

BY-LAW NO. 2020 -

A By-law of the City of Ottawa to provide for amendments to the existing Simpson Municipal Drain in Lots 24 and 25, Concession IX, Lot 24 , Concession X and Lots 23 and 24, Concession XI, Cumberland Ward, former Township of Cumberland, Lot 1 Concession IX Cumberland Ward, Former Township of Gloucester, Lot 1 Concessions X and XI Osgoode Ward, Former Township of Osgoode in the City of Ottawa and to repeal By-law No. 1542 and By-law No. 49-86.

WHEREAS the Simpson Municipal Drain By-law, being By-law No. 1542 and By-law No. 49-86 of the former Township of Cumberland were passed pursuant to the Drainage Act, R.S.O. 1990, c. D.17(hereinafter referred to as the “Drainage Act”);

AND WHEREAS the lands of the former Township of Cumberland 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 every by-law of the Township of Cumberland is deemed to be a by-law of the City of Ottawa pursuant to Section 5(6) of the said City of Ottawa Act, 1999;

AND WHEREAS, Andy Robinson, P. Eng. of Robinson Consultants Inc. (the “Drainage Engineer”), was appointed on December 13, 2017 by the Council of the City of Ottawa in accordance with the provisions of Section 78 of the *Drainage Act*, R.S.O. 1990, c. D.17 (the “*Drainage Act*”) to prepare an engineer’s report to accommodate the change in land use in Block C on Dwg. No. 18003-A3 located in part of Lots 22, 23 and 24, Con. XI Cumberland Ward, former Township of Cumberland in the City of Ottawa;

AND WHEREAS the Drainage Engineer has prepared an engineer’s report entitled Amendment to the Engineer’s Report for the Simpson Municipal Drain, dated February 2020 (the “Engineer’s Report”) and the report is attached hereto as Schedule “A”;

AND WHEREAS the Simpson Municipal Drain, Main Drain 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 borne by the owners of the property requesting the modifications being the owner/developer of lands identified as Block C on Dwg. No. 18003-A3 as described in Sections 2.0, 7.4 and 7.5.1 of the Engineer's Report;

AND WHEREAS in accordance with the Engineer's Report the injuring liability assessment shall be borne by the owners of the property requesting the modifications being the owner/developer of lands identified as Block C on Dwg. No. 18003-A3 as described in Section 7.9.2 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 1<sup>st</sup> and 2<sup>nd</sup> 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 Amendment to the Engineer's Report for the Simpson Municipal Drain, dated February 2020, 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 cost of future maintenance of the drainage works will continue to be in accordance with Schedule "A2" Summary for future maintenance of all sections of the Simpson Municipal Drain, Amendment to the Engineer's Report for the Simpson Municipal Drain, dated February 2020 by Robinson Consultants Inc.

3. This by-law comes into force on the passing thereof and may be cited as the "Simpson Municipal Drain By-law, 2020".

ENACTED AND PASSED this      day of      , 2020

CITY CLERK

MAYOR

## SCHEDULE "A"

See copy of Amendment to the Engineer's Report for the Simpson Municipal Drain, dated February 2020.

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1<sup>st</sup> Reading.....September 9, 2020

2<sup>nd</sup> Reading.....September 9, 2020

3<sup>rd</sup> Reading.....XXX XX, 2020

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Enacted and passed this day of , 2020.

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LEGAL SERVICES

COUNCIL AUTHORITY:

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