

BY-LAW NO. 1080

Nov. 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 \$1,807.00, being the estimated cost for the construction of the Collins Drain.

Provisionally adopted the 5th day of November, A.D., 1951.

Whereas, a majority of owners, exclusive of farmers' sons (not actual owners) assessed for the construction of the Collins Drain, have petitioned the Council of Sandwich South to have a drain constructed under the provisions of the Municipal Drainage Act.

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 30th, 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 drain in lot 293, S.T.R., as petitioned for by Bernard Collins and others, and now report thereon as follows:

I commenced my survey in the line between the lands of Sexton and Wilfred Collins at a point 295 feet south of the southerly limit of Talbot Road; thence I proceeded westerly in a straight line to the outlet in the Malden Road Drain East.

I find that this drain is required to properly drain the lands affected, I would, therefore, recommend that a drain of the form, size, depth, etc., as shown on the accompanying profile, be constructed where staked on the ground and indicated on the accompanying field plan.

This drain will be known as the COLLINS DRAIN.

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

Wilfred Collins, owner pt lot 293, S.T.R., \$2; K. J. MacKenzie, owner pt lot 293, S.T.R., \$2; Michael Collins, owner pt lot 293, S.T.R., \$2; Daniel Collins, owner pt lot 293, S.T.R., \$2; Frank Kane, owner pt lot 293, S.T.R., \$2; Bernard Collins, owner pt lot 293, S.T.R., \$26. Total, \$36.00.

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

My estimate of the total cost of this work, including all incidental expenses, is the sum of \$1,807.00, made up as follows:

1,788 lin. ft. of 10" field tile, complete, \$1160; 12 lin. ft. of 12" corr. pipe outlet, complete, \$40; 3 catch basins, complete, at \$70 each, \$210; removing and replacing fences \$20; damages to lands and crops (if any) \$36. Total for construction, damages, e.c., \$1,466.00.

Incidentals — Survey, plans, estimates, report and assessment, \$110; assistance and expenses, \$15; extra work for Clerk, \$50; publishing bylaw, etc., \$60; Court of Revision expenses, \$24; Ontario Municipal Board fee, \$2;

letting and superintending, \$80. Total for incidentals, \$341.00.

Total estimate, \$1,807.00.

I would further recommend that this drainage work be kept up and maintained at the expense of the lands herein assessed for its construction 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 the Construction of the Collins Drain, in the Township of Sandwich South.

The drain shall follow the course as staked on the ground and indicated on the accompanying plan. It shall consist of 10" field tile laid to the depths shown on the profile. The cuts are to the bottom of the tile and are to be taken from the top of the stakes.

In backfilling the tile, the contractor shall take care that no large stones come in contact with the tile.

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 shall 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 said fence.

Catch basins shall be constructed where shown on the plan or as instructed by the Commissioner in charge. They shall be two feet (2') square inside measure, shall have 6" walls and floor and a 12" sump. On top of each basin shall be properly fitted a cast iron mud grate. The basins shall be reinforced with 1/2" bars placed at 12" centers both horizontally and vertically and one inch (1") clear from the inside face of the basin.

The concrete used in the construction of the basins shall consist of one part by volume of cement to two parts by volume of sand to four parts by volume of stone.

At the outlet of the tile the contractor will be required to furnish and install a 12" corr. pipe, 12 ft. long, properly connected on the end of the field tile.

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 in charge. Said estimates shall be not 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, Ontario, August 30th, 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 \$1,807.00, being the estimated cost of constructing the Collins 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 \$1,350.00, the amount charged against the said lands and roads for benefit, and the sum of \$457.00, 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 \$..... 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 therefor, 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 Collins Covered Drain."

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 5th day of November, 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, Oldcasle, on Monday, the 3rd day of December 1951, at the hour of 3 o'clock 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
STR 293	1	\$150.00	\$ 65.00	\$215.00	\$ 63.42	\$278.42	\$ 27.84	Wilfred Collins
STR 293	1	150.00	60.00	210.00	61.95	271.95	27.19	Ken J. MacKenzie
STR 293	1	150.00	55.00	205.00	60.47	265.47	26.53	Michael Collins
STR 293	1	150.00	50.00	200.00	59.00	259.00	25.90	Daniel Collins
STR 293	1	150.00	45.00	195.00	57.52	252.52	25.25	Frank Kane
STR 293	6	600.00	182.00	782.00	230.69	1012.69	101.27	Bernard Collins
Total on lands.....			\$1350.00	\$457.00	\$1807.00	\$533.05	2340.05	\$234.00	