

RURAL MUNICIPALITY OF DUFFERIN

BY-LAW NO. 1726

*Being a by-law of the R.M. of Dufferin to authorize the expenditure and borrowing of funds for the completion of a local improvement - Phase 4 - Rural Water Line System*

WHEREAS the provisions 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:*

*ii) water supply, treatment and distribution facilities;*

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

*Subject to subsections (2) and (6) and subsection 321(4), a council may by by-law*

*(a) 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 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 Improvements and Special Services) of Part 10,*

AND WHEREAS section 174(1) of the Act provides in part as follows:

*A municipality may make a borrowing only if*

*(a) the borrowing is authorized by by-law;*

AND WHEREAS the Council of the Municipality of Dufferin has prepared Local Improvement Plan No. 1/99 providing for spending and borrowing authority for the construction of a rural water line system - Phase 4 as a local improvement pursuant to Part 10 of the Act;

AND WHEREAS the requirements as prescribed in sections 318, 319 and 320 of the Act have been complied with;

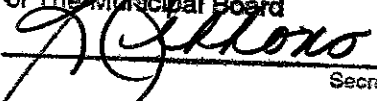
AND WHEREAS the consecutive annual amounts, including principal and interest required to be raised in each year for 10 years as hereinafter provided, for paying the principal and interest under this by-law are the amounts as set out in Schedule "A" hereto;

AND WHEREAS the amount of existing debenture debt of the Municipality of Dufferin is \$919,420.80 of which no portion of the principal or interest thereon is in arrears;

NOW THEREFORE the Council of the Municipality of Dufferin enacts as follows:

1. THAT pursuant to subsection 320(1) of the Act, the Municipality of Dufferin approve Local Improvement Plan No. 1/99 attached hereto as Schedule "B".
2. THAT the Municipality of Dufferin may expend up to three hundred and forty four thousand and five hundred dollars (\$344,500.00) by the issue and sale of debentures for the purpose of completing the construction of the proposed Phase 4 of the rural water line system as a local improvement.
3. THAT for the aforesaid project, the municipality may borrow three hundred and forty four thousand and five hundred dollars (344,500.00). Such debentures shall be issued by the R.M. of Dufferin and shall be payable at the Canadian Imperial Bank of Commerce in Carman, MB. and shall be dated the 1st day of December A.D., 1999.
4. THAT the said debentures shall bear interest at a rate estimated for the time being at 7.0% 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 1st day of December in each of the years 2000 to 2009, both inclusive.
5. THAT each of the said debentures shall be signed by the Reeve, or by some other person authorized by by-law to sign name, and the the Chief Administrative Officer of the Rural Municipality of Dufferin, 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 .
6. That during the currency of the said debentures, namely, in each of the years 2000 to 2009, both inclusive, there shall be raised annually by a special rate of \$ 4.63 per foot on all rateable property described in Schedule "C" hereto, according to the frontage thereof, an amount sufficient to provide for part of the principal and interest requirements hereunder with a minimum/maximum of 200 feet.
7. THAT pursuant to paragraph 174(3)(d) of the Municipal Act, pending the issue and sale of debentures, the Council of the Municipality of Dufferin may agree with a bank or person to borrow from the general funds of the municipality for temporary advances from time to time to meet expenditures incurred for the purpose aforesaid, and the total of such advances shall not exceed three hundred and forty four thousand and five hundred dollars (\$344,500.00) .
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 had been issued; and upon completion of the project authorized herein, when the final amount of the debt created hereunder is known, the levies shall be applied in reduction of temporary financing, and when issued, the amount and term of debentures shall be reduced accordingly.
9. THAT, at any time prior to or within thirty days following the completion of the work, any ratepayer of the area affected by the local improvement as described in Schedule "C" hereto may commute and pay in one principal sum that part of his share of the debt herein authorized in respect of the frontage and/or flankage rates provided herein in the said by-law of the Municipality of Dufferin and hereafter no frontage and/or flankage rates shall be levied against the said lands in respect of the debenture to be authorized herein.


DONE AND PASSED as a by-law of the Municipality of Dufferin in the Province of  
Manitoba this the <sup>5th</sup> day of Feb . , A.D. 1999. <sup>2000</sup> ~~2000~~ <sup>2000</sup> ~~2000~~ Approved, subject to Amendment

By Order No. E-99-109  
of The Municipal Board  
  
Secretary

Read a first time this the 10th day of August A.D., 1999

Read a second time this the 10 day of August A.D., 1999.

Read a third time this the <sup>5th</sup> day of Feb . A.D., 1999. <sup>2000</sup> ~~2000~~ <sup>2000</sup> ~~2000~~

  
WILLIAM K. ROTH,  
REEVE

  
LINDA C. BALEJA, C.A.O.

