



**COURT OF REVISION - AGENDA**  
**Pursuant to the Drainage Act, R.S.O. 1990**

**Monday, June 25, 2018, 6:45 PM**

**Council Chambers**

**2021 Division Road N**

**Kingsville, Ontario N9Y 2Y9**

**Pages**

**A. OPENING COURT OF REVISION**

**B. DISCLOSURE OF PECUNIARY INTEREST**

When a member of the Court has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Court of Revision (or that was the subject of consideration at the previous Court of Revision at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

**C. ROAD 10 CROSSING OVER THE PATTERSON DRAIN, TOWN OF KINGSVILLE**

**1**

**N. J. Peralta Engineering Ltd., Consulting Engineers, Project No. D-17-029**

*T. Peralta, P. Eng. and K. Vegh, Drainage Superintendent*

i) Notice of Sitting of Court of Revision;

ii) Excerpt of the Report Consideration Minutes dated May 28, 2018;

iii) By-law 60-2018 being a by-law to provide for the construction to replace and improve the Road 10 Crossing Over the Patterson Drain, in the Town of Kingsville, in the County of Essex (N. J. Peralta Engineering Ltd. Project No. D-17-029), provisionally adopted on May 28, 2018.

**Recommended Action**

Approve the Schedule of Assessment for Road 10 Crossing Over the Patterson Drain (N. J. Peralta Engineering Ltd. Project No. D-17-029).

**D. ORDER OF APPEALS OF ASSESSMENT**

**E. CLOSE COURT OF REVISION**

**F. ADJOURNMENT**



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
(519) 733-2305  
www.kingsville.ca  
kingsvilleworks@kingsville.ca

**Notice of Sitting of Court of Revision**

*Drainage Act*, R.S.O. 1990, c. D. 17, subs. 46(1) and (2)

**Re: Patterson Drain**

Take notice that your property is assessed for the construction and/or improvement of the above mentioned drainage works under section 78 of the *Drainage Act*. Attached is a provisional by-law exclusive of the engineer's report. Details of your assessment are contained in the engineer's report dated April 23<sup>rd</sup>, 2018, which has been previously sent to you or is available at the municipal office.

An owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds:

- Any land or road has been assessed an amount that is too high or too low;
- Any land or road that should have been assessed has not been assessed; and/or
- Due consideration has not been given to the use being made of the land.

Pursuant to section 52(1) of the *Drainage Act*, objections or appeals to the assessment must be forwarded in writing, to the **attention of the Clerk**, at least ten (10) days prior to the date of the Court of Revision.

The Court of Revision will take place:

**Monday, June 25<sup>th</sup>, 2018 at 6:45 p.m.**  
**Town of Kingsville Municipal Office**  
**2021 Division Road North, Kingsville**

DATED at the Town of Kingsville the 19<sup>th</sup> day of June, 2018.

*Ken Vegh*

**Ken Vegh, CRS**  
Drainage Superintendent  
Municipal Services Department  
The Corporation of the Town of Kingsville

Right of Appeal – Any owner of land or public utility affected by the above mentioned drainage works may appeal to the Referee regarding legal issues or the Agriculture, Food and Rural Affairs Appeal Tribunal regarding technical issues within forty (40) days of the sending of this notice. *Drainage Act*, R.S.O. 1990, c. D. 17, subs. 47(1) and 48(1).

The Corporation of the Town of Kingsville

Excerpt—Regular Meeting of Council Minutes dated May 28, 2018

**G. MATTERS SUBJECT TO NOTICE**

**1. PUBLIC MEETING--ENGINEER'S REPORT CONSIDERATION--Road 10 Crossing over the Patterson Drain**

T. Peralta, P. Eng. and K. Vegh, Drainage Superintendent.

i) Notice of Meeting to Consider the Engineer's Report, dated May 8, 2018;

ii) Engineer's Report dated April 23, 2018 (N. J. Peralta Engineering Ltd. Project No. D-17-029);

iii) Proposed By-law 60-2018, being a by-law to provide for the construction to replace and improve the Road 10 Crossing Over the Patterson Drain in the Town of Kingsville in the County of Essex to be provisionally adopted at this Regular Meeting.

