

THE RURAL MUNICIPALITY OF MORRIS

BY-LAW NO. 1522/99

BEING a by-law of the Rural Municipality to authorize the expenditure and borrowing of money for the completion of the construction of a dyke structure around the Community of Aubigny as a Local Improvement.

WHEREAS Section 311 of The Municipal Act, S.M. 1996, C.58, provides, in part, as follows:

“If approved by by-law, a municipality may undertake, as a local improvement for the benefit of all or part of the municipality,

- (a) the acquisition, development upgrading or replacement of one or more of the following:
  - (i) sewage collection and treatment facilities;
  - (ii) water supply, treatment and distribution facilities;
  - (iii) waste management facilities;
  - (iv) highways;
  - (v) drainage systems; or
- (b) Any other project the cost of which includes a capital component.”

AND WHEREAS subsection 320(1) of The Municipal Act provides as follows:

- (a) “Subject to subsection (2) to (6) and subsection 321(4), a council may by by-law approve the local improvement or special service as set out in the plan or proposal; and
- (b) authorize the municipality to impose taxes as set out in the plan or proposal.

AND WHEREAS Section 172 of The Municipal Act provides in part as follows:

“In this Division,

“Borrowing” means the borrowing of money, and includes

- (b) borrowing to pay for a local improvement under Division 4 (Local Improvement and Special Services) of Part 10,
- (e) issuing of debentures; ”

AND WHEREAS subsection 174(1) of The Municipal Act provides as follows:

“A municipality may make a borrowing only if

- (a) the borrowing is authorized by by-law;
- (b) subject to subsection (2), the borrowing is set out as a debt obligation in the operating budget or capital budget or it is made to fund an expenditure authorized under subsection 169(5).

AND WHEREAS, the Council of the Rural Municipality of Morris has prepared Local Improvement Plan No. 1/99 providing for the spending, borrowing authority, and imposition of taxes for the, construction and maintenance of a dyke, for flood protection purposes, around the community of Aubigny, Manitoba, as a local improvement pursuant to Part 10 of The Municipal Act;

AND WHEREAS, in order to complete such undertaking, it will be necessary to issue debentures of The Rural Municipality of Morris for the sum of One Hundred and The Thousand, Dollars (\$110,000.00) as hereinafter provided, which is the amount of the debt intended to be created by this by-law;

AND WHEREAS the consecutive annual amounts, including principal and interest, required to be raised each year for 20 years, as hereinafter provided, for paying the principal and interest under this by-law are the amount set out in Schedule "A" hereto;

AND WHEREAS the requirements are prescribed in Sections 318, 319 and 320 of The Municipal Act have been complied with;

AND WHEREAS the assessed value of the whole lands chargeable under this by-law according to the latest revised Assessment Roll is \$472,070.00;

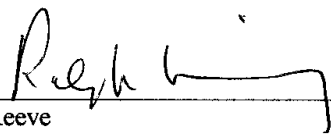
AND WHEREAS the amount of existing debenture debt of the Rural Municipality of Morris is \$ 96,947.58, of which no portion of the principal or of the interest thereon is in arrears;


NOW THEREFORE, the Council of the Rural Municipality of Morris, in regular meeting duly assembled, enacts as follows:

1. That pursuant to subsection 320(1) of The Municipal Act, the Rural Municipality of Morris adopt Local Improvement Plan No. 1/99 attached hereto as Schedule "B".
2. That the Rural Municipality of Morris may expend up to One Hundred and Ten Thousand dollars (\$110,000.00) for the purpose of completing the construction of a dyke around the community of Aubigny, Manitoba as a local improvement.
3. That for the aforesaid project, the said municipality may borrow One Hundred and Ten Thousand dollars (\$110,000.00) by the issue and sale of debentures, such debentures shall be issued by the Rural Municipality of Morris in the Province of Manitoba, and shall be payable at the Royal Bank of Canada in Winnipeg or at the principal office of the Bank in one of the cities of Winnipeg, Toronto, Montreal or Vancouver, Canada at the holder's option, and shall be dated the 1<sup>st</sup> day of December, A.D. 1999.
4. That the said debentures shall bear interest at a rate estimated for the time being at 6.4% per annum, and subject in any event to the authorization of The Municipal Board at the time of sale, and shall mature in accordance with the maturities set out in Schedule "A" hereto on the 1<sup>st</sup> day of December in each of the years 2000 to 2019, both inclusive.
5. That each of the debentures shall be signed by the Reeve, or by some other person authorized by by-law to sign same, and by the Chief Administrative Officer of the Rural Municipality of Morris and there shall be affixed thereto the corporate seal of the said municipality, and the coupons, if any, attached thereto shall be signed by the Chief Administrative Officer whose signature thereon maybe by lithograph or other mechanical means.
6. That during the currency of the said debentures; namely, in each of the years 2000 to 2019, both inclusive, there shall be raised annually by a special rate on all the rateable property described in Schedule "C" hereto, an amounts sufficient to meet the requirement for principal and interest.