**"SCHINDLER" "C"**

NAME	Post Office Box	Address	Postal Code	Legal Desc.	Roll Number	Total Cost	Deposit	Balance	Frontage	Ft. Chge.
RAYSVILLE										
Victor Thiessen & Margaret Hamilton	Box 3	Graysville, Manitoba	ROG OTO	SE 1/4 35-6-6 W.	119000	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Bob & Judy Harrison	Box 1821	Carman, Manitoba	ROG OJO	NE 1/4 26-6-6 W.	113700	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Les & Linda Burtneck		Graysville, Manitoba	ROG OTO	NE 1/4 25-6-6 W.	112500	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Alan Harrison	Box 685	Carman, Manitoba	ROG OJO	SW 1/4 31-6-5 W	99200	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Len & Linda Kroeker	Box 756	Carman, Manitoba	ROG OJO	SW 1/4 31-6-5 W	99250	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Red & Eleanor Orchard		Graysville, Manitoba	ROG OTO	NE 1/4 25-6-6 W	112600	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
John & Jody Froese		Carman, Manitoba	ROG OJO	SW 1/4 36-6-6 W	119600	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Falter Coates	Box 1174	Carman, Manitoba	ROG OJO	Graysville	130800	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Merle & Lee Wood	General Delivery	Carman, Manitoba	ROG OJO	Graysville	132000	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Ida Stephenson	Box 389	Carman, Manitoba	ROG OJO	SW 1/4 25-6-6 W	113400	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Gene Gauthier	Box 941	Graysville, Manitoba	ROG OTO	Graysville	131500	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Bill & Lynn Friesen	Box 1554	Carman, Manitoba	ROG OJO	Graysville	132530	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
George & Noreen Gray		Carman, Manitoba	ROG OJO	Graysville	132540	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Leah & Lana Rinn	38 Lake Lindero Rd	Graysville, Manitoba	ROG OTO	SW 1/4 25-6-6 W	113000	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Don & Karen Owen	Box 1031	Winnipeg, Manitoba	R3T 4P3	NW 1/4 19-6-5 W	84300	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
		Carman, Manitoba	ROG OJO	Lot 1 Plan 24630	112725	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.

**STEPHENFIELD EAST**

John & Elizabeth Lemky	Box 1285	Carman, Manitoba	ROG OJO	NE 1/4 20-6-5 W	110100	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Leah & Marlene Doerksen	Box 44	Stephenfield, MB.	ROG 2R0	SW 1/4 28-6-6 W	115325	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Yall & Judy Owen		Stephenfield, MB.	ROG 2R0	SW 1/4 28-6-6 W	115300	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Graysville Mennonite Church		Graysville, Manitoba	ROG OTO	SE 1/4 28-6-6 W	115100	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Kroeker Farms Ltd.	Box 1450	Winkler, Manitoba	R6W 4B4	SE 1/4 28-6-6 W	115250	\$8,500.00	\$2,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.

**MISCELLANEOUS**

Graysville Farms Limited	General Delivery	Graysville, Manitoba	ROG OTO	SE 1/4 30-6-6 W	116650	\$8,500.00	\$2,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Graysville Mennonite Church		Carman, Manitoba	ROG OJO	NW 1/4 24-6-5 W	91350	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Abbott Cattle Company Limited	Box 580	Carman, Manitoba	ROG OJO	NE 1/4 22-6-5 W	86000	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.

**WEST OF CARMAN**

Carman & Wilhelmina Vandermeulen	Box 1098	Carman, Manitoba	ROG OJO	NW 1/4 33-6-5 W	99800	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Leah & Joyce Smith	Box 1311	Carman, Manitoba	ROG OJO	NW 1/4 34-6-5 W	100200	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Leah & Linda Vandasselaar	R.R. #2	Carman, Manitoba	ROG OJO	SE 1/4 34-6-5 W	100325	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Leah & Grace Vandasselaar		Carman, Manitoba	ROG OJO	SE 1/4 34-6-5 W.	100350	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Leah & Brenda Bryson	Box 632	Carman, Manitoba	ROG OJO	SW 1/4 26-6-5 W	96500	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Leah & Barbara Hjelte	Box 1011	Carman, Manitoba	ROG OJO	SW 1/4 26-6-5 W	96550	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.

