



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

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

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 McFarlane Drain was originally constructed under a report dated June 27, 1969, prepared by R. M. Dawson, P. Eng., which appears to have been 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 400m of the McFarlane 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 property owner 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 400m portion of the McFarlane 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.

Mayor – Martin Ritsma

Clerk – Tatiana Dafoe