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BY-LAW NO. 10(1968)

A BY-LAW to provide for the construction of the Westervelt Drain in the Township of Matilda in the County of Dundas and for the borrowing on the credit of the municipality the sum of \$6,866.08 being the amount to be raised for that purpose;

PROVISIONALLY ADOPTED the 5th day of Sept., 1968.

WHEREAS the municipal council of the Township of Matilda have been notified by ratepayers affected by this drain, to have the drain constructed;

AND WHEREAS the said municipal council of the said Township of Matilda has by resolution procured an examination to be made by Mr. L. P. Stidwill, C.E., O.L.S., being a person competent for such purpose to examine and make a report thereof;

AND WHEREAS the said Mr. L. P. Stidwill, C.E., O.L.S., did make his report under the date of Aug. 9th, 1968, as follows:

TO THE REEVE AND MEMBERS OF COUNCIL
TOWNSHIP OF MATILDA

Gentlemen:

In answer to your request, I herewith respectfully submit, under Section 3 of The Drainage Act, 1962-63, the following report on the construction of the Westervelt Drain.

LOCATION

The drain starts at the centre line of Lot 14, Concession 5, some 1400 feet south of the Given Road. Its runs in a westerly and southwesterly direction, and finally in a southerly direction to an outlet in the Thompson-Errington Drain in Concession 4 of your township. The total length of drain is 6,354 feet, affecting an area of 260 acres.

PRESENT CONDITIONS

The present drain is very small and shallow and, drainage-wise, is of little value to the land. Most of the adjoining fields are water-logged during the greater part of the growing season, and much of the land is presently going into slash.

RECOMMENDATIONS

The entire drain will be cleaned and deepened, as indicated on the profile accompanying this report. In many places, deepening will run between 2-1/2 feet to 3 feet out of the bottom of the present ditch. The total amount of excavation required to be removed from the drain is 6,815 cubic yards of earth and hardpan, which is a rather high total for a drain of this size. This is caused mainly by the fact that the existing ditch is very small, and the land very flat.

PLAN

A plan has been prepared showing the names of the owners written on their respective properties. The boundary limits of the watershed are shown outlined in yellow, and the benefit area in red. The general course and extent of the proposed work is shown by means of a solid blue line, and turns and

intersections with property lines have been referenced to the hub line.

PROFILE

Wooden Stakes and numbered markers, called "Stations", were driven in average ground bordering the drain at hundred foot intervals. From the plotted results of levels and soundings then taken, a profile of the work has been prepared and a new grade designed. The hub line and the present ditch bottom are shown by means of the solid and broken irregular lines respectively, while the proposed new grade is indicated by the solid red regular line. The depth of earth to be removed from the present ditch bottom is shown coloured yellow, and hardpan in brown. The cuts from the hub line to reach the new bottom are shown in feet and decimals of a foot along the top of the profile. A combined reference to the plan and profile shows the amount of deepening required over any particular portion of the scheme.

It is intended that the accompanying plan, profile and specifications form a part of this report, and that they together govern the performance of the work.

FARM BRIDGES

Allowances have been made for the construction of four farm bridges. The recommended size and allowances are as shown on the attached Schedule "B". These bridges should be built as high as the neighbouring banks, and constructed and maintained by their respective owners.

In the case of future maintenance, for each ten year interval between the date of construction and a subsequent maintenance scheme, the owner shall be allowed the equivalent of one-third of the farm bridge allowances as allowed by the Engineer at that time. This allowance shall not, however, be increased beyond one hundred percent of the normal payment, and shall not be paid unless the owner did construct a bridge of a sufficient size for which an allowance is herein made, and has kept it in a proper state of repair. This is to be determined by the Engineer. This will apply only when a large enough maintenance program is being carried out to require the service of an Engineer, and the cost thereof spread over the entire scheme.

ALLOWANCES FOR DAMAGES

The usual allowances for damages are made, to be used by the owners to cover part of the cost of cleaning up the spreading area, repair of fences, and extra expenses to bring the spreading area back into cultivation after being covered with sterile sub soil excavated from the drain.

