



CORPORATE SERVICES

Staff Report

REPORT NO: COR-2025-13

TO: Council

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

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

REVIEWED BY: Greg Clark, Acting CAO

DATE: April 28, 2025

SUBJECT: Nicklas Municipal Drain 2025 - Consideration of the Engineer's Report

RECOMMENDATION:

THAT Report COR-2025-13 Nicklas Municipal Drain - Consideration of the Engineer's Report be received for information; and,

THAT Council accepts the report from K. Smart Associates Limited dated February 28, 2025 for the Nicklas Municipal Drain 2025; and,

THAT Council considers the provisional adoption of By-law 2025-18 being a By-law to provide for drainage works known as the Nicklas Municipal Drain 2025; and,

THAT Councillors _____, _____ and _____ be appointed to the Court of Revision to be held on Tuesday May 27th, 2025 at 6:00 p.m.

SUMMARY:

The Nicklas Municipal Drain 2025 Engineer Report was prepared pursuant to Section 78 and 4 of the Drainage Act RSO 1990 was filed with the Municipal Clerk on March 5, 2025.

BACKGROUND:

On September 8, 2020, the Township received a request for improvement under the Act from Karen Wagler for improvements to the Nicklas Municipal Drain in Pt. Lot 32, Concession 3, Block A. Pursuant to Section 8 of the Act, on November 18, 2020, K. Smart Associates Limited was appointed by resolution of Council to prepare a report on the Nicklas Municipal Drain under Section 78.

Section 78 of the Drainage Act provides for the repair and improvement of an existing drain constructed under the Drainage Act through a new Engineer's report. The Nicklas Municipal Drain was constructed under the Drainage Act, and it was determined from the on-site meeting and site examination that the Drain requires improvement. Therefore, this report is properly initiated under Section 78 of the Drainage Act. Under a Section 78, there can be no upstream extensions of the existing Drain.

Subsequent to the original Section 78 appointment, the Township later received four (4) petitions under Section 4 of the Act: Zehr Farms Ltd./Douglas & Dolores Geisler, Kevin & Tracey Erb, Trustees of Grace Mennonite Fellowship Church, and finally Quiet Oak Dairy Farms and K. & K. Hunsberger.

Section 4 of the Drainage Act provides for the construction of new drainage works for an area requiring drainage.

To address the Section 78 request for improvement and subsequent Section 4 petitions K. Smart Associates Limited prepared an engineer report that recommends the following highlights:

- Main Drain, Branch 1, and Branch 2
 - 55m of existing open ditch deepening
 - Enclosure of 227m of existing open ditch with 750mmø concrete tile
 - 3,876m of 750mmø to 200mmø closed drain (concrete tile with the exception of 175m of solid plastic pipe through residential yards)
 - One (1) - 1200x1200mm concrete JB, eight (8) - 900x1200mm concrete CBs, and twenty (20) – 600x600mm concrete CBs, including six (6) berms
 - Six (6) paved road crossings by trenchless methods, and two (2) gravel road crossings by open cut

The estimated cost of this project is \$830,000. The total estimated cost of this project for the Township of Wilmot is \$440,891. The watershed served is approximately 136.9 hectares (338 acres).

The Engineer Report was filed by K. Smart Associates Limited on March 5, 2025. Section 41 (1) of the Drainage Act, 1990 states upon the filing of the engineer's report the Clerk of the initiating municipality shall send the prescribed persons a copy of the report.

On March 13, 2025, the Clerk sent the Notice of Meeting to Consider the Engineers Report and a copy of the Engineer Report to prescribed persons.

REPORT:

All property owners affected by the drain have the opportunity to influence Council's decision. There is no right to appeal assessments or other aspects of the engineer's report at this meeting; these appeals rights will be made available later in the procedure. Drainage Act, R.S.O. 1990, c. D. 17, s. 47-54.

The purpose of this meeting is to address any questions or comments with respect to the report and proposed drainage works. Any inconsistencies as to the acreage assessed, value of benefit, or value of outlet liability, will be dealt with at a Court of Revision to be held at a later date.

At this meeting Council will consider the report and shall give an opportunity to any person who has signed the petition to withdraw from it by filing a signed withdrawal with the Municipal Clerk and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity to do so.

If the petition still contains a sufficient number of names to comply with Section 4, Council may proceed to adopt the report in Section 14 By-Laws. If Council chooses not to proceed with adopting the report, any petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal.

Should Council proceed to adopt the engineer report for the Nicklas Municipal Drain, 2025 the Municipal Clerk will proceed with next steps as prescribed by the *Drainage Act, 1990*.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Healthy Community

FINANCIAL CONSIDERATIONS:

The total estimated cost of this project for the Township of Wilmot is \$158,615 for assessments to Bean Road, Diamond Road and ½ Oxford Road 5.

ATTACHMENTS:

Attachment A: Notice of Meeting to Consider the Engineers Report

Attachment B: Nicklas Municipal Drain 2025 Engineer Report