Engineer Peralta presented the Engineer's Report dated April 23, 2018.

Public Comments:

There were no questions or comments from anyone in attendance in the audience.

**341-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Tony Gaffan

That Council adopts the Engineer's Report dated April 23, 2018 for the Road 10 Crossing Over the Patterson Drain (N. J. Peralta Engineering Ltd. Project No. D-17-029); read By-law 60-2018 being a by-law to provide for the construction to replace and improve the Road 10 Crossing Over the Patterson Drain a first and second time at this Regular Meeting; and Schedule Court of Revision for a future date.

**CARRIED**

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 60-2018

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*Being a by-law to provide for the construction to replace and improve the Road 10 Crossing Over the Patterson Drain in the Town of Kingsville, in the County of Essex*

**WHEREAS** the Council of the Town of Kingsville, in the County of Essex, has procured a report under section 78 of the *Drainage Act* for the bridge construction over the Patterson Drain;

**AND WHEREAS** the report dated April 23<sup>rd</sup>, 2018 has been authored by Antonio B. Peralta, P. Eng. and the attached report forms part of this by-law;

**AND WHEREAS** \$267,294.00 is the amount to be contributed by the Town of Kingsville for the drainage works;

**AND WHEREAS** Council is of the opinion that the report of the area is desirable;

**THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:**

**1. AUTHORIZATION**

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

**2. BORROWING**

The Corporation of the Town of Kingsville may borrow on the credit of the Corporation the amount of \$267,294.00 being the amount necessary for the completion of the drainage works.

**3. DEBENTURES**

The Corporation may arrange for the issue of debenture(s) on its behalf for the amount borrowed less the total amount of:

- a) Grants received under section 85 of the *Drainage Act*;
- b) Monies paid as allowances;
- c) Commuted payments made in respect of lands and roads assessed with the municipality;
- d) Money paid under subsection 61(3) of the *Drainage Act*; and
- e) Money assessed in and payable by another municipality.

**4. PAYMENT**

Such debenture(s) shall be made payable within 2 (two) or 5 (five) years (as determined by the Director of Financial Services or designate) from the date of the debenture(s) and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

- 1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads as shown in the schedule and shall be collected in the same manner and at the same as other taxes are collected in each year for 2 (two) or 5 (five) years (as determined by the Director of Financial Services or designate) after the passing of this by-law.
- 2) For paying the amount \$267,294.00 being the amount assessed upon the lands and roads belonging to or controlled by the municipality a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the Town of Kingsville in each year for 2 (two) or 5 (five) years (as determined

by the Director of Financial Services or designate) after the passing of this by-law to be collected in the same manner and at the same time as other taxes collected.

- 3) All assessments of \$100.00 or less are payable in the first year in which the assessments are imposed.

**5. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS**

**CONSTRUCTION SCHEDULE OF ASSESSMENT  
ROAD 10 CROSSING OVER THE PATTERSON DRAIN**

**TOWN OF KINGSVILLE**

**6. SPECIAL NON PRO-RATEABLE ASSESSMENTS (non-agricultural (Sec.26)):**

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Aff'd	Hectares Aff'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
Kingsville Roads Department					Town of Kingsville	\$ 267,294.00	\$ -	\$ -	\$ 267,294.00
<b>Total on Special Non Pro-Rateable Assessments (non-agricultural (Sec.26)).....</b>						<b>\$ 267,294.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 267,294.00</b>
<b>TOTAL ASSESSMENT</b>						<b>\$ 267,294.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 267,294.00</b>

1 Hectare = 2.471 Acres  
D-17-029  
April 23rd, 2018

**6. CITATION**

This by-law comes into force on the passing thereof and may be cited as the "Road 10 Crossing over the Patterson Drain" by-law.

**READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED THIS 28<sup>th</sup> DAY OF MAY, 2018.**

  
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MAYOR, Nelson Santos

  
\_\_\_\_\_  
CLERK, Jennifer Astrologo

**READ A THIRD TIME AND FINALLY PASSED ON THIS    DAY OF    , 2018.**

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MAYOR, Nelson Santos

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CLERK, Jennifer Astrologo