

TOWNSHIP OF SANDWICH SOUTH, By-Law No. 369

A By-Law to provide for Drainage Work in the Township of Sandwich South, in the County of Essex, and continuing the same to an outlet in the Township of Sandwich West, and for borrowing on the credit of the Municipality the sum of \$2374.92, being the estimated cost of repairing and improving the South Talbot and Holden Outlet Drain.

Provisionally adopted
of July, A. D. 1915

Whereas, Ed. Banwell served ten notice on the Municipal Council of Sandwich South that the South Talbot and Holden Outlet drain was out of repair.

And, whereas, thereupon the said Council has procured an examination to be made by Owen McKay, O.L.S., 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 to assessment under this act, and has also procured plans, specifications and estimates of the drainage work to be made by the said Owen McKay and an assessment to be made by him of the lands and roads to be benefitted 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 injurious 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 by-law enacted to be assessed and levied upon the roads and lots or parts of lots hereinafter in that behalf especially set forth and described, and the report of the said Owen McKay in respect thereof and of the said drainage work being as follows:—

Walkerville, July 12th, 1915

To the Reeve and Council of the Township of Sandwich South.

Gentlemen.—In conformity with your instructions I have taken measurements and levels on the South Talbot Road and Holden Outlet Drains in the Township of Sandwich South, and beg to report thereon as follows:

I find that the portion of the drain along the Oldcastle Road and the South Talbot Road to stake marked 0 about 48½ rods west of the Oldcastle Road will require some sediment to be removed around the bend where the drain enters the South Talbot Road to place this portion of the drain in a fair state of repair.

The remaining portion of the drain is badly filled with sediment washed into it from line ditches and caving of the banks, and is also partly filled with weeds and other obstructions, which retard the flow of the water passing through the drain, and causes overflow of the adjoining lands as complained of by some of the ratepayers of this drain.

I would therefore recommend that this drain shall be repaired, deepened and otherwise improved from stake 0 a distance of 48½ rods west of the Oldcastle road to the Sixth Concession Road, thence along the Sixth Concession Road to the Holden Outlet Drain, thence along the Holden Outlet Drain to the centre of the West Town Line Road where it joins the Fourth Concession drain.

As this last mentioned drain is partly filled with sediment, washed in from the Holden and other drains, and also by stock pasturing along a portion of the drain, I would also recommend that the Fourth Concession Drain should be cleaned out from the West Town Line Drain to stake 74, a distance of about 56½ rods, where there is a good and sufficient outlet. The repairs shall be done in accordance with the accompanying plan and Specifications, and to the satisfaction of the Commissioners appointed by the Councillors to superintend this work.

Sharp bends shall be removed by excavating the earth on that side of the drain which will have a tendency to straighten the bends.

I would also recommend that the drain on the east side of the sixth concession road from the Holden Outlet Drain to Merrick Creek shall also be repaired and improved, in accordance with Profile and Specifications.

I have provided in my estimate for allowances to owners for earth spread on land, also for extra allowance to the Contractor for hauling earth excavated from the drains in front of buildings, orchards, etc., to a distance not exceeding 60 rods, for removing and replacing fences and for damages to growing crops or other damages, if such occur during the construction of the drain.

Where the drain passes along the public highway, the earth shall be cast on the side next the fence, and spread in a good and workmanlike manner, over a space of 4 rods in width, having a berm of 5 feet between the excavated material and the side of the drain.

Where the drain passes through the cast on the opposite side to that on which the fence is erected. Where there are no fences, the earth shall be cast on either or both sides of the drain as the Commissioners may direct, doing no unnecessary damages to meadows, growing crops, etc.

Where the fence is too close to the ditch to allow for properly sloping the drain, the fence shall be removed and replaced at a distance not exceeding 3 feet from the edge of the drain at completion thereof.

I have also provided in my estimate for allowances to earth spread on land, and the drain has been cleaned out from the West Town Line Road to stake 74.

I have not assessed the cost of the repairs of the 4th Concession Drain, together with allowances for earth spread on land to the lands and roads in Sandwich West, as the Assessment which might properly be charged on the lands in Sandwich West, would not reimburse Sandwich South for cost of duplicate report, plans, estimates and By-law.

