



Memorandum

Corporate By-law Number: 035-2025-Infrastructure & Operations-Engineering

TO: Office of the City Clerk **FILE:** 500.003 MacDonell Street

FROM: Matthew Miedema, Director Engineering
Infrastructure & Operations - Engineering

DATE PREPARED: January 17, 2025

SUBJECT: By-Law 035-2025 – Local Improvement – MacDonell Street Curb and Gutter

MEETING DATE: City Council - February 24, 2025

By-law Description: A By-law to authorize the construction of new curb and gutter on MacDonell Street from Central Avenue to Squier Street as a local improvement under the provisions of the *Municipal Act*, 2001 and Ontario Regulation 586/06.

Authorization: Report 417-2024 (Infrastructure & Operations-Engineering) – Committee of the Whole – November 25, 2024.

By-law Explanation: The purpose of the By-law is to authorize the local improvement for new curb and gutter on MacDonell Street from Central Avenue to Squier Street.

Schedules and Attachments:

SCHEDULE "A" TO BY-LAW NUMBER 035-2025

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER 035-2025

A By-law to authorize the construction of curb and gutter on MacDonell Street from Squier Street to Central Avenue, in the City of Thunder Bay as a local improvement under the provisions of the *Municipal Act, 2001* and Ontario Regulation 586/06.

Recitals

1. A sufficient petition in favour of undertaking the works described in this By-law has been received and certified by the Clerk of the Corporation of the City of Thunder Bay (the "Corporation") pursuant to Ontario Regulation 586/06 (the "Regulation") and the *Municipal Act, 2001*, S.O. 2001 c. 25 (the "Act").
2. The Council of the Corporation has determined that it is desirable to construct the works described in Schedule "A" attached to and forming part of this By-law as local improvements under the *Act* and Paragraph 2(d) of the Regulation.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. It is determined, this By-law being passed by a vote of the majority of all of Council, that it is desirable that the works described in Schedule "A" should be undertaken as local improvements under the provisions of the *Act* and the Regulation set out in the Recitals.
2. Pursuant to the provisions of Section 12 of the Regulation, the cost of the works shall be specially assessed upon all the land or frontage within the limits of the works and the remainder of the cost shall be borne by the Corporation as set forth in Schedule "A".
3. The Engineer of the Corporation shall make such plans, profiles and specifications and furnish such information as may be necessary for the making of a contract or contracts for the execution of the works, and the works shall be carried on and executed under the superintendence and according to the direction and orders of the Engineer.
4. The Mayor and Clerk are authorized to execute a contract or contracts, and any further documentation necessary for the construction of the works to be made and entered into with some person or persons, firm or corporation, in the form and content satisfactory to the City Solicitor.
5. To meet the cost of the said works, the Mayor and Treasurer of the Corporation are authorized to agree with any Chartered Bank of Canada for temporary advances of money not to exceed \$271,500 Dollars at a rate of interest not to exceed the prime

lending rate of that institution, and to execute under the seal of the Corporation, one or more promissory notes or other instruments evidencing indebtedness, in form and content satisfactory to the City Solicitor.

6. The Treasurer of the Corporation is hereby authorized and directed to apply first in payment of the advances (with interest as applicable), all money borrowed on the credit of the Corporation to represent such advances and to defray the cost of the works, and all monies from other sources properly applicable to the cost of the works.

7. (a) Any person whose lot is specially assessed in the local improvement roll certified by the Treasurer under Subsection 23 of the Regulation may commute for a payment in cash the special rate imposed by paying the portion of the cost of construction assessed upon the lot, without interest, within 30 days after the local improvement roll has been initially certified by the Treasurer.

(b) The date for commutation pursuant to Subsection 7(a) of this By-law is not extended where a lot or portion of a lot becomes subject to the special assessment after the initial local improvement roll pursuant to Section 29 of the Regulation.

(c) A person whose lot is assessed may at any time after the period mentioned in Subsection 7(a) of this By-law, pay a single lump sum to commute the special rate. The amount of the lump sum payment will be calculated using the appropriate interest rate as set by the City at the time, in order to ensure it provides an annuity sufficient to cover the special rate for the remaining term of the installments as they become due.

8. Subject to Section 7 of this By-law, the special assessment of each of the works shall be paid in the number of annual installments over the approved term as set forth opposite each of the works in Schedule "A".

9. The costs to be financed for the value of the completed works shall bear interest at such rate as determined by Council and shall be payable over the years specified in Schedule "A" for each work listed in accordance with the installment plan.

10. This By-law shall come into force and take effect upon the date it is passed.

Enacted and passed this 24th day of February, A.D. 2025 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Ken Boshcoff

Mayor

Dana Earle

Deputy City Clerk