

THE CORPORATION OF THE CITY OF BROCKVILLE
BY-LAW NUMBER 88-97

**A BY-LAW OF THE CITY OF BROCKVILLE RESPECTING
THE RECONSTRUCTION OF ORCHARD STREET FROM
KING STREET TO PEARL STREET**

WHEREAS the reconstruction of Orchard Street will replace one of the city's remaining concrete streets and the deteriorating infrastructure ; **AND**

WHEREAS pursuant to Section 207.13 of the Municipal Act, R.S.O.1990, c.M45, as amended by-laws may be passed by the councils of municipalities for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up drains, sewers or watercourses; for constructing, maintaining and improving dams; for providing an outlet for a sewer or establishing works or basins for the interception or purification of sewage; for making all necessary connections therewith, and for acquiring land in or adjacent to the municipality for any of such purposes; **AND**

WHEREAS pursuant to Section 210.58 of the Municipal Act R.S.O.1990, c.M45, as amended, councils of municipalities may pass by-laws for authorizing the completion, improvement, alteration, enlargement or extension of any public utility undertaking, or any part or parts thereof, owned by the corporation and controlled and managed by the council or a public utility commission and for issuing debentures therefor; **AND**

WHEREAS pursuant to Section 210.84 of the Municipal Act R.S.O.1990, c.M45, as amended, councils of municipalities may pass by-laws for establishing, acquiring, operating and maintaining sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewer system, and for regulating the operation and maintenance thereof; **AND**

WHEREAS pursuant to Section 297 of the Municipal Act R.S.O.1990, c.M45, as amended, councils of municipalities may pass by-laws,

- (a) for establishing and laying out highways
- (b) for widening, altering or diverting any highway or part of a highway
- (e) for setting apart and laying out such parts as may be considered expedient of any highway for the purpose of carriage ways, boulevards and sidewalks, and for beautifying the same, and making regulations for their protection.
- (g) for acquiring land or an interest in land at street intersections for the purpose of rounding corners

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

1. DEFINITIONS:- (In this section)

(a) "municipality" means a municipality as defined in the Municipal Affairs Act.

(b) "public utility undertaking" means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, and a transportation system, and includes any land, buildings or equipment required for the administration or operation of any such system.

2. THAT the reconstruction of Orchard Street from King Street to Pearl Street be undertaken, including, but not limited to, the replacement of storm sewers, sanitary sewers, watermains and appurtenances and reconstruction of the roadway including sidewalks, curb and gutter and laying of asphalt pavement on a new granular base.

3. THAT the estimated cost of the said undertaking is two hundred and forty two thousand, seven hundred and seventy one dollars and 80/100 (\$242,771.80).

4. THAT the Treasurer of the Corporation be and is hereby authorized to expend the sum of two hundred and forty two thousand, seven hundred and seventy one dollars and 80/100 (\$242,771.80). for the purposes aforesaid being the total estimated costs of the said works.

5(a). THAT the Mayor and Treasurer of the Corporation are hereby authorized to obtain from any bank or banks or other sources, temporary advances at a borrowing rate not exceeding the banks prime lending rate to municipalities, by way of a promissory note or notes or otherwise but not to exceed the sum of two hundred and forty two thousand, seven hundred and seventy one dollars and 80/100 (\$242,771.80) pending completion of the said undertaking.

5(b). THAT a promissory note or notes or other vouchers sealed with the seal of the Corporation and signed on behalf of the Corporation by the Mayor and Treasurer be given to the bank or banks or other lenders for advances obtained on the authority of this instrument and providing for repayment of said advances with interest thereon.

THE CORPORATION OF THE CITY OF BROCKVILLE
BY-LAW NO.
Cont..:

5(c). THAT the Treasurer of the Corporation is hereby directed and authorized to apply in payment of said advances in 5(b) with interest thereon all monies borrowed on the credit of the Corporation to defray the cost of the said works and all monies from other sources properly applicable to the cost of the said undertaking.

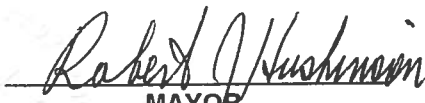
5(d). THAT the Treasurer of the Corporation is hereby authorized to approve for payment any additional expenditures for the said capital project from the Capital Fiscal Management Reserve subject to the following conditions and constraints:


1. That the request for the additional expenditure is submitted in writing to the Treasurer of the Corporation by the Project Manager; and
2. That the approval of the Chief Administrative Officer or designate has been obtained for the additional expenditure; and
3. That the amount requested to fund the additional expenditure does not exceed the lesser of ten percent (10%) of the total project cost and twenty five percent (25%) of the balance in the said reserve.

