George Dawson
	pt n w 3/4 296.....	17.53	.....	42.00	42.00	12.39	54.39	5.44	Mike Palencar
	pt n w 3/4 296.....	71/100	.....	2.00	2.00	.59	2.59	.26	Kathleen Davies
	pt n w 3/4 296.....	17.23	.....	41.00	41.00	12.09	53.09	5.30	George Palencar
	s e 1/4 296.....	50	100.00	135.00	235.00	69.32	304.32	30.43	James Halford
	pt s e 1/4 295.....	1 1/4	.....	3.00	3.00	.88	3.88	.39	Eli Malenfant
	pt s e 1/4 295.....	1/4	.....	1.00	1.00	.29	1.29	.13	Fred Sturgeon
	s w 1/4 295.....	2 1/2	.....	5.00	5.00	1.47	6.47	.66	Charlotte Chapman
	s w 1/4 295.....	5	.....	10.00	10.00	2.95	12.95	1.29	Lorne Ruston
NTR	s w 1/4 295.....	5	.....	10.00	10.00	2.95	12.95	1.29	Thomas Clark
	s w 1/4 295.....	8 1/2	.....	17.00	17.00	5.00	22.00	2.20	Herman Perssons
	s w 1/4 295.....	5	.....	10.00	10.00	2.95	12.95	1.29	Fred Stainer
	s 1/2 295 and 296.....	20	10.00	40.00	50.00	14.70	64.70	6.47	Dimitry Paschin
	s 1/2 296.....	5	.....	10.00	10.00	2.95	12.95	1.29	Mike Palencar
	s 1/2 296.....	5.47	20.00	11.00	31.00	9.14	40.14	4.01	Harvey Thorne
	s e 1/4 295.....	3.94	.....	8.00	8.00	2.36	10.36	1.04	Marian Leham
	pt s w 1/4 295.....	4.11	.....	8.00	8.00	2.36	10.36	1.04	Joseph Fortowsky
	pt s w 1/4 295.....	3	.....	6.00	6.00	1.77	7.77	.78	Charles Brandenburg
	pt s w 1/4 295.....	5	.....	10.00	10.00	2.95	12.95	1.29	Dezso Horvath
	pt s w 1/4 295.....	10	.....	20.00	20.00	5.90	25.90	2.59	Marie Blais
	e pt s e 1/4 296.....	9.02	25.00	18.00	43.00	12.68	55.68	5.57	John Rosnovan
	e pt s e 1/4 296.....	5.98	15.00	12.00	27.00	7.96	34.96	3.50	Edwin French
	pt e pt 296.....	3	.....	6.00	6.00	1.77	7.77	.78	Charles Sim
	pt 5, pt 6, lot 296 1	.....	.....	2.00	2.00	.59	2.59	.26	Gaitton Lecuyer
	e pt s 1/2 296.....	1.59	4.00	3.00	7.00	2.06	9.06	.91	William Seamer
	e pt s 1/2 296.....	3.38	6.00	7.00	13.00	3.83	16.83	1.68	John McAuliffe
	w pt s 1/2 296.....	3.24	6.00	7.00	13.00	3.83	16.83	1.68	James Roberts
	w pt s 1/2 296.....	2	4.00	4.00	8.00	2.36	10.36	1.04	George Hornsey
	w pt s 1/2 296.....	8 1/2	10.00	17.00	27.00	7.96	34.96	3.50	Arthur Fisher
	w pt s 1/2 296.....	1/2	2.00	1.00	3.00	.88	3.88	.39	George Girdler
	w pt s 1/2 296.....	18.3	.....	37.00	37.00	10.91	47.91	4.79	Arthur Fisher
	s 1/2 n w 1/4 296.....	25	30.00	50.00	80.00	23.60	103.60	10.36	Harold Jobin
	n 1/2 n w 1/4 296.....	24 1/2	30.00	12.00	42.00	12.39	54.39	5.44	Godfrey Montgomery
	w 1/2 n e 1/4 296.....	25	.....	10.00	10.00	2.95	12.95	1.29	Joseph McCann
	n pt e 1/4 297.....	18 1/4	25.00	7.00	32.00	9.44	41.44	4.14	Harold Jobin
	s pt e 1/4 297.....	21 1/4	15.00	10.00	25.00	7.37	32.37	3.24	Maurice Collins
	pt 295 to 297.....	8	25.00	16.00	41.00	12.09	53.09	5.31	Canada South Rly. Co.
	pt 295 to 297.....	5	5.00	10.00	15.00	4.42	19.42	1.94	Sandwich South Twp.
Total on lands.....			\$932.00	\$1743.00	\$2675.00	\$788.94	\$3463.94	\$346.40	
10th Concession Road.....			25.00	54.00	79.00	23.30	102.30	10.23	Sandwich South Twp.
South Talbot Road.....			65.00	72.00	137.00	40.41	177.41	17.74	Sandwich South Twp.
Highway No. 3.....			100.00	88.00	188.00	55.46	243.46	24.35	Ont. Dept. of Highways
Total on roads.....			\$190.00	\$214.00	\$404.00	\$119.17	\$523.17	\$ 52.32	
Special assessment, Canadian Southern Rly.....					50.00	14.75	64.75	6.47	Canada Southern Rly. Co.
Total assessment.....				\$454.00	\$133.92	\$587.92	\$ 58.79		