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TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE MEETING ON SEPTEMBER 26, 2011
FROM:	RON STANDISH, P.Eng. DIRECTOR, WASTEWATER AND TREATMENT PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES
SUBJECT	BY-LAW OF ABANDONMENT FOR IDENTIFIED SECTIONS OF THE STANTON MUNICIPAL DRAIN

RECOMMENDATION

That, on the recommendation of the Director, Wastewater and Treatment, Planning, Environmental and Engineering Services, a By-Law for Abandonment **BE ISSUED** by Council of the identified sections of the Stanton Municipal Main Drain, County Road #20 Drain, Branch 'A', Branch 'A1', Branch 'B', Branch 'B1', Branch 'D' and Branch 'G' that are located in close proximity to Fanshawe Park Road, Hyde Park Road and Gainsborough Road discharging to the Thames River as identified on Appendix 'B'.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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ETC – July 14, 2008 – Notice of Abandonment for Identified Sections of the Stanton Municipal Drain

BACKGROUND

Purpose:

To obtain Council approval to issue a By-Law of Abandonment, as set out in Appendix "A", within the identified sections of the Stanton Municipal Drain (see Appendix 'B'), and to revoke the existing designation of this Municipal Drain for the following branches: County Road #20 Drain, Branch 'A', Branch 'A1', Branch 'B', Branch 'B1', Branch 'D', Branch 'G' and Main Drain under the Drainage Act and designate the proposed system under the Ontario Water Resources Act (OWRA).

Context:

The Stanton Municipal Drain is a tributary of the Thames River watershed and discharges to the Downstream Thames Main Channel. The catchment areas for the Stanton Drain's identified sections are located within the boundaries of the Hyde Park Storm Drainage and Stormwater Management (SWM) Servicing Municipal Class Environmental Assessment (EA) study that was accepted by Council in 2002.

The study recommended that the proposed Hyde Park land development of approximately 680 hectares will require 5 SWM facilities, a conveyance system and remediation/reclamation of approximately 1,200 lineal meters of the Stanton Drain main channel. The City of London is planning to proceed with the recommended servicing and remediation works, subject to the re-designation of the Municipal Drain. These sections of the Stanton Drain are recommended to be revoked under the Drainage Act and be replaced with municipal storm/drainage systems designation under the OWRA.

The abandonment of a municipal drain falls under Section 84 of the Drainage Act. Under the Drainage Act, Municipal Drains are generally intended to service agricultural/rural communities and not urbanized land development. Also, the Drainage Act has no provisions for construction of SWM works and/or facilities. The re-designation of Stanton Drain is consistent with the re-designation of the portions of the former Heard, Baker and the Foran-Gough Municipal Drains, Lawson, Airport & Hamilton Road, Fekete, Hudson and McCallum Municipal Drains which were re-designated between 2001 and 2007.

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Discussion:

In August 2008 the City issued Notices of Abandonment to property owners within the drainage area of the identified portions of the Stanton Municipal Drain. Several objections were filed but have since been resolved with the exception of one property owner who raised an objection to the redesignation of the County Road #20 Drain. Over the past three years, on several occasions the City requested to meet with the property owner to clarify and discuss their concerns. However, the landowner has not provided further clarification to the objection or met with the City to discuss the objection. Consequently, it is the position of staff that the objection does not constitute a formal appeal and on that basis staff recommend that approval be granted to issue a By-Law of Abandonment of the aforementioned drains.

Conclusion:

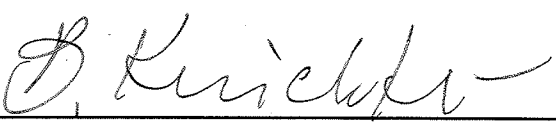


That the City Council approve the Abandonment of the identified portions of the Stanton Municipal Drain, which is presently designated under the Drainage Act and the existing and proposed sections be re-designated under the OWRA, as per Appendix 'B', to enable all new required storm/drainage and SWM servicing works for a portion of the identified Hyde Park Area Plan lands to proceed.

Next Steps:

1. The By-law of Abandonment as per Appendix "A" will be issued within the identified sections of the Stanton Municipal Drain as Main Drain, County Road #20 Drain, Branch 'A', Branch 'A1', Branch 'B', Branch 'B1', Branch 'D', Branch 'G' which are presently designated under the Drainage Act.
2. The existing and proposed system will designate under the OWRA as per Appendix "B".
3. The City may proceed with the required storm/drainage and SWM servicing works for the identified portion Hyde Park Area Plan lands.

Acknowledgements:

This report was prepared with the assistance of the Drainage Superintendent, Don Simpson C.E.T., Stormwater Management Unit.

SUBMITTED BY:	RECOMMENDED BY:
	
BERTA KRICKKER, M.Eng., P.Eng. MANAGER OF STORMWATER STORMWATER MANAGEMENT UNIT	RON STANDISH, P.Eng. DIRECTOR, WASTEWATER AND TREATMENT PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES
REVIEWED & CONCURRED BY:	
	
PAT MCNALLY, P.ENG. EXECUTIVE DIRECTOR, PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES	

August 24, 2011

Attach: Appendix 'A' – By-law of Abandonment
Appendix 'B' – Arial View of these drains

C.c. John Braam – City Engineer
Don Simpson, Drainage Superintendent
Carlos Resendes – Manager, Customer Service and Assessment

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APPENDIX 'A'

Bill No.

