

THE CORPORATION OF THE CITY OF BROCKVILLE  
BY-LAW NUMBER 36-95

A BY-LAW OF THE CITY OF BROCKVILLE  
RESPECTING CONSTRUCTION OF PHASE I  
OF A BICYCLE/PEDESTRIAN PATH LINKAGE  
FROM THE WATERFRONT TO THE NORTH  
END OF THE CITY

WHEREAS pursuant to Section 207.55 of the Municipal Act, R.S.O.1990, c.M45, as amended, councils of municipalities may pass by-laws for the establishing, laying out and maintaining bicycle paths and for regulating the use thereof and for acquiring land for such purposes and for entering into agreements with other municipalities, including a regional, district or metropolitan municipality, or with any person or any other body for the use of land for such purposes; AND

WHEREAS pursuant to Section 207.58 of the Municipal Act R.S.O.1990, c.M45, as amended, councils of municipalities may pass by-laws for acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community recreation centres, stadiums, museums, including public historical museums and similar buildings, within or outside the municipality and any such undertaking may be for the purpose of commemorating or honouring persons or events; AND

WHEREAS Council authorized a bicycle study be undertaken in 1994 to establish an alternate transportation system for this mode of transportation thereby reducing vehicular traffic on roadways as well as providing a pathway system for recreational purposes.

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.

2. THAT the construction of a pedestrian/bicycle path system from the waterfront to the north end of the City be undertaken in accordance with the system identified by the 1994 bicycle study.

3. THAT the estimated cost of the said undertaking is Three Hundred Thousand Dollars (\$300,000.00)

	<u>CITY</u>	<u>TOTAL</u>
Construction:	\$255,000	\$255,000.
Engineering:	30,000	30,000
Financing:	<u>15,000.</u>	<u>15,000.</u>
<u>TOTAL BUDGETED COST:</u>	<u>\$300,000.</u>	<u>\$300,000.</u>

4. THAT the Treasurer of the Corporation be and is hereby authorized to expend the sum of Fifty Thousand Dollars (\$50,000.00) for Phase I; One Hundred Thousand Dollars (\$100,000.00) for Phase II; One Hundred Thousand Dollars (\$100,000.00) for Phase III; Fifty Thousand Dollars (\$50,000.00) for Phase IV for the purposes aforesaid being the total budgeted cost of the said works, provided that, funding for each phase of the proposed undertaking as aforesaid be separately authorized in the adopted capital budget of the municipality for each year of the years comprising the duration of the project..

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 Fifty Thousand Dollars (\$50,000.00) for Phase I; One Hundred Thousand Dollars (\$100,000.00) for Phase II; One Hundred Thousand Dollars (\$100,000.00) for Phase III; Fifty Thousand Dollars (\$50,000.00) for Phase IV being the total budgeted cost of the said works, until and pending completion of the said undertaking, provided that, each phase of the said undertaking be separately authorized in the adopted capital budget of the municipality.

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.

5(c). THAT the Treasurer of the Corporation is hereby directed and authorized to apply in payment of said advances 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 contingency funds allocated for this purpose, subject to the following conditions and limitations:

1. That the request for the additional expenditure is submitted in writing by the Project Manager to the Treasurer of the Corporation; and
2. That the approval of the Chief Administrative Officer or designate has been obtained for the additional expenditure being requested; and
3. That the amount of the approved additional expenditure shall not exceed Ten Percent (10%) of the authorized budgeted cost of the said undertaking; and
4. That the amount of additional expenditure approved as aforesaid shall not exceed the greater of the balance remaining in the capital contingency account or the amount that Ten Percentum (10%) is of the approved budgeted cost of the said capital project providing that this amount is no greater than Twenty Five Percentum (25%) of the contingency funds available.

6. THAT the Certificate of the Treasurer and the Project Manager's Report, Schedules "A" and "B" attached hereto, shall be read with and form part of this by-law.

GIVEN UNDER THE SEAL OF THE CORPORATION OF  
THE CITY OF BROCKVILLE AND PASSED  
THIS 28TH DAY OF MARCH A.D.1995

  
MAYOR

  
CLERK

**SCHEDULE "A"**  
**TO**  
**BY-LAW NUMBER 36-95**

**TREASURER'S REPORT**  
**ON THE**  
**APPROVALS and AVAILABILITY OF FUNDS**

**DATE OF REPORT:** MARCH 13, 1995  
**PROJECT NAME:** CONSTRUCT BICYCLE/PEDESTRIAN PATHWAY  
**LOCATION:** FROM CITY WATERFRONT TO CITY NORTH END  
**PURPOSE:** LINKAGE OF NORTH END OF CITY TO CITY WATERFRONT  
**ACCOUNT NUMBER:** C7011-PR37  
**CAPITAL PROJECT NO.:** CB1995 - 3.2.

