



## CORPORATE SERVICES

### *Staff Report*

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REPORT NO: COR-2025-06

TO: Committee of the Whole

SUBMITTED BY: Greg Clark, Director of Corporate Services / CFO

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

REVIEWED BY: Greg Clark, Acting CAO

DATE: March 3, 2025

SUBJECT: Delton Reibling Municipal Drain Actual Cost By-Law

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#### RECOMMENDATION:

THAT Report COR-2025-06 Delton Reibling Municipal Drain Actual Cost By-Law be received for information; and,

THAT Council considers the adoption of the By-Law to Amend By-Law 2023-23 to Provide for the Actual Costs for Drainage Works Known as the Delton Reibling Municipal Drain at the March 24, 2025 Regular Council Meeting.

#### SUMMARY:

As prescribed in the *Drainage Act*, 1990 the costs related to the construction of a Municipal Drain are to be recovered by all lands, roads, and utilities that are within the watershed, as determined by the Engineer's report, net of any grant monies received under the Agricultural Drainage Infrastructure Program, as administered by the Ministry of Agriculture, Food and Agribusiness. The Township is required to pass a levying by-law to assess costs as per the requirements of the Drainage Act, R.S.O. 1990. Assessments are billed to the current property owners at the time of bill preparation.

As prescribed in the *Drainage Act*, 1990 S.62(1) an amending by-law must be brought forward if the estimated cost of construction provides the assessment schedule with a surplus or deficiency of moneys. As the actual cost of \$ 155,128.59 is more than the estimated amount of \$150,000.00 provided in the Engineer's Report. Staff will bring forward the Actual Cost By-law

to the March Regular Council Meeting to amend the Schedule for Actual Cost By-law to distribute the surplus proportionately to properties. The Actual Cost By-law is attached to this report as Attachment 2.

### BACKGROUND:

The Delton Reibling Municipal Drain was originally established in accordance with a report by G. G. Reid of Graham Reid & Associates Ltd., dated February 12, 1951. The Delton Reibling Municipal Drain was subsequently improved under a report by W. J. Mannerow, in December 1967 (neither the report, nor drawings contain a specific date).

On September 8, 2020 the Township received a request for improvement under Section 78 of the Act from Karen Wagler (Lot 32, Concession 3, Block A) for improvements to the Delton Reibling Municipal Drain.

On November 18, 2020, Council appointed K. Smart Associates Limited to prepare a report on the Section 78 request for the Delton Reibling Drain. In the Report the Engineer outlined the history of the Delton Reibling Drain under the Drainage Act and confirmed the authority for a report under Section 78 of the Drainage Act.

On June 29, 2021, the Township received a petition under Section 4 of the Act from Bruyn Farms Ltd. (N½ Lot 30, Concession 3, Block A) for incorporation of an existing private tile drain that outlets into the Delton Reibling Municipal Drain and provides outlet for tile drainage on the Bruyn property.

On July 12, 2021, Council appointed K. Smart Associates Limited to prepare a report on the petition received. In the report, the Engineer confirmed that the petition submitted was valid under Section 4 of the Act and thus included the incorporation of the existing private drain in the Report.

On February 8, 2023 Curtis MacIntyre, P. Eng., K. Smart Associates Limited filed with the Township Clerk the Delton Reibling Municipal Drain Report dated February 7, 2023. The Engineer Report prepared by K. Smart Associates Limited for the Delton-Reibling Municipal Drain improvements was read a first and second time and provisionally adopted by By-law 2023-23 on May 8, 2023.

The Engineer Report, attached as Attachment 1 outlines the estimated cost of \$150,000 for drainage for the watershed served of approximately 120.1 hectares (297 acres). The watershed area is approximately 83% agricultural lands, 14% forested lands, and 3% roads. Schedule "C" – Schedule for Actual Cost By-Law provides the levy for properties based off of the estimated cost included in the report.

The construction project included enhancing the drainage infrastructure through multiple tasks. These tasks encompass a thorough 93-meter ditch bottom cleanout, the installation of two (2) new access crossings (600mm and 1200mm in diameter) and laying 350 meters of 450mm diameter concrete tile for drainage. The existing open ditch will be backfilled using provided fill

material, and two (2) concrete catch basins (900x1200mm and 600x600mm) will be established. These combined efforts significantly improved the drainage network's capacity and overall resilience.

Following the provisional adoption of the Engineer Report, the Township of Wilmot Court of Revision met on June 12, 2023 to hear any appeals on the assessment schedule as included in the Engineer Report. No appeals were filed in advance of the Court of Revision date, and no landowners attended to file any appeals on the date of the Court of Revision. On June 26, 2023, Council read By-law 2023-23 for a third and final time adopting the by-law and engineer report as presented.

On August 28, 2023 Council awarded the contract for construction of the Delton-Reibling Municipal Drain, 2021 to JC Millwrights Inc. The construction of the Delton-Reibling Municipal Drain, 2021 commenced in March 2023 and was deemed substantially complete on July 13, 2023 by K. Smart Associates Limited. In late Fall 2024 JC Millwrights Inc attended to complete work identified by the project engineers prior to releasing the holdback.

#### REPORT:

After the adoption of the By-Law to Amend By-Law 2023-23 to Provide for the Actual Costs for Drainage Works Known as the Delton Reibling Municipal Drain, 2023, included as Attachment 2, Corporate Services will levy assessments and disperse allowances according to the actual cost schedule.

Section 74 of the *Drainage Act, 1990* requires the Drain, as outlined in this report, to be maintained by the Township, and the cost of maintenance to be assessed to the upstream lands and roads pro rata with the assessments in Schedule B.

All parties affected by the Drain, are encouraged to periodically inspect the Drain and report any visible or suspected problems to the Township.

#### ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Healthy Community

#### FINANCIAL CONSIDERATIONS:

The Township of Wilmot's portion of the construction costs are \$4,088.65.

#### ATTACHMENTS:

Attachment 1: Delton Reib ling Municipal Drain Report

Attachment 2: By-Law 2025-XX Being a By-Law to Amend By-Law 2023-23 to Provide for the Actual Costs for Drainage Works Known as the Delton Reibling Municipal Drain 2023