7. That pursuant to subsection 174(3) of The Municipal Act, pending the issue and sale of debentures, the council of the Rural Municipality of Morris may agree with a bank or person or borrow from the general funds of the municipality for temporary advances from time to time to meet expenditures incurred for the purpose for the purpose aforesaid, and the total of such advances shall not exceed One Hundred and Ten Thousand dollars (\$110,000.00).
8. That during the term of the debentures authorized herein, in any year where the debentures remain unissued, the levies may be made as if the debentures has been issued; and upon completion of the project authorized herein, the levies shall be applied in reduction of temporary financing, and then issued, the amount and term of debentures shall be reduced accordingly.

DONE AND PASSED by the Council of the Rural Municipality of Morris in the Province of Manitoba this 8<sup>th</sup> day of September, A.D. 1999.

  
Deputy - Reeve

  
Chief Administrative Officer

Read a first time this 15<sup>th</sup> day of April, A.D. 1999

Read a second time this 12<sup>th</sup> day of May, A.D. 1999

Read a third time this 8<sup>th</sup> day of September, A.D. 1999

By-law No. 1522/99

SCHEDULE "C"

Listing of all properties, which will be inside the Aubigny Dyke, in whole or in part, and which shall be liable for the construction and maintenance of the respective dyke.

Roll No.	Property Owner	Legal Desc. of Property
277600	Guy Saurette Farms Ltd.	Pt. of River Lot 446, Plan 4121
277700	Dennis Kenny	Lots 1 and 2, Plan 9645
277800	Marcel A. Caron	Lots 3 and 4, Plan 9645
277900	Marcel A. Caron	Pt. of River Lot 446, Plan 4121
278000	Ronald E. Phillips	Pt. of River Lot 446, Plan 4121
278100	Marc R. Chartier and Micole R. Preteau	Pt. of River Lot 446, Plan 4121
278200	Daniel P. Berthelette	Pt. of River Lot 446, Plan 4121
278300	Maurice Vermette	Pt. of River Lot 446, Plan 4121
278450	Leon P. Palud and Rose-Marie Palud	Pt. of River Lot 446, Plan 4121
279100	Roger L. Richard and Suzanne I. Richard	Pt. of Lot 5, Plan 3649
279150	J.P. Leonard Chartier and Marie E. Chartier	Pt. of Lot 5, Plan 3649
279200	James Ritchot and Germaine Ritchot	Pt. of Lot 6, Plan 3649
279400	La Paroisse Catholique de St. Antonie d'Aubigny	Pt. of Lot 7, Plan 3649
279500	La Paroisse Catholique de St. Antonie d'Aubigny	Pt. of Lot 7, Plan 3649
279600	Norbert Deurbouck and Alma Deurbouck	Pt. of Lot 8, Plan 3649
279700	La Caisse Populaire d'Aubigny	Pt. of Lot 8, Plan 3649
279800	Alma Deurbouck	Pt. of Lot 8, Plan 3649
280000	Jerome G. Desilets	Pt. of Lot 8, Plan 3649
280300	Lucie Savignac	Pt. of Lots 9 to 11, Plan 3649
280400	La Paroisse Catholique de St. Antoine d'Aubigny	Pt. of Lot 6, Plan 3649 Pt. of Lots 9 to 13 and 16, Plan 3649
280500	Jean Marie Ritchot	Lots 14 and 15, Plan 3649
280600	Glenn R. E. Proutte and Dawn G. Traer	Pt. of Lot 16, Plan 3649
280700	Stanley E. Wiezbinski	Pt. of Lot 16, Plan 3649
280800	Stanley E. Wiezbinski	Pt. of Lot 16, Plan 3649
280900	Maurice A. Vermette and Emma Vermette	Pt. of Lot 17, Plan 3649
281000	Dennis R. Code	Pt. of Lot 17, Plan 3649
281100	Guy J. Chartier and Doris M. Chartier	Lot 18, Plan 3649
281200	Normand C. St. Hilaire	Pt. of Lot 17, Plan 3649
281375	MTS Communications Inc.	Parcel A, Plan 28263
281425	Saurette Farms Ltd.	Pt. of River Lot 450, Plan 4122
281600	Joseph Chartier and Lucille Chartier	Lot 1, Plan 11846
281700	Lloyd C. Wilson	Lot 2, Plan 11846
281800	Orvil R. Lilke	Lot 1, Plan 26611
281900	Graham J. Hastie and Susan Z. Hastie	Lot 2, Plan 26611
282000	Felicien A. Bouchard and Constance E Bouchard	Lot 2, Plan 18108
282100	Stanley E. Wiezbinski and Shirley J. Wiezbinski	Lot 7, Plan 11846
282200	Robert A. McLellan and Robert B. Whitbread	Lot 8, Plan 11846
282400	Ronald E. Piper	Lots 9 and 10, Plan 11846