



BY-LAW
NO. 2024 –

**Being a By-law to Authorize the Maintenance and Repair of a Municipal Drain
Under the Provisions of the Drainage Act, R.S.O. 1990
(Holtby Municipal Drain)**

Whereas By-law No. 71-7 of The Corporation of the Municipality of Kincardine Township of Kincardine was passed by Council July 4, 1977 providing for the construction of the Holtby Municipal Drain, being the current by-law; and

Whereas Council wishes to maintain and repair this Drain, without a new report of an Engineer, but in accordance with specifications outlined in the current Engineer's Report dated June 8, 1970 prepared by H. M. Gibson LTD, P.Eng, as contained within the above mentioned by-law; and

Whereas in accordance with section 74 of the Drainage Act, the cost of maintenance and repair of a Municipal Drain is to be at the expense of all the upstream land and roads in any way assessed for the construction or improvement of the drainage works and in the proportion determined by the then current by-law pertaining thereto; and

Whereas the cost of this repair is \$28,727.87 and a grant of \$7,865.96 was received leaving \$19,781.91 to be raised by a cash assessment and \$1,080.00 as the amount to be contributed by the Municipality for the maintenance and repair of the municipal drain; now therefore be it

Resolved that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That the Holtby Municipal Drain be maintained and repaired to the specifications outlined in the Engineer's Report by H. M. Gobson LTD, P.Eng.
2. That the actual costs of this drainage repair and maintenance, attached hereto as Schedule 'A', be assessed as per the current by-law less any grant money received for lands eligible to receive agricultural grants.
3. That the amount of \$1,080.00 necessary to be raised by the Municipality for such drainage works shall be made a cash assessment upon the roads and lands affected by the proposed work. All assessments are payable in the first year in which the assessment is imposed.
4. For paying the amount of \$1,080.00 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 ratable property in the Municipality of Kincardine after the passing of this by-law to be collected in the same manner and at the same time as other taxes are collected.
5. This by-law shall come into full force and effect upon its final passage.
6. This by-law may be cited as the "Holtby Municipal Drain Maintenance (2024) By-law".

Read a First, Second and Third Time and Finally passed this 14th day of February, 2024.

Mayor

Clerk

**MAINTENANCE ASSESSMENT SCHEDULE
MUNICIPALITY OF KINCARDINE WARD II
HOLTBY MUNICIPAL DRAIN - Tile Repair, CB Repair, Lot 9-13, Concession 1 NDR
MAIN DRAIN - OPEN & CLOSED PORTIONS**

Repair Cost =		<u>\$28,727.87</u>		Costs	Percentage of	Feb-24	grant	Costs	
Project Completion Date		18-Apr-22		Benefit & Outlet	Maintenance		dollars	(1/3 grant	
Conc.	Lot	Roll #	Area acres	Owner	By-Law #	By-Law #	as per ADIP 2.3 c (ii)	applied if applicable)	
					71 - 7	71 - 7	Costs \$		
Agricultural Lands									
1 N.D.R.	8	410821000117000	17	HOLTBY KENNETH WILLIA	\$84.00	5.26%	\$1,512.01	\$504.00	\$1,008.00
1 N.D.R.	9 & Pt 10	410821000117100	42	STEWART KEVIN ALEXANI	\$210.00	13.16%	\$3,779.98	\$1,259.99	\$2,519.99
1 N.D.R.	Pt 10	410821000117100	10	STEWART KEVIN ALEXANI	\$51.00	3.20%	\$918.00	\$306.00	\$612.00
1 N.D.R.	11 & 12	410821000117300	57	STEWART ALEXANDER JO	\$285.00	17.86%	\$5,129.96	\$1,709.99	\$3,419.98
1 N.D.R.	13	410821000117400	36	LOWRY BROCK ELLIOTT ,	\$180.00	11.28%	\$3,239.99	\$1,080.00	\$2,159.99
1 N.D.R.	14	410821000117500	30	JOHNSON JASON KENNET	\$150.00	9.40%	\$2,699.99	\$900.00	\$1,799.99
1 N.D.R.	15 & 16	410821000117600	47	FARRELL CLAYTON DOUG	\$237.00	14.85%	\$4,265.97	\$1,421.99	\$2,843.98
1 N.D.R.	17	410821000117801	14	KNJ FARMS LTD ,	\$69.00	4.32%	\$1,241.99	\$414.00	\$827.99
1 N.D.R.	18 & 19	410821000117801	9	KNJ FARMS LTD ,	\$45.00	2.82%	\$809.98	\$269.99	\$539.99
Total Assessment on Agricultural Lands					<u>\$1,311.00</u>	<u>82.14%</u>	<u>\$23,597.87</u>	<u>\$7,865.96</u>	<u>\$15,731.92</u>
Non-Agricultural Lands									
Total Assessment on Non-Agricultural Lands					<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>		<u>\$0.00</u>
Roads									
	Sdrd 10-11		3	Municipality of Kincardine	60.00	3.76%	\$1,080.00		\$1,080.00
	Hwy # 9		7.5	Dept of Highways	225.00	14.10%	\$4,049.97		\$4,049.97
Total Assessment on Roads					<u>\$285.00</u>	<u>17.86%</u>	<u>\$5,129.96</u>		<u>\$5,129.96</u>
Total Assessment on Lands and Roads					<u>\$1,596.00</u>	<u>100.00%</u>	<u>\$28,727.84</u>		<u>\$20,861.88</u>