

BY-LAW NO. 2013 -

A by-law of the City of Ottawa to provide for drainage works in the City of Ottawa to be known as the Upper Dowdall Municipal Drain.

WHEREAS a Drainage Engineer, Robinson Consultants Inc., was appointed on June 22, 2011 by the Council of the City of Ottawa in accordance with the provisions of Section 4 of the *Drainage Act*, R.S.O. 1990, c. D.17 (the "*Drainage Act*") to prepare an engineer's report for the area requiring drainage, being (i) Lots 1 to 3, Concession IV, Lots 7 through 22, and Lots 1 through 3, Concession V, in the City of Ottawa, formerly the geographic Township of Goulbourn; and (ii) Lot 26 and Lot 27 Concessions 4 and 5 in the Township of Beckwith);

AND WHEREAS the Upper Dowdall 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 Council of the City of Ottawa has procured an Engineer's Report pursuant to Section 4 of the *Drainage Act*, R.S.O. 1990, c. D.17 and the report dated February 2013 prepared by Robinson Consultants Inc., Consulting Engineers is attached as Schedule "A" to the By-law;

AND WHEREAS the estimated total cost associated with the construction, engineering, contract administration, allowances, report and contingencies of the drainage works is \$218,157 as per the Robinson Consultants Inc., Consulting Engineer's Report dated February 2013;

AND WHEREAS \$187,222 is the amount to be charged to the City of Ottawa for construction of the drainage works in accordance with Schedule A, Summary Schedule of Assessment, in the Robinson Consultants Inc., Consulting Engineer's Report dated February 2013;

AND WHEREAS the remaining cost of the construction of the drainage works, \$30,934 is to be charged to the landowners in the drainage basin in accordance with Schedule A, Summary Schedule of Assessment, in the Robinson Consultants Inc., Consulting Engineer's Report dated February 2013;

AND WHEREAS Council of the City of Ottawa may now pass the provisional by-law by giving it 1st and 2nd reading pursuant to Subsection 58(1) of the *Drainage Act*;

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

1. The report entitled *Engineer's Report, Upper Dowdall Municipal Drain*, dated February 2013, 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 Corporation of the City of Ottawa may borrow on the credit of the Corporation the amount of \$218,157 being the amount necessary for construction of the drainage works.
3. The Corporation of 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 *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 \$176,577 to be charged to the City of Ottawa for the construction of the drainage works is assessed for special benefit.
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 Schedule A, Summary Schedule of Assessment, of the Robinson Consultants Inc., Consulting Engineer's Report dated February 2013.
6. All net assessments of \$1,000 or less are 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 "Upper Dowdall Municipal Drain By-law, 2013".

ENACTED AND PASSED this 10th day of July, 2013

CITY CLERK

MAYOR

SCHEDULE "A"

See copy of *Engineer's Report, Upper Dowdall Municipal Drain*, dated February 2013 attached.

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1st Reading.....May 22, 2013
2nd Reading.....May 22, 2013
3rd Reading..... July 10, 2013

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Enacted by City Council at its meeting of July 10, 2013.

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LEGAL SERVICES
CLC/ File

COUNCIL AUTHORITY:
The *Drainage Act*, sections 4, 42, 45, 58, 63, 74 and 84