

THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 5357-21

**A BY-LAW TO PROVIDE FOR A DRAINAGE WORKS IN THE TOWN OF
NIAGARA-ON-THE-LAKE, IN THE REGIONAL MUNICIPALITY OF
NIAGARA, TO BE KNOWN AS THE IRVINE ROAD DRAIN**

WHEREAS the Council of The Corporation of The Town of Niagara-on-the-Lake has adopted the Engineering Report prepared by K. Smart Associates Limited, dated March 26, 2021 (Report OPS-21-023) which said report, Irvine Road Drain, is attached hereto as Schedule "A" and forms part of this by-law;

AND WHEREAS the estimated total cost of constructing the drainage works is \$875,115 as outlined on the Schedule of Assessments which forms part of Schedule "A" attached to this by-law;

AND WHEREAS \$361,335 is to be contributed for construction of Drainage Works by The Corporation of The Town of Niagara-on-the-Lake as set out in the Schedule of Assessments which forms part of Schedule "A" attached to this by-law.

AND WHEREAS \$66,350 is to be provided by the Town of Niagara-on-the-Lake as a one-time-only one-third (1/3) grant to the non-agricultural properties within the Irvine Road Municipal Drain watershed to help offset the significant costs assessed to the non-agricultural, primarily residential, properties as approved by Council on June 21, 2021 through Operations Report OPS-21-017.

AND WHEREAS \$447,430 is being assessed to property owners in The Town of Niagara-on-the-Lake as set out in the Schedule of Assessments which forms part of Schedule "A" attached hereto;

AND WHEREAS the Council of The Corporation of the Town of Niagara-on-the-Lake approves, in principle, a maximum 20-year repayment plan for assessed landowners to assist in reducing the burden of the project, subject to interest, administration costs and specific terms to be determined at the time of completion of the project;

AND WHEREAS the Council of The Corporation of the Town of Niagara-on-the-Lake approves, in principle, to fund any portion of the project which is deferred over 20 years, or which cannot be covered through the Capital Levy for Town portions, funded by repayments from landowners and the general tax levy for any Town portions, to be finalized upon the completion of the project.

AND WHEREAS the Council of The Corporation of the Town of Niagara-on-the-Lake is of the opinion that the drainage works is desirable.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE pursuant to The Drainage Act, R.S.O. 1990 enacts as follows:

1. The report titled Irvine Road Drain prepared by K. Smart Associates Limited, dated March 27, 2021, and attached hereto as Schedule A, is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. Payment options to be determined upon completion of the Drainage Works and final cost calculations for assessed property owners.

