

MONAHAN CREEK MUNICIPAL DRAIN MODIFICATIONS

MODIFICATIONS DE DRAINAGE MUNICIPAL DE MONAHAN CREEK

COMMITTEE RECOMMENDATION

That Council adopt the Engineer's 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, for a drainage works project under Subsection 78 of the *Drainage Act* with respect to the existing drainage works known as the Monahan Creek Municipal Drain and give 1st and 2nd reading to the By-law attached as Document 2 to this report in accordance with Sections 42 and 45 of the *Drainage Act* of Ontario.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve le rapport préparé par Robinson Consultant Inc., intitulé *Amendment to the Engineer's Report for the Monahan Creek Municipal Drain Modifications and Improvements*, daté juin 2012 pour des travaux de drainage de Monahan Creek conformément à l'article 78 de la *Loi sur le drainage* de l'Ontario au sujet du drain municipale existante nommé Monahan Creek et de donner 1^{ier} et 2^{ieme} lecture au règlement municipal provisoire attacher comme document 2 a ce rapport concernant une demande de modifications sous les articles 42 et 45 de la *Loi sur le drainage* de l'Ontario.

DOCUMENTATION

1. Deputy City Manager's report, City Operations, dated 4 October 2012 (ACS2012-COS-ESD-0021).

Report to/Rapport au :

Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales

and Council / et au Conseil

October 4, 2012
4 octobre 2012

Submitted by/Soumis par : Steve Kanellakos, Deputy City Manager /
Directeur municipal adjoint, City Operations / Opérations municipales

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Stittsville (6) / Rideau-Goulbourn (21) /
Kanata South (23)

Ref N°: ACS2012-COS-ESD-0021

SUBJECT: MONAHAN CREEK MUNICIPAL DRAIN MODIFICATIONS

OBJET : MODIFICATIONS DE DRAINAGE MUNICIPAL DE MONAHAN CREEK

REPORT RECOMMENDATION

That the Agriculture and Rural Affairs Committee recommend that Council adopt the Engineer's 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, for a drainage works project under Subsection 78 of the *Drainage Act* with respect to the existing drainage works known as the Monahan Creek Municipal Drain and give 1st and 2nd reading to the By-law attached as Document 2 to this report in accordance with Sections 42 and 45 of the *Drainage Act* of Ontario.

RECOMMANDATION DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver le rapport préparé par Robinson Consultant Inc., titré *Amendment to the Engineer's Report for the Monahan Creek Municipal Drain Modifications and Improvements*, daté juin 2012 pour des travaux de drainage de Monahan Creek conformément à l'article 78 de la *Loi sur le drainage* de l'Ontario au sujet du drain

municipale existante nommé Monahan Creek et de donner 1^{ier} et 2ieme lecture au règlement municipal provisoire attacher comme document 2 a ce rapport concernant une demande de modifications sous les articles 42 et 45 de la *Loi sur le drainage* de l'Ontario.

BACKGROUND

The Monahan Creek Municipal Drain is located in Rideau-Goulbourn, Kanata South and Stittsville Wards, in the vicinity of the intersection of Fernbank Road and Eagleson Road. The drain commences at the upstream end of the culvert under Eagleson Road and flows southeasterly to Lot 19 Concession V where it outlets to Monahan Creek and eventually to the Jock River, as shown on the site plan contained in *Document 1*. The drain was originally initiated by the former Township of Goulbourn to provide improved outlet for upstream lands west of Eagleson Road, and was constructed under a report by Graham, Berman and Associates Ltd., dated 25 November 1968, in accordance with By-law No. 19-1969 of the former Township of Goulbourn.

The City of Ottawa initiated the amendment to the current Engineer's Reports under Section 78 of the Drainage Act, RSO 1990, for modifications and improvements to the existing Monahan Creek Municipal Drain to address the development of lands within the drainage area. The *Drainage Act* requires that an Engineer's Report be prepared for any modifications to a municipal drain, and that the assessment to benefiting landowners and road authorities for future maintenance be revised.

The drainage system modifications to Branch B of the Monahan Creek Municipal Drain involves improvement, realignment and naturalization of 659 metres of municipal drain from Station 1+365 upstream side of the Terry Fox Drive box culvert to the downstream end of the proposed culvert under Tapadero Road, Station 2+024.

DISCUSSION

The *Drainage Act* prescribes the process and timelines that must be followed for any modification or construction of a municipal drain.

This report places the Engineer's Report and provisional by-law for modifications to an existing drainage works before the Agriculture and Rural Affairs Committee and Council as required under Section 78 of the *Drainage Act*.

SCHEDULE

Should the Agriculture and Rural Affairs Committee and Council approve the Engineer's Report, prepared by Robinson Consultants Inc., and give 1st and 2nd reading to the provisional by-law attached, the estimated schedule will be as follows:

- Consideration of engineer's report by Committee and Council and 1st and 2nd reading of the provisional By-law – Oct. 2012
- Court of Revision at ARAC – Dec. 2012

- Council approval of Court of Revision recommendations and 3rd and final reading of the By-law – Dec. 2012
- Construction of drainage works, if approved – Summer/Fall 2013

RURAL IMPLICATIONS

There are no rural implications related to this report.

CONSULTATION

As part of the development planning process, consultation between the developer, their representatives, City staff and regulatory agencies is ongoing.

COMMENTS BY THE WARD COUNCILLOR(S)

The Councillors for Wards 6, 21 and 23 are aware of this report and the proposed drainage works.

LEGAL IMPLICATIONS

There are no legal impediments to the implementation of the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

FINANCIAL IMPLICATIONS

This report has no tax or budget implications.

