



THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 010-19

Section 78, South Innisfil Creek Drain 2019 Improvement

A By-Law of The Corporation of the Town of Innisfil to provide for drainage works in the Town of Innisfil, County of Simcoe, Province of Ontario.

WHEREAS the Council of the Corporation of the Township of Innisfil, now the Town of Innisfil was ordered by the Court of the Drainage Referee of Ontario on March 31, 2005 to appoint an engineer pursuant to Section 78 of *the Drainage Act*, R.S.O. 1990, Chapter D. 17, as amended (*the Drainage Act*) for the improvements of the South Innisfil Creek Drain; and

WHEREAS R.J. Burnside & Associates Limited was appointed by Council as the Engineer pursuant to Section 78 of *the Drainage Act* to prepare a new engineer's report for the South Innisfil Creek Drain; and

WHEREAS the Council of the Corporation of the Town of Innisfil in the County of Simcoe, Province of Ontario, has procured from R.J. Burnside & Associates Limited a Report dated February 13, 2019 which report is appended hereto and forms part of this by-law; and

WHEREAS Subsection 42 of *the Drainage Act* requires Council to consider the engineering report which may be adopted by by-law in order to fulfill the requirements of *the Drainage Act*; and

WHEREAS the estimated total cost of the engineering report is \$5,360,900.00 including \$1,025,087.03 for previous engineering fees from Dillon Consulting Limited; and

WHEREAS an estimated \$1,997,423.00 is being assessed for lands and roads, to the Town of Innisfil; and

WHEREAS an estimated \$2,987,409.00 is being assessed for private lands, in the Town of Innisfil; and

WHEREAS an estimated \$17,023.00 is being assessed for lands and roads, in the Town of Bradford West Gwillimbury; and

WHEREAS the County of Simcoe is being assessed an estimated \$195,147.00; and

WHEREAS the Ministry of Transportation is being assessed an estimated \$163,898.00; and

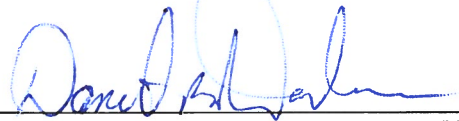
WHEREAS on March 21, 2019 the Court of Revision ordered the Engineer to make revisions to the February 13, 2019 Report to reflect their Decision. Amendments are also required to this by-law to reflect the Decision of the Court of Revision; and


WHEREAS on October 22, 2019 the Ontario Drainage Tribunal ordered the Engineer to make revisions to the February 13, 2019 Report to reflect their Decision. Amendments are also required to this by-law to reflect the Decision of the Appeal Tribunal.

NOW THEREFORE the Council of the Corporation of the Town of Innisfil, pursuant to the provisions of *The Drainage Act*, hereby enacts as follows:

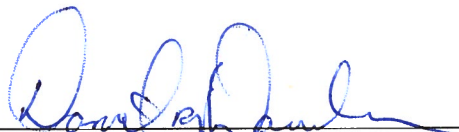
1. THAT the Engineering Report prepared by J.R. Dickson, P.Eng. of R.J. Burnside & Associates Limited dated February 13, 2019 and attached hereto as Appendix "A" is hereby adopted and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.
2. THAT it is hereby declared that notwithstanding any section, subsections, clause paragraph or provision of the By-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and shall not affect the validity of enforceability of any other provisions of the By-law as a whole or part thereof and all other sections of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent there from and enacted as such.
3. THAT whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.
4. THAT this By-law shall be cited as the "South Innisfil Creek Drain 2019 Improvement By-law".
5. THAT this By-law shall come into force and take effect on the date of third reading and final enactment.

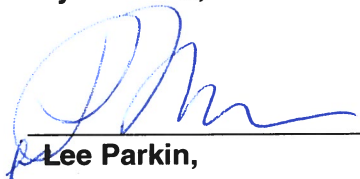
READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED THIS 27th DAY OF FEBRUARY, 2019.


per Lynn Dollin, Mayor


Lee Parkin, Clerk

READ A THIRD TIME AND ENACTED THIS 27th DAY OF NOVEMBER, 2019.


Lynn Dollin, Mayor


Lee Parkin, Clerk