

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW # 61 - 2024

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**Being a By-law to provide for a new Diversion Channel for the Sturgeon Creek Drain initiated by the Municipality of Leamington whereby the ratepayers are affected in the Town of Kingsville, County of Essex**

**WHEREAS** the Corporation of the Town of Kingsville, in the County of Essex, has received a request to provide for the new Diversion Channel for the Sturgeon Creek Drain as initiated by the Municipality of Leamington pursuant to Section 78 Drainage Act.

**AND WHEREAS** the Council of the Corporation of the Municipality of Leamington procured an Engineer's Report (hereafter, "Report") as prepared by Rood Engineering Inc., and dated September 28, 2018, and said Report was mailed under notice on September 28, 2018, to the attention of the affected ratepayers in the Town of Kingsville and said Report is attached hereto as Schedule "A" and forms part of this By-law;

**AND WHEREAS** \$2,067,000 is the estimated total cost of engineering and construction of the drainage works and will be the responsibility of affected ratepayers;

**AND WHEREAS** the estimated amount of \$114,426 to be contributed by the Town of Kingsville for the improvements;

**AND WHEREAS** Council is of the opinion that the proposed drainage works as detailed in the Report, is desirable;

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

**1. Authorization**

That the Report providing for the new diversion channel inclusive of the Schedule of Assessment and final drawings, for the Sturgeon Creek Drain (Municipality of Leamington), as prepared by Rood Engineering Inc., and dated September 18, 2018, attached hereto as Schedule "A" and forming part of this By-law, is hereby adopted and the drainage works described therein are approved and shall be completed in accordance therewith.

**2. Borrowing**

That the Town of Kingsville may borrow on the credit of the Corporation the amount of \$114,426 being the amount necessary for the completion construction of the drainage works.

**3. Debentures**

That Council may authorize the borrowing of monies towards the construction by the issuance and sale of debentures. Pending the sale of the debentures, Council authorizes the Mayor and Treasurer to make such temporary borrowing as may be required to meet the payments due to the vendors.

**4. Levy**

If the actual cost of the drainage works varies from the estimated cost set out in the Schedule of Assessment forming part of the Engineer's Report and this By-law, the cost shall be assessed, levied and collected upon and from the said parcels of lands and roads and parts of parcels in the same proportions and in the same manner as provided in the Schedule of Assessment, or as revised by the Court of Revision or some higher court of appeal.

That this By-law shall come into force on the passing thereof and may be cited as the “Diversion Channel of the Sturgeon Creek Drain (Municipality of Leamington)”.

**READ A FIRST, SECOND, AND THIRD TIME AND FINALLY ADOPTED  
THIS 12<sup>th</sup> DAY OF AUGUST, 2024.**

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**MAYOR, Dennis Rogers**

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**ACTING CLERK, Angela Toole**