Costs associated with the preparation of the Engineer's Report have been paid for from Internal Order 906194 and will be subsequently recovered through assessments to the owners/developers of the lands identified in the Engineer's Report dated June 2012 pursuant to the *Drainage Act* and associated By-law. All other costs associated with this drainage works are to be paid directly by the landowner/developer. Funds in Internal Order 906194 are available in the 2012 Approved Rate Supported Capital budget.

ACCESSIBILITY IMPACTS

There is no accessibility impact related to this report.

ENVIRONMENTAL IMPLICATIONS

The modifications to Branch B of the Monahan Creek Municipal Drain are associated with a site plan application. There are no provincially significant wetlands affected by this undertaking. The Engineer's Report provides that the drain will be constructed incorporating design standards and erosion control features to minimize the impacts of construction, as well as incorporating stream enhancements. Any proposed works will require compliance with City, Provincial and Federal policies, standards, regulations and legislation.

TECHNOLOGY IMPLICATIONS

There are no technology implications related to this report.

TERM OF COUNCIL PRIORITIES

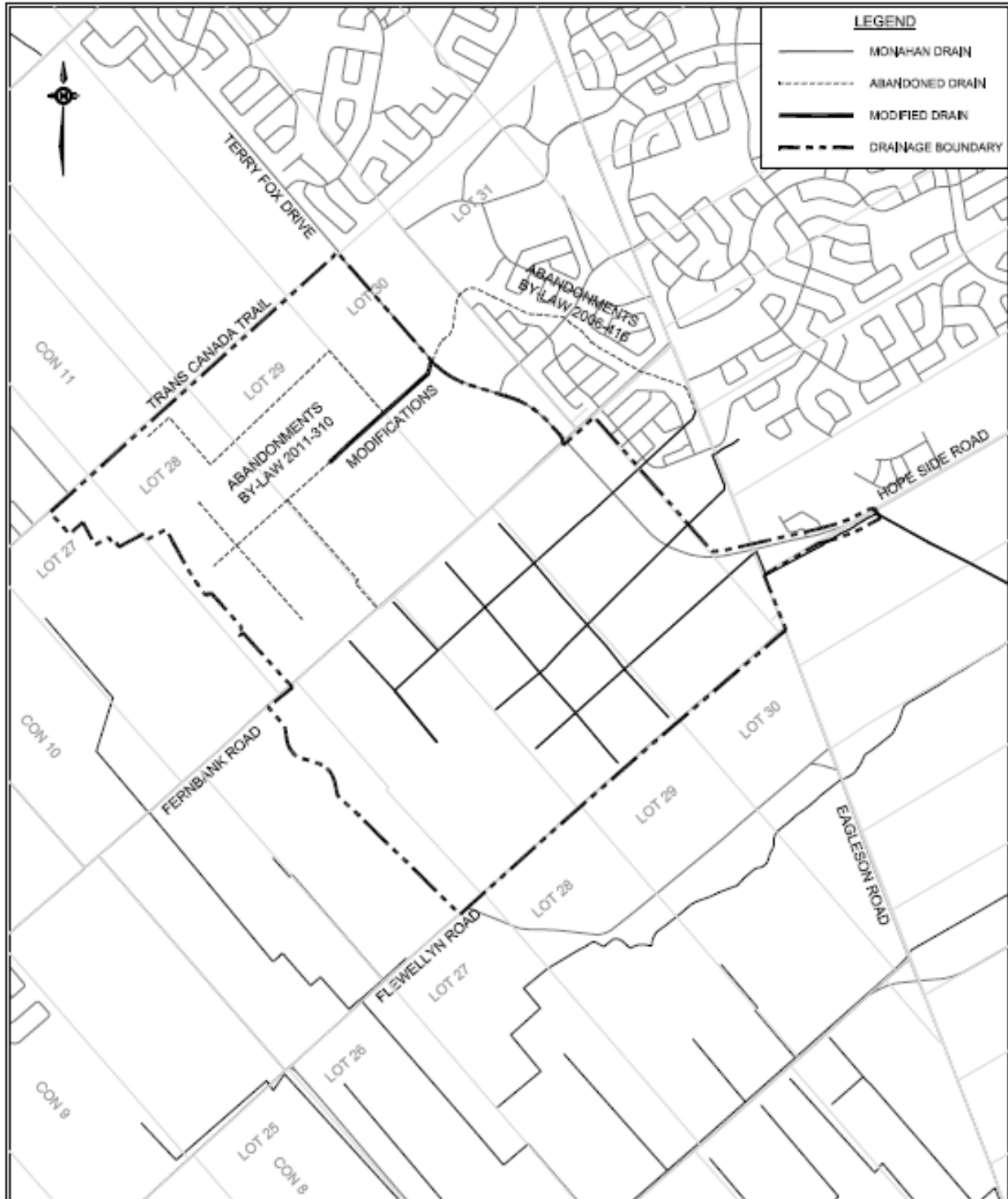
The enhancement and protection of a natural system and the improvement of surface water management supports the 2010-2014 Term of Council Priorities.


SUPPORTING DOCUMENTATION

DOCUMENT 1 – Location Plan
DOCUMENT 2 – Provisional By-law

DISPOSITION

Upon approval by Council, the Drainage Clerk will notify all affected landowners of the date of the Court of Revision.



	Title LOCATION PLAN		Fig. No. 3.1
	Project MONAHAN CREEK MUNICIPAL DRAIN		Job No. 11022
	GOULBOURN WARD		Date JUNE 2012
		Scale 1:25 000	

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

