

The Rural Municipality of Morris

BY-LAW NO. 1614/07

BEING a By-law of the Rural Municipality of Morris to authorize the expenditure and borrowing of money for the installation and connection of a property to a water and sewer system 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 the following:
 - (i) sewage collection and treatment facility,
 - (ii) water supply, treatment and distribution facilities;
- (b) Any other project, the cost of which includes a capital component.”

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

“Subject to subsection (2) to (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 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 a by-law;
- (b) subject to the 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. 2/2007 providing for the spending, borrowing authority, and imposition of taxes for the installation and connection of a property to a water and sewer system, as a local improvement pursuant to Part 10 of The Municipal Act;

AND WHEREAS in order to complete such undertaking, it will be necessary for the Rural Municipality of Morris to borrow the sum of Sixty Five Thousand Dollars (\$65,000.00) 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 10 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 as prescribed in Section 318, 319 and 320 of the Municipality Act have been compiled with;

AND WHEREAS the amount of existing debenture debts of the Rural Municipality of Morris is \$3,279,896.72 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. 2/2007 attached hereto as Schedule "B".
2. That the Rural Municipality of Morris may expend up Sixty-Five Thousand Dollars (\$65,000.00) for the purpose of installation and connection of a property and to a water and sewer system as a Local Improvement.
3. That for the aforesaid project, the said municipality may borrow up to Sixty-Five Thousand Dollars (\$65,000.00) such borrowing shall be issued by the Rural Municipality of Morris in the Province of Manitoba, and shall be payable at the Rosenort Credit Union in Rosenort, Manitoba, Canada and shall be dated the 31st day of December, AD 2007.
4. That the aforesaid debentures shall bear interest at a rate of 5.875% 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 31st day of December in each of the years 2008 to 2017, 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.
6. That during the currency of the said debentures; namely, in each of the years 2008 to 2017, both inclusive, there shall be raised annually by a special per parcel rate on the property described in Schedule "C" hereto, an amount sufficient to meet the requirement of principal and interest.


7. That pursuant to subsection 174(3)(d) of the Municipal Act, pending the issue of the borrowing, 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 aforesaid, and the total of such advances shall not exceed Sixty-Five Thousand dollars (\$65,000.00)

8. That, at any time prior to December 1st, 2007, 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/her share of the debt herein authorized in respect of the per parcel rate provided herein to the said Chief Administrative Officer of the Rural Municipality of Morris and thereafter no per parcel rates shall be levied against his/her said lands in respect of the debentures to be authorized herein.

DONE AND PASSED by the Council of the Rural Municipality of Morris in the Province of Manitoba this 14th day November, AD 2007.



REEVE



CAO

Read a first time on the 10th day of October , 2007.
Read a second time on the 14th day of November , 2007.
Read a third time on the 14th day of November , 2007.