

Township of Sandwich South

BY-LAW NO. 576

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 \$648.20, being the portion of the estimated cost assessed against the lands and roads in Sandwich South for repairing the North Town Line Drain.

Provisionally adopted the 14th day of June, A.D., 1926.

Whereas, written notice was served on the Municipal Council of the Township of Sandwich South by W. McMullen, G. E. Willis and others that the North Town Line Drain was badly out of repair.

And whereas, thereupon the said council has procured an examination to be made by Jas. S. Laird, 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 Engineer, and an assessment to be made by him of the lands and roads to be benefitted by such drainage work and 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 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 Engineer, in respect thereof, and of the said drainage work being as follows:

To the Reeve and Municipal Councillors of the Township of Sandwich South.

Gentlemen,—

Acting under your instructions I have made a survey and examined the North Town Line Drain in your township and beg to report thereon as follows:—

I find that the said North Town Line Drain in its present condition is not deep enough to give a proper outlet to the covered drains on the W 1-2 of Lot 17, in the 7th Con. of said Township.

I, therefore, recommend that the said North Town Line Drain be cleaned out and otherwise improved from the head of said drain at the 7th Con. Road East 336 rods to 52 rods East of the 8th Con. Road. The said improvement to be made in strict accordance with the profile and specifications of same attached hereto.

I have, in the estimates, provided \$80.25 to pay for damages (if any) caused by spreading the earth on lands and crops and I also have provided \$51.00 to pay for moving and putting back fences, all to be paid as given on the annexed specifications.

I find the cost of cleaning out and improving said drain, all works connected therewith and all expenses, to be \$712. Of this amount I have

assessed the township of Sandwich South for benefit to roads with the sum of \$68.80 and for outlet for the waters from said roads with the sum of \$64. The lots and parts of lots that will in any way be affected by said improvement I have assessed for benefit with the sum of \$315.15 and for outlet for the waters from said lands with the sum of \$200.25.

As the township of Sandwich East is equally interested in the North Town Line Road as the Township of Sandwich South I have assessed the Township of Sandwich East for benefit to their South town line road with the sum of \$39.80 and for outlet for the waters from said town line with the sum of \$24. All as is set forth in the schedule of assessments attached hereto.

All of which is respectfully submitted.

(Sgd.) JAS. S. LAIRD, O.L.S.
Engineer.

Essex, May 17th, 1926.

SPECIFICATIONS

Specifications of the proposed cleaning out and improving of part of the North Town Line Drain in the Township of Sandwich South.

This improvement commences at the East End of the pipe across the 7th Con. Road and follows the old drain on the South Side of the said North Town Line East to 52 rods East of the East limit of the 8th Con. Road. Side slopes as follows:—Give the land side a good 1 1-4 to 1 slope while the road side shall not be touched except to give what you deepen it a 1 1-4 to 1 slope. Bottom width from the 7th Con. Road to the 8th Con. Road 2 1-2 feet and East of the 8th Con. Road 3 feet.

The earth taken from the said Drain shall all be cast South in the fields, keep back 5 feet from the edge of the finished drain and grade evenly over 30 feet. Except in front of several houses, where the earth shall be disposed of as will be directed by the commissioners in charge of the repairs.

The following named parties shall receive the sums placed after their names, for spreading earth on their lands and crops and for moving and putting back fences.

Spreading earth—W. McMullen, 7th Con. lot 1, \$2.20; Geo. E. Willis, 7th Con. lot 2 and 3, \$3.55; C. Howling, 7th Con. lot 4, \$1.70; Edward Moore, 7th Con. lot 5, \$1.50; W. G. Folliott, 7th Con. lot 6 and 7, \$2.75; A. J. Podvin, 7th Con. lot 8, \$1.30; W. C. Morton, 7th Con. lot 9, \$1.30; A. G. McLachlan, 7th Con. lot 10, \$1.25; E. A. Graham, 7th Con. lot 11, \$1.15; J. A. Connelly, 7th Con. lot 12, \$1.05; Ethel Sales, 7th Con. lot 13, \$1.55; W. J. Boutcher, 7th Con. lot 14, 15 and 16, \$4.95; H. St. Antoine, 7th Con. E 1-2 17, \$30; Poupard & Hesse, 7th Con. N W part 17, \$15.60; Fred Ure, 8th Con. N W part 17, \$10.40. For fences—H. St. Antoine, \$30; Poupard & Hesse, \$10.60; Fred Ure, \$10.40.

If the contractor removes any bridges in the repairs of said drain he shall replace them within 24 hours after their removal in as good shape as he found them. If the contractor removes any fences he shall put them back in as good shape as he found them taking into consideration

the material he has to deal with. The above work shall all be completed to the full satisfaction of the commissioners in charge of the repairs.

ESTIMATES

Estimates for cleaning out and improving part of the North Town Line Drain in Sandwich South Township.

From stake 0 to stake 7, 84 rods at \$1.20 per rod, \$100.80; From 7 to 13, 72 rods at \$1.00, \$72; From 13 to 22, 108 rods at \$1.05, \$113.40; From 22 to 28, 72 rods at 75c, \$54. Cost of excavation, \$340.20. Damages (if any) spreading earth on lands and crops, \$80.25; Moving and putting back fences, \$51; Lowering pipes, \$12; Hauling away earth, \$6; Unforeseen, \$12; Cost of construction, \$501.45. Survey, plans, profiles, estimates, assessment, etc. \$73; Paid men assisting, stakes, expenses, etc. \$12.35; Extra work for clerk, \$30; Publishing bylaw, \$30; Court of Revision, \$20; Letting and Superintending, \$42.20; Serving report on Sandwich East Twp., \$3. Total Cost, \$712.00.