By-law No.

A By-law to provide for the abandonment of drainage works in the City of London - the Stanton Municipal Main Drain, Stanton County Road #20 Drain, Branch "A", Branch "A1", Branch "B", Branch "B1", Branch "D" and Branch "G" located in close proximity to Fanshawe Park Road West, Hyde Park Road and Gainsborough Road.

WHEREAS the Stanton Municipal Main Drain, Stanton County Road #20 Municipal Drain and associated Municipal Drain Branches By-laws, being By-law #2093, #4269, #5130 and #6083 were passed by Township of London, pursuant to the *Drainage Act* (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 London;

AND WHEREAS the Municipal Council wishes to abandon these drainage works as set out in this by-law, pursuant to section 84 of the *Drainage Act*;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

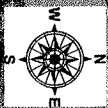
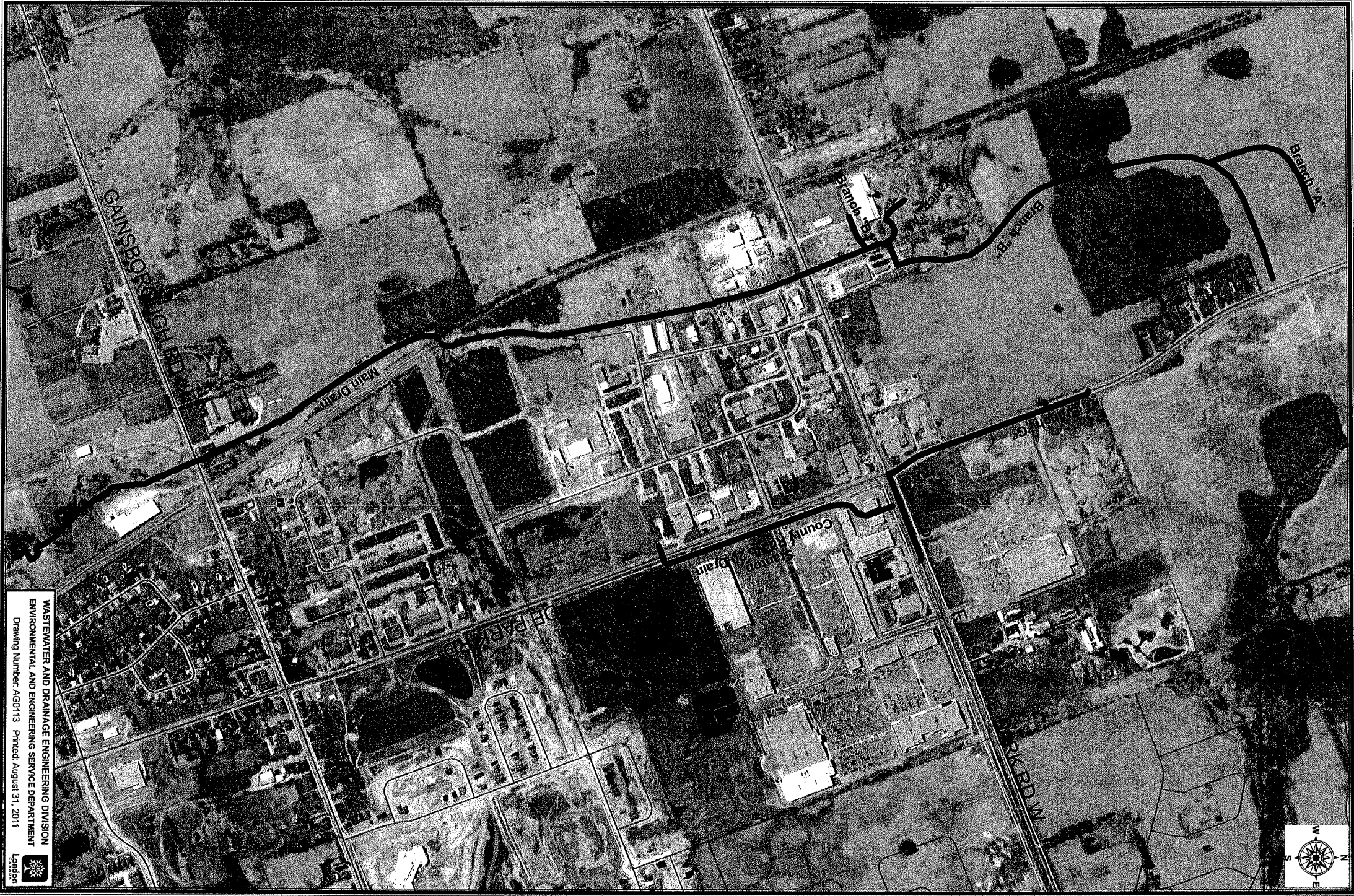
1. The Stanton Municipal Main Drain, Stanton County Road #20 Drain, Branch "A", Branch "A1", Branch "B", Branch "B1", Branch "D" and Branch "G" Municipal Drains, as identified on the map attached as Schedule "A", are hereby abandoned.
2. The Corporation of the City of London, pursuant to subsection 84(5) of the *Drainage Act*, has no further obligation with respect to the drainage works mentioned in section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on _____, 2011

Joe Fontana
Mayor

Cathy Saunders
City Clerk

First reading -
Second reading -
Third reading -



APPENDIX 'B'

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