

CORPORATION OF THE NATION MUNICIPALITY

BY-LAW NO. 07-2024

A By -Law to appoint an engineer for the replacement of the Prescott-Russell Recreational Trail culvert at Cross Creek Municipal Drain under section 78(5) of the Ontario Drainage Act

Whereas section 78 (1) of the Drainage Act stipulate that if a drainage works has been constructed under a by-law passed under this Act or any predecessor of this Act, and the council of the municipality that is responsible for maintaining and repairing the drainage works considers it appropriate to undertake one or more of the major improvement projects listed in subsection (1.1) for the better use, maintenance or repair of the drainage works or of lands or roads, the municipality may undertake and complete the project in accordance with the report of an engineer appointed by it and without the petition required by section 4. 2010, c. 16, Sched. 1, s. 2 (27); 2020, c. 18, Sched. 4, s. 9 (1).

WHEREAS section 78(5) of the Drainage Act stipulate that despite subsections (2) to (4), the Minister may prescribe the process for approving minor improvements to a drainage works mentioned in paragraph 8 of subsection (1.1). 2020, c. 18, Sched. 4, s. 9 (6).

WHEREAS, The Nation Municipality directed the Drainage Superintendent in November 2022 to complete work on an Emergency Work designation by the Minister of Agriculture, Foods and Rural Affairs, for the modification and replacement of the low-flow conveyance culvert on the Cross Creek Municipal Drain under the Prescott and Russell Recreational Trail due to the collapse of the culvert at this location.

WHEREAS the official "Notice of Request for Drain Minor Improvement" as required by O.Reg. 381/12 was completed by the operating Authority of the Prescott and Russell Recreational Trail in consultation with the Municipal Drainage Superintendent subsequent to the Emergency work being completed and the by-law authorizing the work finalized following receipt and finalization of the notice, dated January 15, 2024.

NOW THEREFORE the Council of the Corporation of The Nation Municipality, hereby enacts as follows:

1. THAT Council appoint Robinson Consultants Inc. to review the Cross Creek Municipal Drain existing engineer's report to provide a proper design to lower the risks of flooding in this specific area.
2. THAT the landowners, of the Prescott & Russell Recreational Trail as deemed proper by the engineer's cost shares, to be responsible for the costs of the revised Engineer's Report as per section 78(5) of the Ontario Drainage Act request.
3. THAT by-law shall come into force as of January 15, 2024.

READ A FIRST, SECOND AND DULY PASSED UPON THE THIRD READING IN OPEN COUNCIL THIS **15th of JANUARY 2024.**

Francis Brière, Mayor

Josée Brizard, CAO-Clerk