



**BY-LAW NUMBER XX-2023  
OF  
THE CORPORATION OF THE CITY OF STRATFORD**

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BEING a By-law to abandon a portion of the Finnegan  
Municipal Drain in the City of Stratford.

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**WHEREAS** subsection 5(1) of the *Municipal Act, 2001, S.O. 2001 c.25*, as amended, ("the Municipal Act, 2001") provides that the powers of a municipal corporation are to be exercised by its council;

**AND WHEREAS** subsection 5(3) of the Municipal Act, 2001, provides that the powers of council are to be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** Section 84 of the *Drainage Act, R.S.O. 1990*, as amended, ("the Drainage Act") provides for the abandonment of a drainage works or a part thereof by by-law;

**AND WHEREAS** the existing Finnegan Drain was originally constructed under a report dated April 5, 1983 by E. Paul Elston P. Eng. initiated through the Township of Downie under the provisions of the *Drainage Act*;

**AND WHEREAS** the City of Stratford has notified all owners of land assessed for the drainage works of its intention to abandon 800m of the Finnegan Drain on Lot 6, Concession 1 in the former Township of Downie, now in the City of Stratford, in accordance with Section 84 of the Drainage Act;

**AND WHEREAS** no landowner has requested the appointment of an engineer to examine the abandonment within the time period specified in the Drainage Act;

**AND WHEREAS** the City of Stratford shall assume the future costs of maintenance and repair of the new storm drainage system replacing the drain as outlet under the provisions of the *Ontario Water Resources Act*;

**NOW THEREFORE BE IT ENACTED** by the Council of The Corporation of the City of Stratford as follows:

1. That the 800m portion of the Finnegan Municipal Drain contained within the boundaries of Lot 6, Concession 1 is hereby abandoned.
2. This by-law shall come into force and effect on the date of passage.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 8th day of May, 2023.

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Mayor – Martin Ritsma

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Clerk – Tatiana Dafoe