



## **CORPORATE SERVICES**

### ***Staff Report***

---

REPORT NO: COR-2025-32

TO: Council

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

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

REVIEWED BY: Harold O'Krafka, Acting Chief Administrative Officer

DATE: June 23, 2025

SUBJECT: Nicklas Municipal Drain- Adoption of Engineer Report

---

#### **RECOMMENDATION:**

THAT Report COR-2025-32 be received for information; and,

THAT Council considers the third and final reading of By-Law 2025-18 being a By-law to Provide for Drainage Works in the Township of Wilmot in the Region of Waterloo 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.

No appeals were filed at the Court of Revision or to the Agriculture, Food and Rural Affairs Appeal Tribunal for assessment or technical issues with the Engineer Report. Council may now proceed with the third and final reading of the by-law to adopt the Engineer Report.

#### **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.

The Council Meeting to Consider the Engineers Report for the Nicklas Municipal Drain, 2025 was held on Monday, April 28th at 7:00 p.m. as a part of our Regular Council Meeting, Council provisionally adopted By-law 2025-18 that evening. The Notice of Sitting of Court of Revision was mailed to landowners on May 1, 2025. The Court of Revision was held on May 27<sup>th</sup> at 6:00

p.m. there were no appeals filed or heard by the Court of Revision. The appeal periods for assessment and technical issues as prescribed in the Drainage Act, 1990 has now expired.

REPORT:

No appeals were filed on the Nicklas Municipal Drain 2025 Engineer Report or Assessment Schedules. Council may now proceed with the third and final reading of By-Law 2025-18 being a By-law to Provide for Drainage Works in the Township of Wilmot in the Region of Waterloo known as the Nicklas Municipal Drain 2025. This will allow for the construction of the municipal drain to the technical specifications included in the engineer report.

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:

None.