5(e). THAT upon completion of the said works the Mayor and Treasurer of the Corporation are authorized to obtain short or long term borrowing by way of debenture(s), bank loan(s) or from other available sources to fund the unfinanced capital outlay, said funding not to exceed a term of ten (10) years, at a rate of interest for the issuance of debentures to be hereafter decided upon by council, and a rate of interest on borrowing(s) from other available sources not to exceed the banks prime lending rate to municipalities. Repayment of the said borrowing(s) shall be chargeable upon all the ratepayers in the City of Brockville.

6. THAT the certificate of the Treasurer of the Corporation, Schedule "A", attached hereto be read with and form a part of this by-law.

**GIVEN UNDER THE SEAL OF THE CORPORATION OF
THE CITY OF BROCKVILLE AND PASSED
THIS 9th DAY OF SEPTEMBER A.D. 1997**


MAYOR


CLERK

SCHEDULE "A"
TO
BY-LAW NUMBER 88-97

TREASURER'S REPORT
ON THE
APPROVALS AND AVAILABILITY OF FUNDS

DATE OF REPORT: SEPTEMBER 3, 1997
PROJECT NAME: ORCHARD STREET RECONSTRUCTION
LOCATION: KING STREET TO PEARL STREET
ACCOUNT NUMBER: C3011-ORC1
CAPITAL PROJECT NO.: CB 1997 5.4

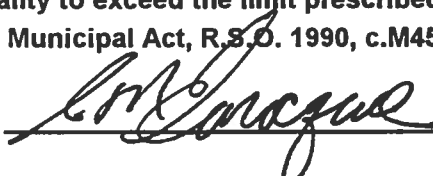
APPROVALS

STATUTORY AUTHORITY: SECTION(S) 207.13, 210.58, 210.84, 297, MUNICIPAL ACT, c.M45, R.S.O. 1990
ESTIMATED LIFE OF ASSE 20 Years
PERIOD OF WORK: 3 MONTHS
AVAILABILITY OF INTERIM FINANCING: RESERVE FUNDS/CAPITAL SURPLUS
MINISTRY APPROVALS: NOT RECEIVED
DATE APPROVAL RECEIVE NOT RECEIVED

AVAILABILITY OF FUNDS:
BUDGETED EXPENDITURES:

| | <u>ORIGINAL</u> <u>ESTIMATE</u> | <u>REVISED</u> <u>ESTIMATE</u> |
|---|--|---|
| BUDGETED COST OF PROJECT: | 254,000 | 242,772 |
| Cost of Administration/Financing: | | |
| (1) TOTAL BUDGETED COST OF PROJECT: | <u>254,000</u> | <u>242,772</u> |
| <u>BUDGETED REVENUES</u> | | |
| CONTRIBUTION FROM CURRENT FUND | 254,000 | 254,000 |
| MISCELLANEOUS CONTRIBUTION: | | 26,560 |
| (2) TOTAL OWN SOURCE REVENUES & SUBSIDIES | <u>254,000</u> | <u>280,560</u> |
| (3) AMOUNT TO BE DEBENTURED | 0 | 0 |
| (4) TOTAL BUDGETED REVENUES FROM ALL SOURCE | <u>254,000</u> | <u>280,560</u> |
| PROJECTED BUDGET SURPLUS | <u>0</u> | <u>37,788</u> |

I hereby certify that the above indicated sources of funds are eligible, approved and will be made available for the undertaking of this project subject to the restrictions imposed by any Ministry or Regulatory Agency as it pertains to the purpose(s) for which the financing is intended. Sections 65 and 66 of the Ontario Municipal Board Act, R.S.O.1990, c.O28 amended, do not apply since the proposed debenture issue does not cause the municipality to exceed the limit prescribed by the Lieutenant Governor in Council as set out in Section 147 of the Municipal Act, R.S.O. 1990, c.M45 amended.



Treasurer

Note: This certificate is contingent on all the above documentation, approvals and required certificates being on hand and complete in every respect prior to the commencement of the said undertaking.