ROAD CULVERTS

Only one road culvert is affected by the scheme. This culvert is located opposite the southwest corner of Lot 16, Concession 5.

I recommend that this present 36 inch corrugated steel culvert across County Road No. 5, be lowered by approximately

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24 inches, to match the elevation of the new bottom grade. A slightly larger culvert, preferably with a cross-sectional area of at least 10 square feet is recommended.

The cost of this work has not been included in the scheme as it can be done more conveniently under The Highway Improvement Act, under which Act a grant of up to eighty percent of the cost may be obtained from the Ontario Department of Highways, if approved by their Department.

This new culvert should be relocated slightly to the east to bring it more in line with the ditches to the north and to the south.

FUTURE MAINTENANCE

The drain shall be maintained by the Township of Matilda, and the cost of such maintenance work shall be charged against the owners of lands and roads assessed for its construction, and in the same relative proportions as shown on the attached Schedule of Assessment.

ESTIMATE OF COST

6x07	
6,705 cu.yds. Earth Excavation @\$0.60 per cu.yd.	\$4,023.00
110 cu.yds. Hardpan Excavation @\$1.50 per cu.yd.	165.00
Allowances for Farm Bridges	620.00
Allowances for Damages	748.08
Preparing & Printing By-Laws	100.00
Court of Revision	60.00
Clerk's Fees	200.00
Engineering Fees-Reports, Plans, Specifications	750.00
Supervision & Inspections	200.00
Total Estimated Cost	<u>\$6,866.08</u>

This total estimated cost of \$6,866.08 has been apportioned in the following manner:

Outlet Liability-Real Property-Matilda Township	\$3,993.93
Benefit Liability-Real Property-Matilda Township	3,501.70
Outlet Liability-Roads-Matilda Township	158.16
Outlet Liability-Roads-United Counties	112.29
Total	<u>\$6,866.08</u>

Trusting that this report will meet with your approval,
Gentlemen,

We have the honour to be
Your obedient servant,
STIDWILL & ASSOCIATES, LIMITED
Per...L..P..Stidwill.....
C.E., O.L.S.

Cornwall, Ontario, August 7, 1968

(4)

AND WHEREAS the said council are of the opinion that the said construction is necessary.

THEREFORE the said Municipal Council of the said Township of Matilda, pursuant to the provisions of The Municipal Drainage Act enacts as follows:

(1) The said report, plans, specifications and estimated are hereby indicated and set forth shall be made and constructed herewith.

(2) The reeve of the said Township of Matilda may borrow on the credit of the Corporation of the said Township of Matilda the sum of \$6,866.08 being the sum necessary for the work and may issue debentures of the Corporation for that amount in sums of not less than \$50.00 each and payable within five years from the date of the said debentures with interest at the rate of seven per centum per annum, that is to say, said debentures shall be issued with or without coupons and shall bear interest at seven per centum per annum and shall be so issued that the amount falling due for interest and principal in each year shall be the same. Said debentures shall be payable at the Bank of Montreal at Iroquois, Ontario.

(3) For paying the sum of \$6,866.08 the amount assessed against the said lands and roads for construction and for the covering interest thereon, for five years at the rate of seven per centum per annum, the following special rates 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 and parts of lots, and roads and the amount of the said total rates and interest against each lot or part of lot respectively, shall be divided into five equal parts and one such part shall be assessed, levied and collected in each year for five years after the final passing of this By-Law, during which the said debentures have to run.

The Corporation shall have the right at its option, to redeem the said debentures where, and in the monies 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 so 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 set for redemption. Notice of intention to redeem shall be sent by post at least thirty days prior to the date set for redemption, to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book. Where only a portion of the debenture of this issue is to be redeemed, such portion shall comprise only the debenture that has the last maturity date and no debentures of this issue shall call for such redemption in priority to any such debenture that has a later maturity date.

