

BY-LAW NO. 2021 -

A By-law of the City of Ottawa to provide for modifications to the existing Faulkner Municipal Drain in Lot 25, Concession V, Lot 25, Concession VI, Lots 23 through 25, Concession VII. Lots 22 through 25, Concession VIII, Lots 20 through 26, Concession IX and Lots 20 through 26, Concession X, Rideau-Goulbourn Ward, former Township of Goulbourn in the City of Ottawa and to repeal By-law No. 2003-579.

WHEREAS the Faulkner Municipal Drain By-law, being By-law No. 2003-579 of the City of Ottawa was 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 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 April 27, 2016 by the Council of the City of Ottawa in accordance with the provisions of Section 78 of the *Drainage Act* to prepare an engineer's report to accommodate the change in land use in Block 20-E and Block 20-F, and to incorporate the changes for Block 17-A, Block 17-B, Block 17-C and Block 17-D on Dwg. No. 16013-A3 and 16013-A3.1 located in part Lots 20 through 26, Concession IX and Lots 20 through 26, Concession X, Rideau-Goulbourn Ward, former Township of Goulbourn 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 Faulkner Municipal Drain, dated December 2020 (the "*Engineer's Report*") and the report is attached hereto as Schedule "A";

AND WHEREAS the Faulkner 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 will be collected as per assessment schedule "Summary for the construction and future maintenance of all sections of the

Faulkner Municipal Drain” in the Engineer’s Report dated December 2020 as described in Section 6.5.1 of the Engineer’s Report;

AND WHEREAS in accordance with the Engineer’s Report an assessment for Special Benefit is assigned to the lands within the drainage area which are the subject of urban development being the owner/developer of lands identified as Blocks 20-E, 20-F and 20-H and Block 17-D on Dwg. No. 16013-A3.1 as well as the Road Authority as described in Section 6.5.1 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 Amendment to the Engineer’s Report for the Faulkner Municipal Drain, dated December 2020, and Addendum No 1 dated March 2021, 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 \$783,309.05 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 *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 \$199,659.22 to be charged to the City of Ottawa road authority for the construction of the drainage works is assessed 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 “Summary for the construction and future maintenance of all sections of the Faulkner Municipal Drain” in the Engineer’s Report dated December 2020 prepared by Robinson Consultants Inc.
6. All net assessments of \$1,000.00 or less are payable in the first year in which the assessment is imposed.
7. By-law No. 2003-579 of the City of Ottawa entitled “Faulkner Municipal Drain By-law, 2003” is hereby repealed.
8. This by-law comes into force on the passing thereof and may be cited as the “Faulkner Municipal Drain By-law, 2021”.

ENACTED AND PASSED this day of , 2021

CITY CLERK

MAYOR

SCHEDULE "A"

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

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1st Reading.....XXX XX, 2021
2nd Reading.....XXX XX, 2021
3rd Reading.....XXX XX, 2021

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Enacted and passed this day of ,2021.

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LEGAL SERVICES

COUNCIL AUTHORITY:

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