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NOTICE OF PROVISIONAL BY- LAW AND NOTICE OF COURT OF REVISION

Drainage Act, R.S.O. 1990, Chapter D.17, ss. 42(1),(2) and ss. 46(1), as amended ("the Drainage Act")

YOU ARE HEREBY NOTIFIED that the Council of The Corporation of the Township of King gave first and second reading to By-law 2020-017 on the 24th day of February, 2020 under Section 46 of the *Drainage Act*, Revised Statutes of Ontario 1990, Chapter D.17 in respect of approval of the Final Engineer's Report dated November 27, 2019 for the **King Drain 15**. This Engineering Report is deemed to be adopted and the by-law shall be known as a provisional by-law. Attached is the provisional by-law exclusive of the Final Engineering Report.

AND FURTHER TAKE NOTICE that the Court of Revision shall commence sitting on:

Date: **THURSDAY, APRIL 2, 2020**
Time: **3:00 P.M.**
Location: **Boardroom**
The Trisan Centre,
25 Dillane Drive, Schomberg, ON

to consider appeals of assessment that have been estimated in the Engineering Report, dated November 27, 2019, prepared by K. Smart Associates Limited for the **King Drain 15**.

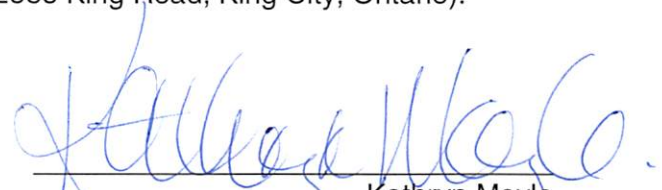
Pursuant to Section 52(1) of the *Drainage Act*, an owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds:

- 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(2) of the *Drainage Act*, objections or appeals to the assessment **must** be forwarded in writing, to the attention of the undersigned, at least ten (10) days prior to the above noted Court of Revision date. Therefore, written appeals **must** be filed with the Clerk of the Township of King on or before **March 23, 2020 at 4:30 p.m.**

Access to the official Notice of Appeal Court of Revision form (Form 003-0196E) is available online (<http://www.omafra.gov.on.ca>) and at the Township of King (2585 King Road, King City, Ontario).

Dated at the Township of King this 4th day of March, 2020.


Kathryn Moyle
Director of Clerks/By-law Enforcement
Township Clerk



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2020-017

A BY-LAW TO PROVIDE FOR DRAINAGE WORKS FOR KING DRAIN 15 IN ACCORDANCE WITH THE *DRAINAGE ACT* AS SPECIFIED IN SECTION 4 OF THE ENGINEERS' REPORT FOR THE TOWNSHIP OF KING

WHEREAS the Council of the Corporation of the Township of King through By-law Number 2007-83 on July 9, 2007 delegated authority for the control and management of all municipal drains within the geographic boundaries of the Township of King and the Town of Bradford West Gwillimbury, which lie inside the boundary of the Holland Marsh Drainage System to the Holland Marsh Drainage System Joint Municipal Service Board;

WHEREAS the Holland Marsh Drainage System Joint Municipal Service Board has agreed to construction of King Drain 15 in accordance with the provisions of the *Drainage Act*, Revised Statutes of Ontario 1990, Chapter D.17, as amended (the "*Drainage Act*");

AND WHEREAS K. Smart, P. Eng. of K. Smart Associates Limited was appointed by the Holland Marsh Drainage System Joint Municipal Service Board as the Engineer pursuant to Section 4 of the *Drainage Act* to prepare a report to improve drainage for the King Drain 15.

AND WHEREAS the Council of the Corporation of the Township of King in the Regional Municipality of York, Province of Ontario, procured from K. Smart, P. Eng. of K. Smart Associates Limited a Report dated November 27, 2019, which report is appended hereto and forms part of this by-law.

AND WHEREAS subsection 42 of the *Drainage Act* requires Council consider the engineering report which may be adopted by by-law in order to fulfill the requirements of the *Drainage Act*;

AND WHEREAS the estimated total cost of the engineering report is \$594,000;

AND WHEREAS \$102,436 is being assessed, in the Township of King, Regional Municipality of York for roads;

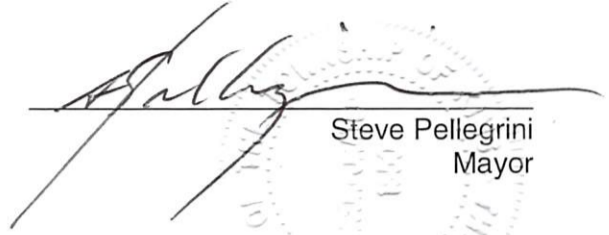
AND WHEREAS in the opinion of the Holland Marsh Drainage System Joint Municipal Service Board and Council of the Corporation of the Township of King the work is required and desirable;

NOW THEREFORE the Council of the Corporation of the Township of King under the *Drainage Act* hereby enacts as follows:


1. The Engineering Report prepared by K. Smart, P. Eng. of K. Smart Associates Limited dated November 27, 2019, and attached hereto as Appendix "A" is hereby adopted and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.
2. It is hereby declared that notwithstanding any section, subsections, clause paragraph or provision of the By-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and shall not affect the validity of enforceability of any other provisions of the By-law as a whole or part thereof and all other sections of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent there from and enacted as such.
3. Whenever any reference is made in this By-Law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

4. This By-Law shall be cited as the King Drain 15 By-law.
5. This By-Law shall come into force and take effect on the date of third reading and final enactment.

READ a FIRST and SECOND time this 24th day of February, 2020.



Steve Pellegrini
Mayor



Kathryn Moyle
Director of Clerks/By-law Enforcement
Township Clerk

READ a THIRD time **AND FINALLY PASSED** this xx day of xx, 2020.

Steve Pellegrini
Mayor

Kathryn Moyle
Director of Clerks/By-law Enforcement
Township Clerk