"SCHEDULE "C"

Don & Colette Sawatzky	Box 1635	Carman, Manitoba	ROG OJO	NE 1/4 27-6-5 W	96600	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Ron & Debbie Vanderzwaag	General Delivery	Carman, Manitoba	ROG OJO	NW 1/4 27-6-5 W	96850	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Charlotte Fehr	Box 855	Carman, Manitoba	ROG OJO	SW 1/4 27-6-5 W	97200	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Bill & Hella Runne	R.R. #3	Carman, Manitoba	ROG OJO	SW 1/4 27-6-5 W	97300	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Gus & Hendrina Ruiter	Box 894	Carman, Manitoba	ROG OJO	NE 1/4 28-6-5 W	97450	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Luc & Ellen Gauthier	General Delivery	Carman, Manitoba	ROG OJO	NE 1/4 21-6-5 W	85250	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Len & Edith Rook	Box 1051	Carman, Manitoba	ROG OJO	NW 1/4 21-6-5 W	85500	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Hank & Mary Kamminga	Box 1125	Carman, Manitoba	ROG OJO	NW 1/4 21-6-5 W	85525	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Tom & Susan Mooney	Box 964	Carman, Manitoba	ROG OJO	NE 1/4 22-6-5 W	86100	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Kelvin & Joyce Smith	Box 940	Carman, Manitoba	ROG OJO	NW 1/4 22-6-5 W	86300	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Cornelis & Mary Vanderpot	Box 1311	Carman, Manitoba	ROG OJO	NW 1/4 22-6-5 W	86350	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Carman Radio & TV	General Delivery	Carman, Manitoba	ROG OJO	NW 1/4 22-6-5 W	86400	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Ron & Janet Dyck	Box 245	Carman, Manitoba	ROG OJO	NW 1/4 22-6-5 W	86500	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Brook & Francine Lee	Box 656	Carman, Manitoba	ROG OJO	NW 1/4 22-6-5 W	86550	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Dr. Marion Suderman		Carman, Manitoba	ROG OJO	NW 1/4 23-6-5 W	88000	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Dr. Julie Hesketh		Carman, Manitoba	ROG OJO	NW 1/4 23-6-5 W	88300	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Dr. David Hesketh		Carman, Manitoba	ROG OJO	NW 1/4 23-6-5 W	88200	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Dave & Margot Clarke	Box 803	Carman, Manitoba	ROG OJO	NW 1/4 23-6-5 W	88100	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Andy & Cindy Vanderveen		Carman, Manitoba	ROG OJO	NE 1/4 23-6-5 W	87900	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Jack & Linda McKinnon	Box 817	Carman, Manitoba	ROG OJO	NE 1/4 23-6-5 W	97800	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Clint and Michelle Nicolaisen	Box 1176	Carman, Manitoba	ROG OJO	SE 1/4 29-6-5 W	97800	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Gordon & Kimberly Deannel	Box 1521	Carman, Manitoba	ROG OJO	SE 1/4 32-6-5 W	99550	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Dennis & Laurie Lesage	Box 237	Carman, Manitoba	ROG OJO	NE 1/4 23-6-5 W	87600	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.
Don & Allyson Davis	Box 1197	Carman, Manitoba	ROG OJO	NE 1/4 23-6-5 W	87500	\$7,500.00	\$1,000.00	\$6,500.00	200 Feet	4.63/Ft. for 10 yrs.

**RURAL MUNICIPALITY OF DUFFERIN**

SCHEDULE - A TO BYLAW 1726

**Local Improvement Debenture Issue**

<b>Term (Yrs):</b>	10	<b>Amount:</b>	344,500.00
<b>Date:</b>	DECEMBER 1,1999	<b>Rate (%):</b>	7.0000
<b>Payable:</b>	DECEMBER 1, 2000-2009	<b>Annual Payment:</b>	49,049.05
<b># of Days</b>	365	<b>Adjusted First Year's Payment:</b>	49,049.05
		<b>Adjusted Last Year's Payment:</b>	49,049.08

**MATURITY SCHEDULE**

Year	Interest	Principal	Balance
2000	24,115.00	24,934.05	319,565.95
2001	22,369.62	26,679.43	292,886.52
2002	20,502.06	28,546.99	264,339.53
2003	18,503.77	30,545.28	233,794.25
2004	16,365.60	32,683.45	201,110.80
2005	14,077.76	34,971.29	166,139.51
2006	11,629.77	37,419.28	128,720.23
2007	9,010.42	40,038.63	88,681.60
2008	6,207.71	42,841.34	45,840.26
2009	3,208.82	45,840.26	0.00
<b>TOTALS</b>	<b>145,990.53</b>	<b>344,500.00</b>	<b>490,490.53</b>

20-Jul-99

Schedule "B" to by-law #1726

**RURAL MUNICIPALITY OF DUFFERIN**

**LOCAL IMPROVEMENT PLAN - #1/99**

**PHASE 4 - RURAL WATER LINE SYSTEM**

**(a) Description of the Proposed Local Improvement**

The local improvement proposed herein involves the provision of additional authority to expend and borrow funds for the completion of Phase 4 of the rural water line system for the Rural Municipality of Dufferin.

