

Township of Sandwich South

BY-LAW NO. 602.

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 \$635 00, being the estimated cost of repairing the Donovan Drain.

Provisionally adopted the 2nd day of May, A.D. 1927.

Whereas, written notice was served on the Municipal Council of the Township of Sandwich South, by Wilfrid Greaves, that the Donovan 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 Councilors of the Township of Sandwich South:—

Gentlemen,—

Acting under your instructions I have examined and made a survey of the Donovan Drain in your township and beg to report thereon as follows.

I find that the said Donovan Drain in its present condition is not deep enough to give a proper outlet to the lands along and near said drain which depend on said drain for an outlet for the waters from said lands.

I would, therefore, recommend that the said Donovan Drain be cleaned

out and otherwise improved; said improvement to be made in accordance with the profile and specifications of same attached hereto. The cuts, side slopes, bottom width and disposal of the earth are all given on the annexed profile and specifications.

I find the cost of cleaning out and improving said drain, all works connected therewith and all expenses, together with the sum of \$48.14 which this drain owes the township of Sandwich South, to be \$635.00. Of this amount I have assessed the lands that will in any way be affected by said improvement with the sum of \$409.00 for benefit and with the sum of \$226.00 for outlet; all as is set forth in the schedule of assessments attached hereto.

This drain shall be kept in repair by a tax on the lands now assessed in accordance with the Municipal Drainage Act.

All of which is respectfully submitted.

(Sgd.) J. S. LAIRD, Engineer
Essex, April 4th, 1927.

ESTIMATES

Estimates for cleaning out and improving the Donovan Drain in the Township of Sandwich South. From Stake 0 to Stake 5, 60 rods at \$1.40 per rod, \$84; From 5 to 10, 60 rods at \$1.25 per rod, \$75; From 10 to 15, 60 rods at \$1.00, \$60; From 15 to 20, 66 rods at \$1.60, \$105.60; Cost of excavation, \$324.60. Damage, spreading earth on lands and crops, \$60; Brushing and grubbing, \$20; Removing one tree, \$5; What this drain owes the township, \$48.14; Cost of construction, \$457.54. Survey, plan, profile, estimates, assessment, etc. \$58.50; Paid men assisting, expenses, etc. \$9.75; Extra work for clerk, \$27; Publishing Bylaw, \$25; Court of Revision, \$18; Letting and superintending, \$39.21. Total cost, \$635.00.

SPECIFICATIONS

Specifications of the proposed cleaning out and improving of the Donovan Drain in the township of Sandwich South.

Side slopes 1 1/4 to 1 on both sides. Bottom width 3 feet all the way. Disposal of the earth as follows. Cast the earth to the opposite side to that which the fence is on, keep back 5 feet from the edge of the finished drain and grade evenly over 32 feet. The following named owners shall receive the sums placed after their names for damages (if any) caused by spreading the earth on lands and crops—Mrs. L. Croft, s e 1-4 292 S.T.R., \$15.00; Bethel Croft,

s w 1-4 292 S.T.R., \$15.00; Jer Collins, n 1-2 293 S.T.R., \$30.00.

All brush and rubbish that encroach at all on the sides or bottom of the drain shall be taken out and burnt to ashes. No farm ditch shall in any way be blocked or filled up. If the contractor removes any fences he shall replace them in as good condition as he found them. At stake 12 take out 1 tree and remove it 10 ft. from the edge of the finished drain at that point. The above work shall all be completed to the full satisfaction of the commissioners in charge of the repairs.

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 \$635.00 being the estimated cost of repairing the Donovan 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 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 \$409.00 the amount charged against the said lands for benefit, and the sum of \$226.00 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 & Injury Liability in each case. | Cover Interest for 10 years at 6 per cent. | T ¹ Special Rate | Annual Assessmt. during each year for 10 years. | OWNER |
|----------------|---------------------|---------|------------------|----------------------------|---|--|-----------------------------|---|-------------------|
| STR s 1-2 291 | | .45 | 49.50 | 54.00 | 103.50 | 37.12 | 140.62 | 14.06 | Wilfred Greaves |
| n 1-2 291 | | .50 | 55.00 | 60.00 | 115.00 | 41.24 | 156.24 | 15.62 | Ira L. Graham |
| s w 1-4 292 | | .50 | 55.00 | 37.50 | 92.50 | 33.17 | 125.67 | 12.57 | Bethel Croft |
| s e 1-4 292 | | .50 | 55.00 | 52.50 | 107.50 | 38.55 | 146.05 | 14.61 | Mrs. Lottie Croft |
| n w 1-4 292 | | .48 1/4 | 32.00 | | 32.00 | 11.47 | 43.47 | 4.35 | Dan McLean |
| n e 1-4 292 | | .45 3/4 | 32.00 | | 32.00 | 11.47 | 43.47 | 4.35 | Mrs. E. Deehan |
| n 1-2 293 | | .94 2/3 | 53.50 | | 53.50 | 19.19 | 72.68 | 7.27 | Jer. Collins |
| s 1-2 293 | | .99 | 77.00 | 22.00 | 99.00 | 35.50 | 134.50 | 13.45 | Edw. Garrow |
| Total on lands | | | \$409.00 | \$226.00 | \$635.00 | \$227.71 | \$862.70 | \$86.28 | |

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 6 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 J. S. Laird is hereby appointed commissioner to let the 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 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 Reeve 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 Bylaw shall be served on each of the interested parties, pursuant to Section 25 of the "Municipal Drainage Act" and shall come into force and effect upon and after the final passing thereof, and may be cited the "Donovan Repairs Bylaw."

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 2nd day of May, A.D. 1927.

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 6th day of June, 1927, 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.