My total estimate of this work is \$2374.92. Of this amount I have charged the Municipality of Sandwich South with the sum of \$714.92 for Benefit and outlet for Roads, and the remaining cost amounting to \$1660.00 on lands which will be benefitted by the drain, or which may use it for an outlet for these waters as per Assessment, Schedules, etc.

I would recommend that this drain shall be hereafter maintained in the same relative proportion as herein assessed, unless future changes in the Drainage area should render changes in Assessment necessary.

Accompanying this report you will please find Plan and Profile, Specifications, Estimate of Cost and Schedule of Assessment and Allowances, all of which is respectfully submitted.

I have the honor to be,

Your obedient servant,

OWEN MCKAY, C.E.

Stakes 200 ft. apart

Estimated cost of proposed repairs

Concession	Lot or Part of Lot	Acres	Value of Benefit	Value of Outlet Liability	Tl of Benefit, Liability and Injurious Liability in each case.	Cover for 10 years at 6 per cent	Total Special Rate	Annual Assessment during each year for 10 years.	Owner
STR	w pt n ½ 302	40		60.00	60.00	21.52	81.52	8.15	M. McCarthy Est.
	n e ¼ 303	50		75.00	75.00	26.90	101.90	10.19	A. Rounding
	n w ¼ 303	50		75.00	75.00	26.90	101.90	10.19	Geo. B. Collins
	w pt s ½ 302	83	55.00	125.00	180.00	64.60	244.60	24.46	Frank O'Neil
	s e ¼ 303	50	35.00	75.00	110.00	39.45	149.45	14.95	Frank O'Neil
	s w ¼ 303	50	35.00	75.00	110.00	39.45	149.45	14.95	Lionel O'Neil
	e pt s ½ 304	20	15.00	30.00	45.00	16.14	61.14	6.11	Alex O'Neil
	6 w pt 7	50	45.00	70.00	115.00	41.23	156.23	15.62	Chas. Roadhouse
	w pt e pt 7	10		12.50	12.50	4.50	17.00	1.70	Harry O'Neil
	w ½ 6	100	60.00	125.00	185.00	66.48	251.48	25.15	Ed. Banwell
	n pt w ½ 5	58	35.00	65.00	100.00	35.87	135.87	13.59	Arthur C. Holden
	s pt w ½ 5	42	25.00	45.00	70.00	25.11	95.11	9.51	Willard Holden
	n w ¼ 4	50	35.00	40.00	75.00	26.90	101.90	10.19	Willard Holden
	s w ¼ 4	50	20.00	50.00	70.00	25.11	95.11	9.51	Newton Holden
	n w ¼ 3	50	30.00	35.00	65.00	23.32	88.32	8.83	Geo. Hollinworth
	s w ¼ 3	50	20.00	40.00	60.00	21.52	81.52	8.15	Arch Hartley
	n w ¼ 2	50	15.00	25.00	40.00	14.35	54.35	5.44	Arch Hartley
	s w ¼ 2	30	15.00	15.00	30.00	10.76	40.76	4.08	Arch Hartley
	n w ¼ 1	20	10.00	5.00	15.00	5.37	20.37	2.04	John Dickson
	5 e ¼ 6	50	20.00	20.00	40.00	7.16	27.16	2.72	Afe. Higgins
	w ½ e ½ 6	50	15.00	15.00	30.00	5.37	20.37	2.04	Thos. McKee
	n ¾ e ½ 5	75	40.00	37.50	77.50	27.80	105.30	10.53	Ernest Holden
	s ¼ e ½ 5	25		10.00	10.00	3.60	13.60	1.36	Oscar Holden
	n 1-3 w ½ 5	33 1-3	5.00		5.00	1.80	6.80	.68	Jos. Edwards
	m 1-3 w ½ 5	33 1-3	10.00		10.00	3.60	13.60	1.36	Jos. Edwards
	s 1-3 w ½ 5	33 1-3	15.00		15.00	5.37	20.37	2.04	Oscar Holden
	w ½ 4	50	15.00	15.00	30.00	5.37	20.37	2.04	John Rupley
Total on Lands			570.00	1090.00	1660.00	595.55	2255.55	225.58	
On Township for Roads			340.00	374.92	714.92	256.27	971.19	97.12	Tp. of Sandwich S.
Total on Lands and Roads			\$910.00	\$1464.92	\$2374.92	\$851.82	\$3226.74	\$322.70	

4. For paying the sum of \$714.92 the amount assessed against the said roads and lands of the municipality and for covering interest thereon for ten years at the rate of six 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 ten years after the final passing of this by-law, during which the said debentures have to run.

