

**10. STAIDLER MUNICIPAL DRAIN – PARTIAL ABANDONMENT NORTH OF
MACKEY ROAD**

**DRAIN MUNICIPAL STAIDLER – CESSION PARTIELLE AU NORD DU
CHEMIN MACKEY**

COMMITTEE RECOMMENDATION

That Council give three readings to the by-law attached as Document 2 to this report to provide for the partial abandonment of the Staidler Municipal Drain North of Mackey Road under Subsection 84 (5) of the *Drainage Act*.

RECOMMANDATION DU COMITÉ

Que le Conseil soumette à trois lectures le règlement ci-joint au présent rapport en tant que Document 2 en vue de l'abandon partiel du drain municipal Staidler, situé au nord du chemin Mackey, conformément au paragraphe 84 de la *Loi sur le drainage*.

DOCUMENTATION/DOCUMENTATION

Director, Parks, Forestry & Stormwater Services, report dated 27 March 2017 (ACS2017-PWE-GEN-0026)

Rapport de la Directrice, Services des parcs, de la foresterie et des eaux pluviales, daté le 27 mars 2017 (ACS2017-PWE-GEN-0026)

**AGRICULTURE AND RURAL
AFFAIRS COMMITTEE
REPORT 24
10 MAY 2017**

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**COMITÉ DE L'AGRICULTURE
ET DES AFFAIRES RURALES
RAPPORT 24
LE 10 MAI 2017**

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
4 May 2017 / 4 mai 2017**

**and Council
et au Conseil
10 May 2017 / 10 mai 2017**

**Submitted on March 27, 2017
Soumis le 27 mars 2017**

**Submitted by
Soumis par:
Laila Gibbons, Director, Parks, Forestry & Stormwater Services / Directrice,
Services des parcs, de la foresterie et des eaux pluviales**

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Ward: RIDEAU-GOULBOURN (21)

File Number: ACS2017-PWE-GEN-0026

**SUBJECT: Staidler Municipal Drain – Partial abandonment North of Mackey
Road**

**OBJET: Drain municipal Staidler – Cession partielle au nord du chemin
Mackey**

REPORT RECOMMENDATIONS

That the Agriculture and Rural Affairs Committee recommend that Council give three readings to the by-law attached as Document 2 to this report to provide for the partial abandonment of the Staidler Municipal Drain North of Mackey Road under Subsection 84 (5) of the *Drainage Act*.

RECOMMANDATIONS DU RAPPORT

Que le Conseil soumette à trois lectures le règlement ci-joint au présent rapport en tant que Document 2 en vue de l'abandon partiel du drain municipal Staidler, situé au nord du chemin Mackey, conformément au paragraphe 84 de la *Loi sur le drainage*.

BACKGROUND

In The City has received a request from several owners of land assessed for benefit under the Staidler Municipal Drain By-law, being By-law 65-77 of the former Township of Rideau, now within the City of Ottawa, (hereinafter referred to as the "Staidler Municipal Drain By-law") asking for the abandonment of a portion of the drainage works under the Staidler Municipal Drain By-law.

The portion of the drainage works that several of the assessed landowners have asked to be abandoned are described in the draft by-law that is attached as Document 2 to this report.

Staff are recommending that Council abandon the portion of the Staidler Municipal Drain as described in the draft by-law attached as Document 2 to this report, being the portion of the drainage works under the Staidler Municipal Drain By-law north of Mackey Road from station 68+69 to station 116+13 and the entire Brooks Branch of the Staidler Municipal Drain By-law from station 0+00 to station 5+60.

DISCUSSION

The Staidler Municipal Drain is located within Rideau-Goulbourn Ward (formerly the Township of Rideau) near the intersection of McCordick Road and Mackey Road. The Staidler Municipal Drain was originally constructed under an Engineers Report prepared by A.J. Graham P. Eng dated March 10, 1977, revised June 14, 1977 and by-law 65-77 of the former Township of Rideau.

The City has received a request from owners of land assessed for benefit under the Staidler Municipal Drain By-law asking for the abandonment of the portion of the Main Drain North of Mackey Road from station 68+69 to station 116+13 (Lots 1, 2 and 3, Concession 4). The request for abandonment also includes the entire Brooks Branch from station 0+00 to station 5+60 (Lot 2 Concession 4). This portion of the drain is approximately 171 metres in length.

Staff have investigated the portion of the drainage works to be abandoned and determined that the affected portion has been tiled and covered and is now accepting flow from storm, rain, ground, surface and subsurface water for the past two years. As such, it appears that the usual functioning of the drainage works will not be disrupted after the partial abandonment.

On February 24, 2015 and on May 19, 2016 staff on behalf of City Council sent a notice under Subsection 84 (2) of the Drainage Act, to all of the owners of lands assessed under the Staidler Municipal Drain By-law stating Council's intention to abandon the portion of the drainage works specified in the notice unless the clerk of the municipality receives a request under Subsection 84(1) that the report of an engineer be made on the proposed abandonment in accordance with Subsection 84(3).

Neither the Clerk of the municipality or staff have received a notice from any assessed landowner requesting that a report of an engineer be made on the proposed abandonment.

The Drainage Act provides that as long as notice of the proposed partial abandonment was sent to all owners assessed for the drainage works in accordance with Subsection 84(2) of the Drainage Act and no notice requesting the report of engineer has been

received Council may by by-law abandon the portion of the drainage works described in notice that was sent under Subsection 84(2).

As a notice has been sent in accordance with the requirements of Subsection 84(2) of the Drainage Act and no notice requesting the report of an engineer has been received, Staff are recommending that Council give three (3) readings to the by-law attached as Document 2 to this report to provide for the partial abandonment of the Staidler Municipal Drain North of Mackey Road.

RURAL IMPLICATIONS

The City of Ottawa will no longer have any responsibility for the abandoned portion of the Staidler Municipal Drain.

CONSULTATION

The Ward Councillor is aware of this proposed partial abandonment.

COMMENTS BY THE WARD COUNCILLOR(S)

The Ward Councillor is aware of this report.

LEGAL IMPLICATIONS

For the reasons set out below, there are no legal impediments to the implementation of the recommendation in this report.

The Drainage Act provides that as long as a notice of Council's intention to abandon all or a portion of a drainage works is sent to all owners of land assessed for the drainage works in accordance with Subsection 84(2) of the Drainage Act and no notice is received from an assessed landowner requesting the report of engineer, Council may by by-law abandon the portion of the drainage works described in notice that was sent under Subsection 84(2).

As staff have advised that a notice has been sent in accordance with the requirements of Subsection 84(2) of the Drainage Act and no notice requesting the report of an engineer has been received, Subsection 84(5) provides that Council may now proceed

with the enactment of a by-law to provide for the abandonment of the portion of the drainage works described in the notice that was sent under Subsection 84(2) the Drainage Act.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

FINANCIAL IMPLICATIONS

This report has no tax or budget implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

The City of Ottawa will no longer have any responsibility for the abandoned portion of the Staidler Municipal Drain. The Federal and Provincial regulations for natural watercourses will still apply to this watercourse.

TERM OF COUNCIL PRIORITIES

The proposed drainage works will fulfill the City's Strategic Plan's environment and infrastructure protection priorities.

SUPPORTING DOCUMENTATION

DOCUMENT 1 – Location Plan

DOCUMENT 2 – By-law

DISPOSITION

If the report recommendation is carried by Council, the by-law attached as Document 2 to this report may be listed on the agenda for the following Council meeting to receive three (3) readings.