

THE CORPORATION OF THE CITY OF BROCKVILLE

BY-LAW 63-94

A BY-LAW OF THE CITY OF BROCKVILLE RESPECTING THE  
RECONSTRUCTION OF BARTHOLOMEW STREET FROM JAMES  
STREET TO PEARL STREET .

WHEREAS pursuant to section 207.13, of the Municipal Act, R.S.O. 1990, c.M45 amended, the council of a local municipality may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up drains, sewers or watercourses; for constructing, maintaining, repairing 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 amended, the council of a local municipality may pass bylaws 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 issuing debentures therefor. ; AND

WHEREAS pursuant to section 210.84 of the Municipal Act, R.S.O. 1990, c.M45 amended, the council of a local municipality may pass bylaws 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 amended, the council of a local municipality 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 Bartholomew Street from James Street to Pearl Street be undertaken to include rebuilding and reconstruction of storm and sanitary sewers, road grading and granular base, drainage, hot mix asphalt paving and sidewalks.

3. THAT the estimated cost of the proposed undertaking is Two Hundred and Seventy Four Thousand Dollars (\$274,000.00):

	<u>CITY</u>	<u>TOTAL</u>
Reconstruction/Replacement	\$ 218,000.	\$ 218,000.
Engineering	\$ 48,000.	\$ 48,000.
Financing	\$ 8,000.	\$ 8,000.
TOTAL	\$ 274,000.	\$ 274,000.

4. THAT the Treasurer of the Corporation be and is hereby authorized to expend the sum of Two Hundred and Seventy Four Thousand Dollars (\$274,000.00) for the purposes aforesaid.

5(a) THAT the Mayor and Treasurer of the Corporation are hereby authorized to obtain from any bank or banks or other lenders, 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 Seventy Four Thousand Dollars (\$274,000.00) being the total estimated cost of the said works, until and pending completion of said works.

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 said works.

5(d) THAT the Treasurer of the Corporation is hereby authorized to approve for payment 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 by the Director of Engineering in writing to the City Treasurer; and
2. That the approval of the Chief Administrative Officer has been obtained for the requested additional expenditure; and
3. That the amount of the additional expenditure shall not exceed Ten Percent (10%) of the approved capital project cost; and
4. That the amount of the additional expenditure approved as aforesaid shall not exceed the greater of the balance remaining in the contingency fund or the amount that Ten Percent is of the approved capital project cost providing that this amount is no greater than Twenty-Five Percent (25%) of the contingency funds available.

6. THAT the Project Report and Certificate of the Treasurer, Schedules A and B of this by-law. 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 12th DAY OF April A.D. 1994

MAYOR

CLERK

SCHEDULE "A" FORMING PART OF BY-LAW 63-94  
TREASURER'S REPORT  
APPROVALS AND AVAILABILITY OF FUNDS

DATE OF REPORT: APRIL 12, 1994  
NAME OF PROJECT: RECONSTRUCTION OF BARTHOLOMEW STREET  
LOCATION: FROM JAMES STREET TO PEARL STREET  
ACCOUNT NO: C3011-EN37 CB1994 - 2.5

APPROVALS

STATUTORY AUTHORITY: Municipal Act, Chapter M45, Section(s) 207(13),  
210(58,84), 297(1), R.S.O. 1990 as amended.  
ESTIMATED LIFE OF ASSET: 20 Years LIFETIME OF WORK: 1 Year  
AMOUNT CONTAINED IN CAPITAL BUDGET QUOTA FOR 1994: \$274,000.  
AVAILABILITY OF INTERIM FINANCING: Bank Loan or Loan from Reserve Funds  
MINISTRY OF ENVIRONMENT APPROVAL: (Sewage) 3-0149-94-006; (Water) 7-0100-94-006  
OMB APPROVAL: Sections 65 & 66 of the Ontario Municipal Board Act, R.S.O.  
1990, c.028 amended, do not apply if 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.

	<u>FINANCING</u>	
(1) <u>ESTIMATED COST OF PROJECT:</u>	IN 1994	\$ 266,000.
	FINANCING:	8,000.
(1) <u>TOTAL ESTIMATED COST OF PROJECT:</u>		<u>\$ 274,000.</u>

(2)

	<u>REVENUES:</u>	
CONTRIBUTION FROM CURRENT		\$
CONTRIBUTION FROM CAPITAL CONTINGENCY		\$
SHORT TERM LOANS: SOURCE:		\$
MISCELLANEOUS CONT:		\$

OWN SOURCE FUNDS & SUBSIDIES IN CAPITAL BUDGET FOR 1994 \$ NIL

AMOUNT TO BE DEBENTURED IN 1994 FOR THIS PROJECT	\$ 274,000.
AMOUNT TO BE DEBENTURED IN FOR THIS PROJECT	\$
<u>TOTAL DEBENTURES TO BE ISSUED:</u>	<u>\$ 274,000.</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) intended.

  
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 undertaking.

SCHEDULE "B" FORMING PART OF BY-LAW 63-94  
THE CORPORATION OF THE CITY OF BROCKVILLE

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DATE: 1994 04 12

PROJECT NO: CB1994 - 2.5

ACCOUNT NO: C3011-EN37

REPORT OF THE PROJECT MANAGER  
ON THE CAPITAL PROJECT

NAME OF PROJECT: BARTHOLOMEW STREET RECONSTRUCTION  
JAMES STREET TO PEARL STREET

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:

Reconstruction of Bartholomew Street between James and Pearl Street including storm and sanitary sewers, watermain, curb and gutter, sidewalk and asphalt paving.

2. Estimated Cost:

	1994 Budget	Total Proposed Cost Estimate	Previously Adopted Cost Estimate
Construction: \$	218 000	\$ 218 000	\$ N/A
Engineering : \$	48 000	\$ 48 000	\$
Financing : \$	8 000	\$ 8 000	\$
TOTAL: \$	274 000	\$ 274 000	\$ N/A

3. Corporation's Statutory Authority to Proceed:

Municipal Act, Chapter M45, Section(s) 207(13), 210 (58, 84), 297(1) R.S.O. 1990 as amended.

4. Statutory Authority for Ontario Municipal Board Approval:

Ontario Municipal Board Act, Chapter 028, Section 65 & 66 R.S.O. 1990 do not apply if it does not cause the municipality to exceed the limit prescribed by the Lieutenant Governor in Council, section 147 of the Municipal Act, R.S.O. 1990, C.M45 as amended.

5. Other Approvals Required:

Ministry of Environment and Energy, Ontario - Certificates of Approval - sewers and watermain received.

Ministry of Transportation, Ontario - subsidy

PROJECT MANAGERS REPORT  
PROJECT NO: CB1994 - 2.5  
ACCOUNT NO: C3011-EN37

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Date: 1994 04 12

6. Lifetime of Work:

20 years

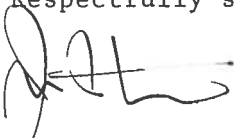
7. Recommended Funding:

	1994 Capital Budget	Total of Proposed Funding	Previously Adopted Funding
Debenture:	\$ 274 000	\$ 274 000	\$ N/A
Contribution from Current:	\$ -	\$ -	\$
Ministry of Transportation:	\$ -	\$ -	\$
TOTAL:	<u>\$ 274 000</u>	<u>\$ 274 000</u>	<u>\$ N/A</u>

8. Method of Recovery

Mill rate on all rateable property \$274,000

Respectfully submitted



J. McIntosh, Director of Engineering