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| TO: | CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON JUNE 19, 2012 |
| FROM: | JOHN BRAAM, P. ENG. ACTING EXECUTIVE DIRECTOR AND CITY ENGINEER 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 Acting Executive Director and City Engineer, 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

BNEC – September 26, 2011 – By-law of Abandonment for Identified Sections of the Stanton Municipal Drain

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 Drains. 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,

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Lawson, Airport & Hamilton Road, Fekete, Hudson and McCallum Municipal Drains which were re-designated between 2001 and 2007.

Discussion:

In August 2008 the City issued Notices of Abandonment to approximately one thousand four hundred property owners within the drainage area of the identified portions of the Stanton Municipal Drain. Five appeals were filed in the fall of 2008 but were resolved within a period of two months with the exception of one property owner who appealed the redesignation of the County Road #20 Drain. Over a three year period the City issued letters, made phone requests to meet with the property owner in order to clarify the grounds for the appeal and to discuss their concerns.

In August 2011 City staff advised the property owner in a letter that they had tabled a report to the Built and Natural Environment Committee for September 26, 2011 recommending Council approval to issue a By-Law of Abandonment of the aforementioned drains under the Drainage Act and designate the proposed system under the Ontario Water Resources Act. In the afternoon of September 26, 2011 the landowner contacted the Manager of Stormwater requesting that an Engineer's drainage report be completed. Prior to Council approval of issuing the By-law of Abandonment the recommendation was deferred until such time as the Engineer's Drainage report could be completed.

The City engaged the services of an Engineer in November 2011 and met with the property owner on site to discuss the drainage on their property. The Engineer's report was finalized on January 27, 2012 and concluded that the subject lands do not rely on the Drain for site drainage and that it is not technically possible to connect the existing private storm sewer drain connection to the private storm sewer system. The report recommended that the Stanton County Road No. 20 Municipal Drain be abandoned under Section 84 of the Drainage Act and assumed by the City of London as a municipal sewer for maintenance in the interim as required. Ultimately, the construction of a new storm sewer on Hyde Park Road would allow for a subsequent capping and abandonment of the former Drain with any connections to the former Drain being transferred to the new storm sewer.

This report was sent to the landowner in February 9, 2012. Further discussions with the landowner resulted in the City agreeing to upgrade drainage works in the amount of approximately \$15,000 to \$20,000. Consequently, it is the position of staff that the City has met all obligations under the Drainage Act and that approval be granted to issue a By-Law of Abandonment of the aforementioned Municipal Drains.

Conclusion:

That the City Council approve the Stanton Municipal Drain Abandonments of the identified portions of this 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 in accordance with the completed Municipal Class Environmental Assessment (EA) study for SWM works for Hyde Park Development Area.

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Acknowledgements:

This report was prepared within the Planning, Environmental Engineering Services Department, Stormwater Management Unit by Billy Haklander, P.Eng., Environmental Services Engineer with the assistance of the Drainage Superintendent, Don Simpson C.E.T., Stormwater Management Unit.

| SUBMITTED BY: | RECOMMENDED BY: |
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| BERTA KRICKER, M. ENG., FEC, P. ENG., MANAGER OF STORMWATER STORMWATER MANAGEMENT UNIT | JOHN BRAAM, P.ENG. ACTING EXECUTIVE DIRECTOR AND CITY ENGINEER PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES |

April 5, 2012

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

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

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