

BY-LAW NO. 979

A BYLAW 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 one thousand and forty-seven dollars, being the estimated cost of repairing the McPherson Drain.

Provisionally adopted the 1st day of December, A.D., 1947.

Whereas Alex Dawson, one of the owners assessed to the McPherson Drain, served written notice on the Council of Sandwich South to have 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 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 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., October 3rd, 1947.
To the Reeve and Municipal Council of the Township of Sandwich South:
Gentlemen, in compliance with your instructions, I have made an examination, survey, etc., of that part of the McPherson drain as per the complaint of Mr. Alex Dawson, and now report thereon, as follows:

I commenced my survey of this drain at the tile outlet on the Middle part of the w ½ of lot 3, Con. 10, owned by Margaret Farough; thence I continued northerly, following the drain downstream along the easterly side of the road between Concessions 9 and 10, to the south side of the South Talbot Road.

I find that it has been many years since this drain has been cleaned out and in its present condition it is not deep enough to properly retain and carry off the waters from the lands and road it was intended to drain. In order to overcome this difficulty and thus afford proper drainage to the lands and road affected, I would recommend that the drain be cleaned out and improved in accordance with the accompanying profile and specifications.

I further find that the present 24" corrugated crock culvert in front of the n pt w ½ lot 3, Con. 10, is not deep enough and also some of the crocks are broken. I am further providing for the construction of a new access bridge at this location, and have provided for the same in accordance with Subsection 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 amounts as compensation for damages to lands and crops (if any):

Margaret Farough, owner m pt w ½ lot 3, Con. 10, \$1; Mabel Farough, owner n w pt lot 3, Con. 10, \$10; Alex Dawson, owner w pt lots 4 and 5, Con. 10, \$40. Total, \$51.00.

I have provided for these in my estimates as is provided for in Subsection 7 of Section 8 of the Municipal Drainage Act.

McPHERSON DRAIN.

My estimate of the cost of the whole of the above work, including all incidental expenses, is the sum of \$1,047, made up as follows:

Excavation—From Station 0 to Station 34+65', 3,465 ft., \$460; new access culvert in front of n pt w ½ lot 3, Con. 10, \$220; removing and replacing fences, \$20; damage to lands and crops (if any) \$51. Total for construction, \$751.00.

Incidentals — Survey, plans, estimates and report, \$75; assistance and expenses, \$24; extra work for Clerk, \$40; publishing bylaw, etc., \$40; Court of Revision, \$24; Ontario Municipal Board fee, \$3; letting and superintending, \$90. Total for incidentals, \$296.00.

Total estimate, \$1,047.00.

I would further recommend that this drainage work be kept up and maintained at the expense of the lands and roads herein 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 McPherson Drain, in the Township of Sandwich South.

The drain shall commence at the 10-inch outlet tile in front of the m pt of the w ½ of lot 3, Con. 10, at a point 45 ft. south of the limit between the lands of Margaret Farough and Mabel Farough, as indicated on the accompanying plan, and shall extend northerly along the easterly side of the road between Concessions 9 and 10 to the southerly side of the South Talbot road. It shall be of the form, size, depths, etc., as shown on the accompanying profile and when completed 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 from the bench marks. The cuts are to the bottom of the drain and are to be taken from the ground beside the stakes.

The side slopes shall be one and one-quarter feet horizontal to one foot vertical for that side of the drain remote from the travelled portion of the road and for that portion of the roadside of the drain which is below the bottom of the present drain. The present roadside slope shall not be interfered with except that the contractor will be required to cut off all overhanging ledges.

The excavated earth from this drain shall be cast onto the adjoining lands to the east and well and evenly spread over a sufficient space so that no portion of the excavated earth is more than 12 inches in depth and kept at least four feet (4') 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 in front of any house or lawn, the excavated material shall be taken for a distance of at least seventy-five feet (75') on either side of the center line of such house or lawn, and spread over the adjoining lands as above specified.