**APPROVALS**

**STATUTORY AUTHORITY:** Section 207.55; 207.58, Municipal Act, c.M45, R.S.O.1990  
**ESTIMATED LIFE OF ASSET:** 15 YEARS  
**PERIOD OF WORK:** 6 Year Program.  
**AVAILABILITY OF INTERIM FINANCING:** Bank Loan and Internal Loan.  
**MINISTRY APPROVAL(S):** Not required.  
**DATE APPROVAL RECEIVED:** **APPROVAL NO.:**

**AVAILABILITY OF FUNDS**

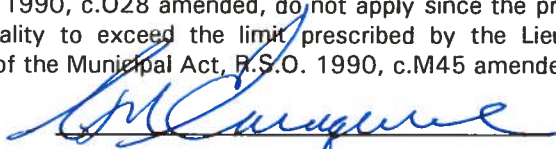
**BUDGETED EXPENDITURES**

BUDGETED COST OF PROJECT : 1995	\$45,000
Cost of Financing:	<u>5,000</u>
<b>(1) <u>TOTAL BUDGETED COST OF PROJECT:</u></b>	<b><u>\$50,000</u></b>

**BUDGETED REVENUES**

CONTRIBUTION FROM CURRENT FUND:	\$50,000
CONTRIBUTION FROM CAPITAL CONTINGENCY :	
<u>MISCELLANEOUS CONTRIBUTION:</u>	<u>          </u>
<b>(2) <u>TOTAL OWN SOURCE REVENUES &amp; SUBSIDIES FOR 1995:</u></b>	<b><u>\$50,000</u></b>
<b>(3) <u>AMOUNT TO BE DEBENTURED IN 1995</u></b>	<b><u>\$ Nil</u></b>
<b>(4) <u>TOTAL BUDGETED REVENUES FROM ALL SOURCES:</u></b>	<b><u>\$50,000</u></b>

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 & 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.

**SCHEDULE "B"**  
**TO**  
**CITY OF BROCKVILLE**  
**BY-LAW NO. 36-95**

Page 1 of 2

DATE: 1995 03 14

Project No: CB1995-3.2  
Account No: C7011-PR37

**REPORT OF THE PROJECT MANAGER**  
**ON A**  
**CAPITAL PROJECT**

Name of Project: BICYCLE/PEDESTRIAN PATH LINKAGE - PHASE I

TO THE COUNCIL OF THE CITY OF BROCKVILLE:

GENTLEMEN and LADIES:

I wish to report as follows on the subject project:

1. Description of the Undertaking:

Construction of pedestrian/bicycle path system from the waterfront to the north end of the City.

2. Budgeted Cost Estimate:

	1995 Budget	Total Proposed Cost Estimate	Previously Adopted Cost Estimate
Construction:	\$ 45,000	\$ 255,000	\$ N/A
Engineering:	-	30,000	
Financing:	5,000	15,000	
TOTAL	\$ 50,000	\$ 300,000	\$ N/A

3. Corporation's Statutory Authority to Proceed:

Municipal Act, c.M45, Section(s) 207.55, 207.58, R.S.O. 1990 as amended.

4. Statutory Authority for Ontario Municipal Board Approval:

N/A

5. Other Approvals Required:

N/A

Project Manager's Report  
Project No: CB1995-3.2  
Account No: C7011-PR37

Page 2 of 2  
Date 1995 03 14

6. Lifetime of Work:

20 years

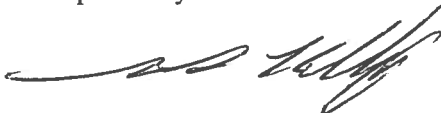
7. Recommended Funding:

	1995 Capital Budget	Total of Proposed Funding	Previously Adopted Funding
Debenture:	\$ -	\$ -	\$
Contr. from Current:	50,000	300,000	N/A
Development Charges:	-	-	
TOTAL	\$ 50,000	\$ 300,000	\$ N/A

8. Method of Recovery:

Mill rate on all rateable property      \$ 50,000

Respectfully submitted



W. L. Kelly, Director of Parks & Recreation