5th. That Owen McKay is hereby appointed commissioner to let the contract for the said drain and works connected therewith, by public auction or tender to lowest bidder (not exceeding 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 the council, and

and improvements of the South Talbot and Holden Outlet drains in the Township of Sandwich South, County of Essex, Ont.

COST OF CONSTRUCTION

From commencement at stake 0 about 800 feet west of Oldcastle Road as per plan to stake 19 plus 27 feet at the 6th Concession Road.
232 lin. rods of ditching @ \$1.47 cts. per rod. Stake 19 plus 27 ft. to stake 41 plus 30 ft. at Holden Outlet Drain\$345.68
267 lin. rods of ditching @ \$1.51, Stake 41 plus 30 ft. to stake 69 plus 70 ft. at bridge on Town Line Road403.17
344 rods @ \$1.45 per rod, Stake 69 plus 70 to stake 74 on 4th Con. road, Sandwich West...498.80
50 rods of drain @ 55c. per rod, Branch on East side of 6th Con. Road from Holden Outlet Drain @ 41 plus 30, to Merrick Creek at stake 41 plus 22 28.50
504½ lin. rods of drain @ \$1.08 per rod544.86

Cost of excavation1821.01
Allowances to Owners for earth spread on land\$101.16
Extra allowances to Contractor for long haul in front of Buildings, Orchards, etc.50.00
Cleaning out drain at turn of Oldcastle to S. Talbot drain... 5.00
Moving and replacing fences as per Plan and Specifications, 970 lin. rods @ 15c.145.50
Allowances for damages to growing crops, meadows, etc., if any damage should occur.....30.00
Amount331.66

Incidental Charges

Court of Revision.....\$18.00
Publishing By-law20.00
Clerk's Fees30.00
Surveys, Plans and Reports.... 57.00
Expense on Survey17.25
Selling and Superintending work 80.00
Total incidentals222.25

Total Estimated Cost of Work.\$2374.92
OWEN MCKAY,
Civil Engineer.

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

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

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

2. The Reeve of the said Township may borrow on the credit of the corporation of the Township of Sandwich South, the sum of \$2374.92 being the estimate cost of repairing and improving the South Talbot and Holden Outlet Drain and may issue debentures of the corporation to that amount in sums of not less than \$50 each, and payable within ten years from the date thereof with interest at the rate of 6 per cent. per annum, that is to say in ten equal instalments, such debentures to be payable at the Canadian Bank of Commerce, in the City of Windsor.

3. For paying the sum of \$570.00, the amount charged against the said lands and roads for benefit, and the sum of \$1090.00 the amount charged against the said lands and roads belonging to or controlled by the municipality and for covering interest thereon for ten years at the rate of six per cent per annum, the following special rates 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 and parts of lots and roads and the amount of the said total special rates, and interest shall be divided into ten 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 By-law, during which the said debentures have to run.

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 Town Hall, Oldcastle on Saturday the 4th day of September, 1915, at the hour of ten o'clock in the forenoon, and that any person intending to appeal against the above assessment, or any part thereof, must do so later than ten days before the day fixed for the holding of the said court, and 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 by-law or any part thereof, quashed must not be later than ten days after the final passing thereof, serve a notice in writing, upon the reeve or other head officer, and upon the Clerk of the Municipality of Gosfield North of his intention to make application for that purpose, to the Drainage Referee during the six weeks next ensuing the final passing of this by-law.

JOHN McAULIFFE,
Township Clerk.

JOHN McAULIFFE E. J. O'NEIL
Clerk Reeve

I hereby certify that the foregoing is a true copy of a by-law provisionally adopted by the Municipal Council of the said Township of Sandwich South on the 24th day of July, A. D., 1915.

JOHN McAULIFFE, Clerk.