Where it is necessary to take down any fence or remove any bridge in order to proceed with the work, the same shall be done by the contractor, across or along whose portion of the work such fence or bridge is, and when that portion of the work is completed, the said fence or bridge shall be replaced in a neat and workmanlike manner by the contractor who removed it, but he will not be required to procure any new material for rebuilding such fence or bridge, provided he has used reasonable care in removing and replacing same.

The contractor will be required to remove the present concrete crock across bridge in front of the n pt of the w ½ of lot 3, Con. 10, and construct in this location a new access culvert

consisting of a 24-inch corrugated pipe 16 feet long, having reinforced head walls of the shape as now contained on the present culvert. These walls shall have a length of nine feet (9') at right angles to the axis of the culvert and a length of six feet (6') on the next to the travelled portion of the road, and to flare these ends so as to permit easy access from the lands of the owner onto the travelled road. The width of the head walls shall be one foot (1') and shall be six feet (6') high and shall extend two and a half feet (2½') below the bottom of the finished grade of the ditch at the location of the culvert. The walls shall be reinforced with ½ inch bars placed at twelve inch (12") centers both horizontally and vertically and placed two inches (2") from the inside face of each head wall. These walls shall be built of concrete which shall consist of one part by volume of cement to four and a half parts by volume of good clean, coarse, granular sand, mixed with just sufficient water to form a plastic mix and placed and tamped into position while still fresh. After the concrete in the head walls has become thoroughly cured, the earth shall be backfilled around the culvert between the head walls and thoroughly tamped into position and graded so as to form an easy access from the lands of the owner to the Concession Road.

The crocks reclaimed from this bridge shall be cleaned and placed on the lands of the adjoining owner.

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 shall 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, October 3rd, 1947.

And whereas the said Council is of the opinion that the drainage of the area 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 \$1,047.00, being the estimated cost of repairing the McPherson 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 5 percentum 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 \$922.00, the amount charged against the said lands and roads for benefit, and the sum of \$272.00, 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 percentum 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 \$125.00, 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 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 C. G. R. Armstrong 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), and 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 20 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 24 of The Municipal Drainage Act, and shall come into force and effect upon and after the final passing thereof, and may be cited "The McPherson Drain Repairs Bylaw."

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 also 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.

JOHN McAULIFFE, Clerk.
J. G. HENNIN, Reeve.

I certify that the foregoing is a true copy of a Bylaw provisionally adopted by the Municipal Council of the said Township of Sandwich South, on the 1st day of December, A.D., 1947.

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 Township Hall, Oldcastle, on Monday, the 12th day of January, 1948, at the hour of 4 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 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 bylaw.

JOHN McAULIFFE,
Township Clerk.

Concession or Plan	Lot or Part of Lot	Acres	Value of Benefit	Value of Outlet Liability.	Total of Benefit Outlet Liability and Injuring Lia- bility in each case.	Cover Interest for 10 years at 5 percent	Total Special Rate.	Annual Assessment during each year 10 years.	OWNER
9 m p t e 1/2 3..... n p t e 1/2 3..... s p t e 1/2 4..... 10 m p t w 1/2 3..... n w p t 3..... w p t 4 and 5.....	8	8	\$ 80.00	\$ 24.00	\$104.00	\$ 30.68	\$134.68	\$ 13.47	G. Ivanisko
	16	16	100.00	40.00	140.00	41.30	181.30	18.13	G. Tremblay
	21	21	100.00	42.00	142.00	41.89	183.89	18.39	G. E. Ferriss
	17	17	100.00	51.00	151.00	44.55	195.55	19.56	Margaret Farough
	17	17	160.00	42.00	202.00	59.59	261.59	26.16	Mabel Farough
	20	20	150.00	33.00	183.00	53.99	236.99	23.70	Alex Dawson
Total on lands			\$690.00	\$232.00	\$922.00	\$272.00	\$1194.00	\$119.41	
10th Con Road			100.00	25.00	125.00	36.88	161.88	16.19	Sandwich South Twp.
Total on lands, roads			\$790.00	\$257.00	\$1047.00	\$308.88	\$1355.88	\$135.60	