

BY-LAW NO. 2012 -

A by-law of the City of Ottawa to provide for a drainage works project improving, extending to an outlet and altering the drainage works that were originally authorized and constructed under Monahan Creek Municipal Drain By-laws 19-69 and 41-73 and modified under Monahan Creek Municipal Drain By-law 2003-396.

WHEREAS the Monahan Creek Municipal Drain By-laws, being By-law 19-69 and By-law 41-73 of the Township of Goulbourn, were passed pursuant to the *Drainage Act 1962-63* (now R.S.O. 1990, c. D.17);

AND WHEREAS the lands referred to in the above-mentioned by-laws are now included in the City of Ottawa by virtue of the *City of Ottawa Act, 1999*, S.O. 1999, c. 14, Sched. E;

AND WHEREAS every by-law of the old municipality of the Township of Goulbourn is deemed to be a By-law of the City of Ottawa pursuant to Subsection 5(6) of the *City of Ottawa Act, 1999*;

AND WHEREAS certain works were completed to improve the Monahan Creek Municipal Drain as provided for in the engineer's report prepared by Robinson Consultants Inc. dated July 2001 and entitled "Monahan Creek Municipal Drain-Modifications and Improvements", and the "Monahan Creek Municipal Drain By-law 2003-396" that was passed pursuant to the *Drainage Act*, R.S.O. 1990, c. D.17 (the "*Drainage Act*");

AND WHEREAS abandonment of Part of Branch A, Part of Branch B, and Part of Branch 6 of the Monahan Creek Municipal Drain is provided for in By-law 2006-461, being the "Monahan Creek Municipal Drain Partial Abandonment By-law, 2006" that was passed pursuant to the *Drainage Act*;

AND WHEREAS abandonment of Part of Branches 1, 3, 4, 10 and B of the Monahan Creek Municipal Drain is provided for in By-law 2011-310, being the "Abandonment of Parts of the Monahan Creek Municipal Drain By-law, 2011" that was passed pursuant to the *Drainage Act*;

AND WHEREAS amendments to the "Monahan Creek Municipal Drain By-law 2003-396" were requested by several owners of lands within the drainage basin of the Monahan Creek Municipal Drain in conjunction with the development of their lands within the drainage basin of the Monahan Creek Municipal Drain;

AND WHEREAS a Drainage Engineer, Robinson Consultants Inc., was appointed on July 13, 2011 by the Council of the City of Ottawa in accordance with Clause 78 (1.1) 5. of the *Drainage Act* to prepare an engineer's report for a drainage works project improving, extending to an outlet and altering the drainage works authorized by drainage works that were originally constructed under Monahan Creek Municipal Drain By-laws 19-69 and 41-73 and modified under Monahan Creek Municipal Drain By-law 2003-396;

AND WHEREAS the drainage works project under Clause 78 (1.1) 5. of the *Drainage Act* affects the following lands within the drainage basin of the Monahan Creek Municipal Drain: Part of Lots 27, 28, 29 and 30, Concession 10, geographic Township of Goulbourn (now the City of Ottawa) as described in PIN numbers 04450-1297, 04450-0436, 04450-0437, 04450-0438, 04450-0439, 04450-0441, 04450-0434, 04450-0435, 04450-1420, 04450-1461, 04450-1462, 04450-1463, 04450-1418, 04450-1434, and 04450-1436, 04450-0432, 04450-0431, 04450-0193, 04450-0194, 04450-0197;

AND WHEREAS the Council of the City of Ottawa has procured an Engineer's Report pursuant to Section 78 of the *Drainage Act*, and the report prepared by Robinson Consultants Inc., entitled *Amendment to the Engineer's Report for the Monahan Creek Municipal Drain Modifications and Improvements*, dated June 2012, is filed with the City Clerk and Solicitor and is attached to this by-law and marked as Schedule "A";

AND WHEREAS the total cost associated with the construction, engineering, contract administration, report and contingencies of the drainage works project shall be paid directly by the owners of the lands identified in Block A and Block B on Drawing Number 11022-A1 that forms part of the engineer's report that is attached to this by-law and marked as Schedule "A";

AND WHEREAS the Monahan Creek Municipal Drain upon enactment and passage of this by-law and shall be maintained in accordance with the provisions of the *Drainage Act*,

AND WHEREAS the cost of future maintenance of the drainage works project is to be assessed in accordance with Schedules A, B and C within Appendix D of the engineer's report attached to this by-law and marked as Schedule "A", which Schedules are based on \$10,000.00 of maintenance work completed on the Monahan Creek Municipal Drain, however, the actual value of the maintenance contract is to be input and costs assessed in proportion to the said schedules when maintenance work is undertaken;

AND WHEREAS Council of the City of Ottawa considers it appropriate to undertake a drainage works project improving, extending to an outlet and altering the drainage works in accordance with Clause 78 (1.1) 5. of the *Drainage Act* for the better use, maintenance or repair of the drainage works that were originally constructed under Monahan Creek Municipal Drain By-laws 19-69 and 41-73 and modified under Monahan Creek Municipal Drain By-law 2003-396;

AND WHEREAS Council of the City of Ottawa will give this by-law 1st and 2nd reading on October 24, 2012 so that it is provisionally adopted pursuant to Section 45 of the *Drainage Act*.

THEREFORE the Council of the City of Ottawa enacts as follows:

1. The report prepared by Robinson Consultants Inc., Consulting Engineers, entitled *Amendment to the Engineer's Report for the Monahan Creek Municipal Drain Modifications and Improvements*, dated June 2012, filed with the City Clerk and Solicitor and attached to this by-law and marked as Schedule "A", is hereby adopted and the drainage works project as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The total cost of the construction, engineering, contract administration, report and contingencies of the drainage works project improving, extending to an outlet and altering the drainage works that were originally authorized by the Monahan Creek Municipal Drain By-law 2003-396 shall be paid directly by the owners of lands identified in Block A and in Block B on Drawing Number 11022-A1 and in Schedule C of Appendix D of the engineer's report that is attached to this by-law and marked as Schedule "A".
3. The cost of future maintenance of the drainage works project is to be assessed in accordance with Schedules A, B and C within Appendix D of the engineer's report attached to this by-law and marked as Schedule "A", which Schedules are based on \$10,000.00 of maintenance work completed on the Monahan Creek Municipal Drain, however, the actual value of the maintenance contract is to be input and costs assessed in proportion to the said schedules when maintenance work is undertaken.

4. This by-law comes into force on the passing thereof and may be cited as the “Monahan Creek Municipal Drain Improvement By-law 2012”.

ENACTED AND PASSED this XXth day of December, 2012

CITY CLERK

MAYOR

