



CORPORATE SERVICES

Staff Report

REPORT NO: COR-2025-14

TO: Council

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: April 7, 2025

SUBJECT: Nicklas Municipal Drain 2025- Update

RECOMMENDATION:

THAT Report COR-2025-14 Nicklas Municipal Drain 2025- Update be received for information; 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.

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.

A Meeting to Consider the Engineer Report will be held during the Regular Council Meeting on Monday, April 28th, 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.

REPORT:

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. The Council Meeting to Consider the Engineers Report for the Nicklas Municipal Drain, 2025 is set for Monday, April 28th at 7:00 p.m. as a part of our Regular Council Meeting.

At the Regular Council Meeting on April 28th Council will be presented the Engineer Report by the Project Engineer and consider the report to ensure the project, as designed by the engineer,

still meets the criteria for the project. All property owners affected by the drain will 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.*

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, at the end of the April 28th 2025 Council Meeting, the petition contains a sufficient number of names to comply with section 4, Council may proceed to adopt the report. Where a report is not adopted by Council, 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.

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: Draft By-law 2025-18 Being the Nicklas Municipal Drain 2025 By-law