

RURAL MUNICIPALITY OF MORRIS

BY-LAW NO. 1298/85

BEING a By-law authorizing the execution of an agreement between the R. M. of Morris and Government of Manitoba regarding the Rosenort dyke upgrading.

WHEREAS the Government of Manitoba wishes to upgrade the dyke at Rosenort, Manitoba;

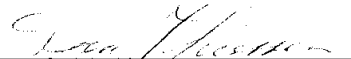
AND WHEREAS the Rural Municipality of Morris is to participate in the costs of such a project;


AND WHEREAS in order to authorize and approve the construction project of upgrading the ring dyke at Rosenort, Manitoba an agreement is required between the Government of Manitoba and the Rural Municipality of Morris;

THEREFORE BE IT RESOLVED that the Rural Municipality of Morris in Council duly assembled enacts as follows:

1. That the Rural Municipality of Morris does now authorize the entering into an agreement with the Government of Manitoba for the purpose of allowing the construction upgrading for the ring dyke at Rosenort, Manitoba.
2. That the Reeve and Secretary-Treasurer are hereby authorized to sign all necessary documents on behalf of the municipality in order to complete this agreement.

DONE AND PASSED in open Council of the Rural Municipality of Morris duly assembled this 10th day of January, 1985.


Reeve


Secretary-Treasurer

Read a first time on the 10th day of January, 1985

Read a second time on the 10th day of January, 1985.

Read a third time on the 10th day of January, 1985 .

This Agreement made this 10th day of January, 198~~5~~

BETWEEN

The Government of Manitoba (hereinafter referred to as "the Province") represented by the Minister of Natural Resources.

AND

The Rural Municipality of Morris (hereinafter referred to as "the Municipality").

WHEREAS Canada and the Province have signed an agreement respecting the upgrading of ring dykes in certain communities in the Red River Valley dated March 10, 1983, under which they have agreed to share in the cost of upgrading existing dykes to provide flood protection for the one percent flood level (i.e. the water level of a flood which has a one percent chance of being equalled or exceeded in any one year).

AND WHEREAS the above agreement provides that Canada shall contribute 45 percent of the cost incurred and the Province 55 percent to a maximum total cost in all communities of four million, five hundred thousand dollars (4,500,000).

AND WHEREAS the Province has requested the Municipality to provide five percent of the costs incurred to upgrade the existing dykes from the level required to protect against the 1950 Flood level to that required to protect at the one percent flood level.

AND WHEREAS the Province has requested the Municipality to participate in the costs incurred in operating and maintaining the said dykes with the exception of those operating and maintenance costs incurred during or directly resulting from a declared flood emergency.

THEREFORE it is agreed between the two parties hereto as follows:

- (a) Work as outlined in Schedule 'A' attached to this agreement will be undertaken by the Province to provide protection of the community to the one percent flood level.
- (b) The Province shall pay the full cost of providing protection to the 1950 Flood level.
- (c) The Municipality shall pay to the Province five percent of the actual costs incurred by the Province in bringing the level of protection from the 1950 Flood level to the one percent flood level.
- (d) The municipal share of costs shall be paid to the Province over a five year period commencing the year following the substantial completion of the work outlined in Schedule 'A'. Payments shall be made without interest and shall fall due on October 1st of each year. Should the annual payment required exceed five mills on the total assessment of the property protected by the dyking system the annual payment shall be reduced to the amount that is raised by a five mill levy on the protected property and the term of payment extended beyond five years until the municipal share of costs is fully paid.
- (e) The Province is responsible for ensuring that the dyking system is adequately maintained. This responsibility includes the operation and maintenance of the pumping stations.

- (f) The total cost of maintenance, exclusive of pump replacement costs, shall be shared by the Province and the Municipality with the Municipality assuming responsibility for the dyke mowing costs in accordance with Provincial standards. The Province shall assume the responsibility for all other operation and maintenance costs exclusive of pump replacement costs.
- (g) Pump replacement costs shall be shared by the Province and the Municipality with the Municipality paying an annual fixed sum as set out in Schedule 'B' to the Province until such time as one or more of the pumps have to be replaced. A new Schedule 'B' shall be negotiated at that time. Payments shall be made on October 1st of each year.
- (h) The Province shall be responsible for all operation and maintenance costs incurred during or directly resulting from a declared flood emergency. A declared flood emergency shall be considered to be a flood occurrence during which, because of the flood forecast, dyke closures are undertaken and/or emergency dykes are built in the community.

Signed on behalf of the
Government of Manitoba by the
Minister of Natural Resources
in the presence of

R. Kirby
Witness

[Signature]

Signed on behalf of the
Municipality in the presence of

[Signature]
Witness

[Signature]

January 10/85
Date

[Signature]

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Minister of Natural Resources
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Witness

[Signature]

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Municipality in the presence of

[Signature]
Witness

[Signature]

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[Signature]

SCHEDULE 'B'
ANNUAL CONTRIBUTION TO SINKING FUND
FOR DYKING SYSTEM PUMP REPLACEMENT

Community: Rosenort

<u>Pumps</u>	<u>Year Installed</u>	<u>Estimated Replacement Year</u>	<u>Estimated Replacement Cost</u>	<u>Annual Contribution To Sinking Fund @ 10% Over 35 Years</u>	<u>Community's Annual Share 25%</u>
2 - 2" Ø submersibles	1968	2003	\$ 20,000	\$ 74	\$ 19
1 - 16" Ø	1985	2020	\$360,000	\$1,332	\$333
TOTALS			\$380,000	\$1,406	\$352

The Municipality shall pay to the Province the sum of \$352.00 annually until one or more of the pumps have to be replaced. Such annual payment shall commence on October 1st of the year following the completion of the work described in Schedule 'A'.