

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

AGENDA

COURT OF REVISION



ESTABLISH NEW MUNICIPAL DRAIN -
JACOB FOX DRAIN -
HIGHWAY 77 BRANCH

MONDAY, JULY 4, 2011
COMMENCING AT 7:00 P.M.
IN THE COUNCIL CHAMBERS

MEMBERS:

Deputy Mayor Wright, Chair
Councillors Atkin, Chopchik, MacDonald, Verbeke

DISCLOSURES OF PECUNIARY INTEREST:

ITEMS FOR CONSIDERATION:

1. Notice of Court of Revision
Page 2-3

SUGGESTED RECOMMENDATIONS:

Moved by:

Seconded by:

That the Court of Revision to establish a new municipal drain - Jacob Fox Drain - Highway 77 Branch, in accordance with By-law 132-11, in the Municipality of Leamington, in the County of Essex, be opened.

Moved by:

Seconded by:

That the Court of Revision, to establish a new municipal drain - Jacob Fox Drain - Highway 77 Branch, in accordance with By-law 132-11, in the Municipality of Leamington, in the County of Essex, be confirmed.

Moved by:

Seconded by:

That the Court of Revision, to establish a new municipal drain - Jacob Fox Drain - Highway 77 Branch, in accordance with By-law 132-11, be closed.

ADJOURNMENT:



THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

111 Erie Street North, Leamington, ON, Canada N8H 2Z9
Telephone (519) 326-5761 • Fax (519) 326-2481

Kim Siddall, Manager of Corporate Services
Email: ksiddall@leamington.ca

June 9, 2011

NOTICE - COURT OF REVISION

Re: **JACOB FOX DRAIN - HIGHWAY 77 BRANCH**
Part Lots 6 & 7, Concession 4
Municipality of Leamington, County of Essex

Please find enclosed By-law Number 132-11, to establish a new municipal drain - Jacob Fox Drain - Highway 77 Branch in the Municipality of Leamington in the County of Essex.

Please note that the Engineer's Report was forwarded to you on May 27, 2011.

DATE: MONDAY, JULY 4, 2011

TIME: 7:00 p.m.

LOCATION: Council Chambers
Municipality of Leamington, 111 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.

Yours truly,

Kim Siddall
Manager of Corporate Services
/lm

Attachment

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

BY-LAW 132-11

Being a by-law to establish a new drain, namely the Jacob Fox Drain - Highway 77 Branch, 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 May 4, 2011 by N.J. Peralta Engineering, to establish the Jacob Fox Drain - Highway 77 Branch, which was mailed to the attention of the affected owners in the Municipality of Leamington under date of May 27, 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 Jacob Fox Drain - Highway 77 Branch.
3. This By-law comes into force upon passing and may be cited as establishment of the Jacob Fox Drain - Highway 77 Branch by-law.

READ A FIRST AND SECOND TIME THIS 6th DAY OF JUNE 2011.

Signature on file
John Paterson, Mayor

Signature on file
Brian R. Sweet, Clerk

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

John Paterson, Mayor

Brian R. Sweet, Clerk