



## **CORPORATE SERVICES** *Staff Report*

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REPORT NO: COR-2025-05

TO: Committee of the Whole

SUBMITTED BY: Greg Clark, Acting CAO, Director of Corporate Services/Chief Financial Officer

PREPARED BY: Kaitlin Bos, Manager of Legislative Services / Municipal Clerk

REVIEWED BY: Greg Clark, Acting Chief Administrative Officer

DATE: February 3, 2025

SUBJECT: Petition for Drainage Works by Owners- Quiet Oak Dairy Farms and K. & K. Hunsberger

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### RECOMMENDATION:

THAT the Petition for Drainage Works by Owners Quiet Oak Dairy Farms and K. & K. Hunsberger be accepted; and further,

THAT K. Smart Associates Limited be appointed as the engineer firm to prepare a report with instruction as per Section 8(4) of the Drainage Act to include the Quiet Oak Dairy Farms and K. & K. Hunsberger petition in the Section 78 report for the Nicklas Drain.

### SUMMARY:

As per Section 5(1) of the Drainage Act, 1990 where a petition is filed with the municipality Council shall forthwith consider the petition and shall, within thirty days after the filing of the petition decide whether or not to proceed with the drainage works, and send notice of its decision to the petitioner and prescribed persons.

As per Section 8(1) of the Drainage Act, 1990 where Council has decided to proceed with the drainage works described in a petition, the council shall by resolution appoint an engineer to make an examination of the area requiring drainage as described in the petition and to prepare a report.

## BACKGROUND:

The Nicklas Drain was constructed under an engineer report prepared by Jewitt, Dodd & Vallee in 1964. The drain originates in the Township of East Zorra-Tavistock and services the watershed upstream of Oxford Road 5 in Lots 30 to 32, Concession 2 and 3 Block A in the Township of Wilmot.

In 2020, Karen Wagler submitted a request under Section 78 of the Drainage Act, 1990 for major improvements to the Branch Drain of Nicklas Drain in Lot 32, Concession 3 Block A. Council subsequently appointed K. Smart Associates Ltd. to prepare the engineer report for the major improvement project on the drain.

In January 2021, followed by July 2024, and November 2024 the Township received Petitions for Drainage Works by Owners under Section 4 of the Drainage Act, 1990. The first petition was submitted by Gary Zehr (Zehr Farms Ltd) and Doug and Dolores Geisler for their property in the north part of Lot 31, Concession 3 Block A, followed by Kevin and Tracey Erb for their property in Lot 31, Concession 2 Block A and lastly by Trustee of Grace Mennonite Fellowship Church for a property located at Part Lot 30, Concession 3 Block A. In each case the petitions requested an upstream extension of the Branch Drain through their properties, past Bean Road, to Diamond Road. In the case of the Erbs, the petition also requested an upstream extension of the Nicklas Drain Main Drain. Council accepted the petitions and subsequently appointed K. Smart Associates Ltd. to prepare a report on the petitions, with instruction as per Section 8(4) of the Drainage Act to combine the new petitions with the Section 78 report for the Nicklas Drain.

K. Smart Associates Ltd. assigned engineer Curtis MacIntyre to prepare the Engineer Report for the major improvements to the Nicklas Drain. This report is currently in the design, cost estimate, and assessments phase.

## REPORT:

On January 28, 2025 the Clerk's Office received an additional Petition for Drainage Works by Owners from Quiet Oak Dairy Farms and K. & K. Hunsberger under Section 4 of the Drainage Act, 1990 for a property located at Part Lot 30, Concession 2 Block A. This property is located within the watershed of the Nicklas Drain, 1964.

The landowners request under this petition is that an outlet for their properties be added to the Main Drain of the Nicklas Drain. Attachment A shows the location of the outlet requested under the petition.

Under Section 8(4) of the Drainage Act, 1990 the Council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more adjoining areas that require drainage. This allows Council to assign this petition to K. Smart and Associates to include in the current work being completed under the Section 78

request for major improvements submitted by Karen Wagler in 2020, as well as the Zehr/Geisler, Erb and Trustee of Grace Mennonite Fellowship Church petitions.

Should Council proceed with the recommendation as presented in this report, the Clerk will notify the petitioner, the conservation authority and the project engineer to include these improvements requested by Quiet Oak Dairy Farms and K. & K. Hunsberger in the engineer report being prepared for the major improvements to the Nicklas Drain.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

N/A

FINANCIAL CONSIDERATIONS:

There are no financial impacts associated with this report.

ATTACHMENTS:

Attachment A: Nicklas Drain Watershed Plan - Quiet Oak Dairy Farms and K. & K. Hunsberger Petition