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

Therefore the said Municipal Council of the said 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 \$648.20, being the portion of the estimated cost assessed against the lands and roads in the Township of Sandwich South, 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 6 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 \$315.15 the amount charged against the said lands for benefit, and the sum of \$200.25, the amount charged against the said lands for outlet 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 6 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 and parts of lots, and the amount of the said 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 by-law, during which the said debentures have to run.

| 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 6 per cent | T'l Special Rate | Annual Assessm't during each year for 10 years | OWNER |
|--------------------------|--------------------|-------|------------------|---------------------------|---|---|------------------|--|------------------------|
| 6 | pt 17 | 14 | 3.00 | 2.00 | 5.00 | 1.79 | 6.79 | .68 | Albert Poupard |
| 7 | w pt 17 | 3 1/4 | 21.00 | 24.35 | 45.35 | 16.18 | 61.51 | 6.15 | Albert Poupard |
| | n w pt 17 | 3 1/6 | 20.15 | 20.60 | 40.75 | 14.61 | 55.36 | 5.54 | Theresa Hesse |
| | Lot 1 | 1 | 12.00 | 6.00 | 18.00 | 6.45 | 24.45 | 2.45 | Wm. McMullen |
| | Lot 2 and 3 | 2 | 16.00 | 11.50 | 27.50 | 9.86 | 37.36 | 3.74 | Geo. E. Willis |
| | Lot 4 | 1 | 12.00 | 5.50 | 17.50 | 6.28 | 23.78 | 2.38 | Clarence Howling |
| | Lot 5 | 1 | 12.00 | 5.35 | 17.35 | 6.22 | 23.57 | 2.36 | Edw. Moore |
| | Lot 6 and 7 | 2 | 16.00 | 10.50 | 26.50 | 9.50 | 36.00 | 3.60 | W. G. Folliott |
| | Lot 8 | 1 | 12.00 | 5.00 | 17.00 | 6.10 | 23.10 | 2.31 | August J. Podoin |
| | Lot 9 | 1 | 12.00 | 4.90 | 16.90 | 6.06 | 22.96 | 2.30 | W. C. Morton |
| | Lot 10 | 1 | 12.00 | 4.75 | 16.75 | 6.01 | 22.76 | 2.28 | D. C. Bawtenheimer |
| | Lot 11 | 1 | 12.00 | 4.65 | 16.65 | 5.97 | 22.62 | 2.26 | E. A. Graham |
| | Lot 12 | 1 | 12.00 | 4.50 | 16.50 | 5.92 | 22.42 | 2.24 | John A. Connolly |
| | Lot 13 | 1 | 12.00 | 4.35 | 16.35 | 5.86 | 22.21 | 2.21 | Ethel Sales |
| | Lot 14, 15, 16 | 3 | 20.00 | 16.30 | 36.30 | 13.02 | 49.32 | 4.93 | W. J. Boucher |
| | Lot 17 | 1 1/2 | 7.00 | 6.00 | 13.00 | 4.66 | 17.66 | 1.77 | Reginald Craig |
| | Lot 18 | 1 | 6.00 | 4.00 | 10.00 | 3.59 | 13.59 | 1.36 | W. H. Woods |
| | pt 17 | 1/2 | 4.00 | 3.00 | 7.00 | 2.51 | 9.51 | .95 | H. Holland |
| | e 1-2 17 | 24 | 72.00 | 54.00 | 126.00 | 45.18 | 171.18 | 17.12 | Hy. St. Antoine |
| 8 | n w pt 17 | 11 | 22.00 | 3.00 | 25.00 | 8.97 | 33.97 | 3.40 | Fred Ure |
| Total on lands | | | 315.15 | 200.25 | 515.40 | 184.74 | 700.12 | 70.03 | |
| On Co. for Base Line | | | 6.00 | 14.00 | 20.00 | 7.17 | 27.17 | 2.72 | W. H. Knister |
| On Twp. for Roads | | | 62.80 | 50.00 | 112.80 | 40.45 | 153.25 | 15.32 | Twp. of Sandwich South |
| Total on lands and roads | | | \$383.95 | \$264.25 | \$648.20 | \$232.36 | \$880.54 | \$88.07 | |

4th For paying the sum of \$132.80 the amount assessed against the said roads and lands of the municipality and for covering interest thereon for 10 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 Jas. S. Laird 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 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 40 per cent of the amount due, until the contract is fully completed and duly accepted.

6th. That a copy of this by-law shall be served on each of the interested parties, pursuant to Sec. 25 of the Municipal Drainage Act, and shall come into force upon and after the final passing thereof, and may be cited "The North Town Line Repairs By-Law."

J. G. HENNIN, Reeve.

JOHN McAULIFFE, Clerk.

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 14th day of June, A.D., 1926.

JOHN McAULIFFE,
Clerk of the 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 Town Hall, Oldcastle, on Monday, the 26th day of July, 1926, at the hour of 8.00 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 the holding of the 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 by-law or any part thereof, quashed must not 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 Sandwich South 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, Clerk.