Phase 4 represents the third phase of the rural water line system project for this municipality, Phase 3 having been completed in 1998.

**(b) Local Improvement District to be Taxed**

The Local Improvement Tax required to service the debt to be issued under this proposal will be levied on qualifying properties within the Rural Municipality of Dufferin Local Improvement Phase 3 Rural Water Line System.

**(c) Identification of Potential Taxpayers Under the Plan**

The local improvement taxes under this plan are to be imposed in respect of any properties in the Rural Municipality of Dufferin Local Improvement District Phase 4 these properties being only the ones which are serviced with the rural water line system in the 1999 year.

**(d) Method of Calculating Local Improvement Tax**

The local improvement tax to be levied under this proposal will be calculated on the basis of a frontage levy against all properties in the local improvement district described in Schedule "C" attached hereto. This frontage levy will be equivalent to \$6,500.00 plus interest thereon for the ten year duration of the levy commencing in the year 2000 until 2009 both inclusive. This \$6,500.00 represents the total \$7,500.00 charge for the rural water line service less the deposit which has been paid to the Rural Municipality of Dufferin to ensure the water service for the 1999 year.

Taxpayers will be permitted to pay the \$6,500.00 balance prior to December 1, 1999 instead of having a frontage tax levied against their property for the years 1999 until 2008 both inclusive.

**(e) Estimated Cost of Local Improvement Tax**

**Calculation of Spending Authority Required**

Total Project Cost	\$ 399,500.00
P.F.R.A. Phase 3 share	\$ 0.00
Manitoba Water Services Board Share	\$ 0.00
R.M. of Dufferin Share	\$ 399,500.00

**Calculation of Additional Required Borrowing Authority**

R. M. Share of total project costs (51 hookups x \$7,500.00)	\$ 382,500.00
( 2 hookups at \$8,500.00)	17,000.00
Less deposits received from ratepayers (51 x \$1,000.00)	51,000.00
( 2 x \$2,000.00)	<u>4,000.00</u>
Additional Borrowing Authority Required	\$ 344,500.00

**(f) Particulars of Debenture Issue**

Amount	\$ 344,500.00
Term	Not more than 10 years.
Interest Rate	7%.

**(g) Other Anticipated Sources of Funding**

At the time of preparation of the local improvement plan, no other sources of funding for the project are expected.

**(h) Funding of Operation and Maintenance of Proposed Local Improvement**

The annual operating and maintenance costs of the proposed local improvement will be covered by water utility charges.

Linda C. Baleja  
Chief Administrative Officer  
July 14, 1999



September 9, 1999

Linda C. Baleja  
Chief Administrative Officer  
Rural Municipality of Dufferin  
12 - 2<sup>nd</sup> Avenue S.W.  
Carman, Manitoba  
ROG OJO

Dear Ms. Baleja:

**RE: RURAL MUNICIPALITY OF DUFFERIN - BY-LAW NO. 1726**  
**FILE NO. 99E8-0058**

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We enclose for your information a copy of Municipal Board Order No. E-99-104 together with the By-law.

Also enclosed is Invoice No. 08662 setting out the fee now due and payable on the By-law.

Please quote our file number on all correspondence.

Yours truly,



Rose Gibbons  
Secretary

RG/ep/enclosures

c: Mr. W. Hildebrand, Capital Finance Officer

THE MUNICIPAL BOARD OF MANITOBA

WINNIPEG, MANITOBA

MANITOBA

)Order No. E-99-104

)File No. 99E8-0058

THE MUNICIPAL BOARD

BEFORE: Mr. G. Ducharme, Chairman  
Ms. C.J. McLean, Member

RURAL MUNICIPALITY OF DUFFERIN - BY-LAW NO. 1726

The Rural Municipality of Dufferin applies under Section 320(4) of *The Municipal Act, S.M. 1996 c. 58* for approval of By-law No. 1726 attached as Appendix "A" authorizing the construction of "Phase 4" of a rural water line system as a Local Improvement and the borrowing of \$344,500.00.

Upon considering the application, THE BOARD ORDERS THAT:

1. Rural Municipality of Dufferin By-law No. 1726 **BE APPROVED** subject to the following amendment:
  - (a) In the eighth "Whereas Clause", second line, delete "\$919,420.80" and replace with "\$703,253.01".
2. A filing fee of \$50.00 be paid by the Municipality.

THE MUNICIPAL BOARD

  
Chairman

September 9, 1999  
Date

  
Secretary