

BY-LAW NO. 2023 -

A By-law of the City of Ottawa to provide for modifications to the existing Simpson Municipal Drain in Lots 7 to 11, Concession VII, Rideau-Jock Ward, former Township of Goulbourn in the City of Ottawa.

AND WHEREAS the lands of the former Township of Goulbourn are now included in the City of Ottawa by virtue of the City of Ottawa Act, 1999, S.O. 1999, c.14, Sch.E;

AND WHEREAS, Andy Robinson, P. Eng. of Robinson Consultants Inc. (the “Drainage Engineer”), was appointed on October 9, 2019 by the Council of the City of Ottawa in accordance with the provisions of Section 8 of the *Drainage Act* to prepare an engineer’s report to address the need for improved drainage for Fallowfield Road, Munster Road and Biltmore Crescent, Rideau-Jock Ward, former Township of Goulbourn in the City of Ottawa;

AND WHEREAS the Drainage Engineer has prepared an engineer’s report entitled Engineer’s Report Amendments to the Simpson Municipal Drain, Construction of the Biltmore Branch and Modification of Branch 3, dated August 2023 (the “Engineer’s Report”) and the report is attached hereto as Schedule “A”;

AND WHEREAS the Simpson Municipal Drain, Biltmore Branch and Branch 3 upon enactment and passage of this by-law and shall be maintained in accordance with the Engineer’s Report and provisions of the *Drainage Act*;

AND WHEREAS in accordance with the Engineer’s Report the entire costs of the required drainage work shall be collected as per assessment schedule “Schedule A - Summary for construction and future maintenance – Simpson Municipal Drain Branch 3 and Biltmore Branch” in the Engineer’s Report dated August 2023 as described in Section 7.7 of the Engineer’s Report;

AND WHEREAS in accordance with the Engineer’s Report an assessment for Special Benefit is assigned to the City of Ottawa as described in Section 7.4 of the Engineer’s Report;

AND WHEREAS Council of the City of Ottawa has considered the Engineer's Report in accordance with Section 42 of the *Drainage Act*, has made the decision to adopt the Engineer's Report and is therefore giving this by-law 1st and 2nd reading so that it is provisionally adopted under Section 45 of the *Drainage Act*;

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

1. The report entitled Engineer's Report Amendments to the Simpson Municipal Drain, Construction of the Biltmore Branch and Modification of Branch 3, dated August 2023, attached hereto as Schedule "A", is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.

2. The City of Ottawa may borrow on the credit of the corporation the amount of \$359,240.56 being the amount necessary for construction of the drainage works.

3. The City of Ottawa may arrange for the issue of debentures on its behalf for the amount borrowed less the total amount of:

- (a) grants received under Section 85 of the *Drainage Act*;
- (b) commuted payments made in respect of lands and roads assessed within the municipality;
- (c) money paid under Subsection 61(3) of the *Drainage Act*; and,
- (d) money assessed in and payable by another municipality,

and such debentures shall be made payable within ten (10) years from the date of the debenture and shall bear interest at a rate to be set by the City of Ottawa.

4. The sum of \$298,313.55 to be charged to the City of Ottawa is assessed to the City of Ottawa for benefit, outlet and special benefit as defined under the *Drainage Act*.

5. The remaining cost of the construction and future maintenance of the drainage works shall be charged to the landowners in the drainage basin in accordance with the "Schedule A - Summary for construction and future maintenance – Simpson Municipal Drain Branch 3 and Biltmore Branch" in the Engineer's Report dated August 2023 prepared by Robinson Consultants Inc.

6. All net assessments of \$1,000.00 or less shall be payable in the first year in which the assessment is imposed.

7. This by-law comes into force on the passing thereof and may be cited as the "Simpson Municipal Drain By-law, 2023".

ENACTED AND PASSED this 11 day of October, 2023.

CITY CLERK

MAYOR

SCHEDULE "A"

See copy of Engineer's Report Amendments to the Simpson Municipal Drain,
Construction of the Biltmore Branch and Modification of Branch 3, dated August 2023.

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1st Reading.....XXX XX, 2023

2nd Reading.....XXX XX, 2023

3rd Reading.....XXX XX, 2023

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Enacted and passed this day of ,2023.

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LEGAL SERVICES

COUNCIL AUTHORITY:

Drainage Act, R.S.O. 1990, c.D.17, section 45