Read a first and second time this 5th day of Sept., 1968.

M. Zeron, Reeve

Dorothy Locke, Clerk

(5)

Read a third time, finally passed, signed and sealed this
day of _____, 19__.

M. Zeron, Reeve

Dorothy Locke, Clerk

NOTICE

Notice is hereby given that a Court of Revision on this Drain will be held in the Township Hall at Brinston, Ontario on the 10th day of October, 1968 at the hour of 8 o'clock in the evening for the hearing of any appeals made against the foregoing assessments of any part thereof, in the manner provided by the Municipal Drainage Act. Notice of such appeals must be served on the clerk of the municipality at least ten days prior to the first sitting of the said Court. And further notice is hereby given that anyone intending to have the foregoing By-Law or any part thereof squashed must not later than ten days after the final passing thereof, give notice in writing to the Reeve and to the Clerk of the Municipality of his intention to make application for that purpose to the Drainage Referee during the six weeks next ensuing after the final passing of this By-Law.

Dated Sept. 16, 1968.

Dorothy Locke, Clerk
TOWNSHIP OF MATILDA

SCHEDULE OF ASSESSMENT
SCHEDULE "A"

Name of Owner	Con.	Lot or Part	Acres Drained	Outlet Liability	Benefit
Stanley Froats	5	E 1/2 Lot 14	25	\$123.02	
Gerrit Westervelt	5	N 3/4--W 1/2 Lot 14	32	593.60	\$555.10
Gerrit Westervelt	5	C.Pt. E 1/2 Lot 15	27	474.49	601.01
Stanley Adams	5	S.Pt. W 1/2 Lot 14	25	141.56	
Stanley Adams	5	S.Pt. E 1/2 Lot 15	16	120.09	
Karl Bell	5	S.Pt. W 1/2 Lot 15	16	163.04	
John Bell	5	C.Pt. W 1/2 Lot 15	21	344.64	630.22
John Bell	5	S 3/4--E 1/2 Lot 16	37	552.59	638.57
Floyd Gilmour	5	S 3/4--W 1/2 Lot 16	27	324.14	601.00
Gordon Casselman	5	S.E.Pt. Lot 17	8	81.03	
Stanley Adams	4	E 1/2--W 1/2--N 3/10 Lot 16	4	36.12	75.13
Gordon Casselman	4	W 1/4--N 3/10 Lot 16	6	55.65	158.60
Gordon Casselman	4	N 1/2 Lot 17	9	83.96	242.07
<u>TOWNSHIP OF MATILDA</u>					
Sideline Road--Lot 16, Con. 5					
4					
158.16					
<u>UNITED COUNTIES OF STORMONT,</u>					
<u>DUNDAS & GLENGARRY</u>					
Pt. County Road No. 5--Lots 14--17, Cons. 4--5 3					
4					
112.29					

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SCHEDULE "B"
FARM BRIDGES

Name of Owner	Con.	Lot or Part	Span	Allowances
Gerrit Westervelt	5	N. Pt. W $\frac{1}{2}$ Lot 14, N. Pt. E $\frac{1}{2}$ Lot 15	30"	\$140.00
John Bell	5	N. Pt. W $\frac{1}{2}$ Lot 15	36"	160.00
John Bell	5	E 1/2 Lot 16	36"	160.00
Floyd Gilmour	5	W $\frac{1}{2}$ Lot 16	36"	160.00

SCHEDULE "C"
ALLOWANCES FOR DAMAGES

Name of Owner	Con.	Lot or Part	Allowances
Gerrit Westervelt	5	N. Pt. W $\frac{1}{2}$ Lot 14, N. Pt. E $\frac{1}{2}$ Lot 15	\$156.48
John Bell	5	N. Pt. W $\frac{1}{2}$ Lot 15	127.80
John Bell	5	E 1/2 Lot 16	182.76
Floyd Gilmour	5	W 1/2 Lot 16	154.08
Gordon Casselman	4	Pt. Lots 16-17	126.96