

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

AGENDA

COURT OF REVISION

HIGHWAY 77 BRANCHES OF THE
HOOKER DRAIN - WEST AND EAST
BRANCH



MONDAY, MARCH 14, 2011
COMMENCING AT 7:00 P.M.
IN THE COUNCIL CHAMBERS

ITEMS FOR CONSIDERATION:

1. Notice of Court of Revision
Pages 2-3

SUGGESTED RECOMMENDATIONS:

Moved by:

Seconded by:

That the schedule of assessment to establish a new drain, namely the Hooker Drain, Highway 77 Branches in accordance with By-law 107-11, in the Municipality of Leamington, in the County of Essex, be confirmed.

Moved by:

Seconded by:

That the Court of Revision, with respect to the Hooker Drain, Highway 77 Branches in accordance with By-law 107-11, be closed.

mam



February 22, 2011

NOTICE - COURT OF REVISION

Re: Hooker Drain - Hwy 77 Branches West Branch and East Branch
Part of Lot 6 and Lot 7, Concession 7
Municipality of Leamington

Please find enclosed Bylaw Number 107-11, being a by-law to provide for a new Municipal Drain and establishment of same as municipal drainage works, in the Municipality of Leamington in the County of Essex. Please note that the Engineer's Report was forwarded to you on February 9, 2011.

DATE: MONDAY, MARCH 14, 2011
TIME: 7:00 p.m.
LOCATION: Council Chambers
Municipality of Leamington, 38 Erie Street North

NOTICE is hereby given for the hearing and trial of appeals made against the said assessment or any part thereof, in the same manner prescribed by The Municipal Drainage Act, any notice of such appeal to be served on the Clerk of the Municipality at least ten days before the meeting of the said Court.

FURTHER NOTICE is hereby given that any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of an Engineer, may appeal therefrom to the Drainage Referee and in every such case a written notice of appeal shall be served upon the Head of the Council of the initiating Municipality or the Clerk thereof within forty days after the date of mailing of the copy of the Engineer's Report and Notice under Section 40 or 41 of The Drainage Act R.S.O. 1990.

FURTHER NOTICE is hereby given that any owner of land, public utility, Conservation Authority or local municipality affected by a drainage works, if dissatisfied with the report of the Engineer, may appeal to the Ontario Drainage Tribunal, and in every case a written notice of appeal shall be served upon the Mayor and Clerk of the initiating Municipality within forty days after the date of mailing of the copy of the Engineer's Report and Notice under Section 40 or 41 of The Drainage Act R.S.O. 1990.

FURTHER NOTICE is hereby given that anyone intending to apply to have such bylaw or any part thereof quashed must, not later than ten days after the final passing thereof, serve a notice in writing upon the Mayor and Clerk of the initiating Municipality of his intention to make application for that purpose to the Drainage Referee, during the six weeks ensuing the final passing of the said Bylaw, or where a notice of intention has been given, an application to quash must be made to the Drainage Referee within three months after the final passing of the said By-law.

Should you have any further questions, please do not hesitate to contact the undersigned at 326-5761, ext. 231.

Yours truly,

Lu-Ann Barreto
Drainage Superintendent

/cd

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

BY-LAW 107-11

Being a by-law to establish a new drain, namely the Hooker Drain-
Highway 77 Branches, in the
Municipality of Leamington in the County of Essex

WHEREAS the Municipality received a petition from the Ministry of Transportation of Ontario to establish a new drain pursuant to the provisions of The Drainage Act, R.S.O. 1990, Section 4;

AND WHEREAS Council procured an engineer's report (the "Engineer's Report") dated January 28, 2011 by N.J. Peralta Engineering, to establish the Hooker Drain Highway 77 Branches, which was mailed to the attention of the affected owners in the Municipality of Leamington under date of February 9, 2011 and a copy of the said report is attached herewith to this by-law;

AND WHEREAS the work described in the Engineer's Report has been completed in accordance with the provisions of the Engineer's Report;

AND WHEREAS, the Council of the Municipality of Leamington is in agreement that the said drainage work is necessary and desirable.

THEREFORE THE COUNCIL OF THE MUNICIPALITY OF LEAMINGTON, PURSUANT TO THE DRAINAGE ACT R.S.O. 1990, ENACTS AS FOLLOWS:

1. The Engineer's Report is hereby authorized and adopted.
2. That the works described in the Engineer's Report are hereby established as a municipal drain pursuant to the Drainage Act and shall be referred to as the Hooker Drain - Highway 77 Branches.
3. This By-law comes into force upon passing and may be cited as establishment of the Hooker Drain - Highway 77 Branches by-law.

READ A FIRST AND SECOND TIME THIS 21st DAY OF FEBRUARY, 2011.

Signature on File

John Adams, Mayor

Signature on File

Brian R. Sweet, Clerk

READ A THIRD TIME AND FINALLY ENACTED THIS DAY OF 2011.

John, Adams, Mayor

Brian R. Sweet, Clerk