Hemen St. Louis 40.00 Armstrong 40.00

Township of Sandwich South, By-Law No. 988

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 $1,202.00, being the estimated cost of the construction of the Croft Drain, and building some farm bridges over same.

Provisionally adopted the 1st day of March, A.D., 1948.

Whereas, a majority of owners (exclusive of farmer's sons, not actual owners) assessed for the construction of the Croft Drain, under the provisions of the Ditches and Watercourses Act, have petitioned the Council of the Township of Sandwich South to have said 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 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., January 22, 1948.

To the Reeve and Municipal Council of the Township of Sandwich South:

Gentlemen: In accordance with your instructions, I have made an examination, survey, etc., for the purpose of changing the CROFT DRAIN from a Ditches and Watercourses Act Drain, to a drain under the Municipal Drainage Act, and repairing the same, and now report thereon as follows:

I commenced my survey of this drain at the Blind Line, at the line between Lots 9 and 10, in the 10th Concession; thence I followed the course of the present drain, downstream, northerly along the westerly side of the Blind Line to its outlet in Sullivan Creek.

I would recommend that this drain be constructed in accordance with the accompanying profile and specifications.

I have provided in my estimates for allowances for farm bridges to be paid to the owner of the s ½ e ¾ lot 11 and to the owner of the n ½ e ¾ lot 11, in the 10th Concession, as is provided for under Sub section 4 of Section 8 of the Municipal Drainage Act.

I find that each of the following owners is entitled to and should receive the following amounts as the nominal value of the present ditch and for damages to land and crops (if any): Andrew McCann Estate, owners of pt Gore, lot 9, Con. 10, ditch $1; Charles and Nellie Vincent and Joseph McCann, owners of pt e ½ lot 10, Con. 10, ditch $1; George Hergott, owner pt Gore lot 9, Con. 10, ditch $1; George Hergott, owner pt w ½ lot 10 Con. 10 ditch $1, damages $9; Wm. O'Keefe, owner pt w ½ lot 10, Con. 10, ditch $1, damages $11; Wm. O'Keefe, owner pt Gore lot 9, Con. 10, ditch $1; Mrs. Theresa O'Keefe, owner pt w ½ lot 10, Con. 10, ditch $1, damages $11; Glenn Lavin, owner n ½ e ¾ lot 11, Con. 10, ditch $1; Thomas Croft, owner s ½ e ¾ lot 11, Con. 10, ditch $1, damages $15; Glenn Lavin, owner s pt e ½ lot 12, Con. 10, ditch $1, damages $15; John McCarthy, owner s w ¼ lot 12, Con. 10, ditch $1, damages $15; Hemen St. Louis, owner e ½ n w ¼ lot 12, Con. 10, ditch $1, damages $4. Totals: for ditches $12.00; damages, $80.00.

I have provided for these in my estimates, as is provided for under Subsections 6 and 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 $1,202, made up as follows:

Excavation—From station 0 to station 52, $600; brushing and grubbing, $60; removing and replacing fences, $18; allowances for farm culverts, $100; nominal value of present ditch, $12; damages to land and crops (if any), $80. Total for construction, damages, etc., $870.00.

Incidentals — Survey, plans, estimates, report and assessment, $98; assistance and expenses, $28; extra work for Clerk, $50; publishing bylaws, etc., $50; Court of Revision, $24; Municipal Board fee, $2; letting and superintending, $80. Total for incidentals, $332.00.

Total estimate, $1,202.00.

I would further recommend that this drainage work be kept up and maintained at the expense of the land 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 CROFT DRAIN in the Township of Sandwich South.

The drain shall follow the course of the present drain as staked on the ground and shall be of the size, depth, etc as shown on the accompanying profile. The cuts are to the bottom of the drain and are to be taken from the ground beside the stakes.

When completed the drain 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. It shall have uniform and even side slopes of not less than one and one quarter feet horizontal to one foot vertical on each side.

The excavated earth shall be cast onto the adjoining lands to the west and well and evenly spread over a sufficient space so that no portion of the excavated earth is more than 12 inches (12") in depth and kept at least four feet 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 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 the same.

In case the owner of the n ½ e ¾ and the owner of the s ½ e ¾ of lot 11, wish to install farm bridges, on their property, they shall install bridges of not less than the equivalent of a 30-inch diamond culvert.

Where there is any brush, rubbish or stumps in the course of the drain, or where the earth is to be spread, all such brush and rubbish shall be grubbed out of the drain and close cut where the earth is to be spread, and the stumps shall be grubbed out, and the whole will be burned or otherwise satisfactorily disposed of by the Contractor across or along whose portion of the drain such brush, rubbish or stumps are.

The whole of the work shall be done in a neat and workmanlike manner, to the full satisfaction of the Commissioner or Engineer in charge.

Monthly estimates will be furnished the contractor by the Commissioner or Engineer in charge. Said estimates shall not be more than 80% of the value of the work done, 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, Ont., January 22nd, 1948.
Windsor, Ont., November 12th, 1947.

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 herein 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 $1,202.00, being estimated cost of constructing Croft drain and building some farm bridges over same and may issue debentures of corporation to that amount in sum 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 $787.00, the amount charged against the said lands and roads for benefit, and the sum of $445.00, 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 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), but every such contractor, with two good and satisfactory sureties, shall be required forthwith to enter into bonds for the due performance and completetion 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 Croft Drain Construction 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.
PERCY W. McKEE, 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 March, A.D., 1948.

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 5th day of April, 1948, 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 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,

Concession or Plan	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 percent.	Total Special Rate.	Annual Assessment during each year 10 years.	OWNER
10	pt gore 9	5	$ 30.00	$ 25.00	$ 55.00	$ 16.23	$ 71.23	$ 7.12	Joseph McCann.
	n½ n e ¼ 10	25	30.00	.....	30.00	8.85	38.85	3.89	Joseph McCann
	s ½ n e ¼ 10	25	30.00	.....	30.00	8.85	38.85	3.89	Nellie McCann
	n ½ s e ¼ 10	25	30.00	.....	30.00	8.85	38.85	3.89	Vince McCann
	s ½ s e ¼ 10	25	30.00	.....	30.00	8.85	38.85	3.89	Charles McCann
	pt gore 9	32/100	1.00	1.00	2.00	.59	2.59	.26	George Hergott
	pt w ½ 10	15	50.00	60.00	110.00	32.45	142.45	14.25	George Hergott
	pt w ½ 10	49¾	75.00	162.00	237.00	69.92	306.92	30.69	William O'Keefe
	pt gore 9	26/100	1.00	1.00	2.00	.59	2.59	.26	William O'Keefe
	pt w ½ 10	32½	75.00	82.00	157.00	46.32	203.32	20.33	Theresa O'Keefe
	n ½ e ¾ 11	25	150.00	31.00	181.00	53.39	234.39	23.44	Glen Lavin
	s ½ e ¾ 11	25	150.00	44.00	194.00	57.23	251.23	25.12	Thomas Croft
	s pt e ½ 12		75.00	.....	75.00	22.13	97.13	9.71	Glen Lavin
	s w ¼ 12	10	50.00	8.00	58.00	17.11	75.11	7.51	John McCarthy
	pt e ½ n w ¼ 12	1	10.00	1.00	11.00	3.24	14.24	1.42	Hemen St. Louis
	Total on lands		$787.00	$445.00	$1202.00	$354.60	$1556.60	$155.67	