



## CORPORATE SERVICES *Staff Report*

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REPORT NO: COR 2023-38

TO: Council

SUBMITTED BY: Patrick Kelly, Director of Corporate Services/Treasurer

PREPARED BY: Chad Curtis, Deputy Clerk

REVIEWED BY: Sharon Chambers, CAO

DATE: May 29, 2023

SUBJECT: Bamberg Creek, Jananna, and Koch-Leis Municipal Drains

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### RECOMMENDATION:

THAT Council receive report COR-2023-20 as information; and

THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new municipal drain from two locations on the North Part of Lot 10, Concession 3, Block B and extending downstream to its outlet into the Koch-Leis Drain and the Bamberg Creek, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek be accepted; and further,

THAT the Clerk be directed to schedule a Meeting to Consider the Report.

### SUMMARY:

A municipal drain is a drainage system, usually made up of open ditches or closed systems such as pipes or tiles buried in the ground, that is constructed under the authority of a by-law under the Drainage Act (the "Act") it becomes part of the municipality's infrastructure to maintain. The municipality, through its drainage superintendent, is responsible for repairing and maintaining the municipal drain at the expense of all assessed property owners.

### BACKGROUND:

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\*\*\*This information is available in accessible formats upon request\*\*\*

On July 12, 2021, Council appointed Headway Engineering to prepare an Engineer's Report under Section 4 of the Drainage Act. In the Report, the Engineer outlined the history of the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains

On May 5, 2023, Stephen Brickman, P. Eng., Headway Engineering filed with the Township Clerk the Bamberg Creek, Jananna and Koch-Leis Municipal Drain Report dated April 28, 2023.

### REPORT:

This report has been prepared to assist Council in considering the Engineer's Report.

By accepting the Engineer's Report, the Township Clerk will schedule a meeting for Consideration of the Report, which is scheduled to take in place in June or July, 2023.

At the Consideration of Report meeting, Council can receive a presentation on the report from the Engineer and receive comments, questions, and other input from affected landowners, agencies and utilities. At the conclusion of the meeting, Council must provide the opportunity for property owners to add or remove their name from the petition and then confirm with the Engineer if the petition submitted remains valid under Section 4 of the Act.

At this stage, Council may decide to:

1. Provisionally adopt the Engineer's Report
  - Provisionally adopting the Report by providing first and second reading to a provisional by-law would signal Council's intent to proceed with the Engineer's Report and initiates the appeal process, if necessary, under the Act.
2. Refer the report back to the Engineer
  - if there appears to be errors in the report or Council believes the report should be reconsidered for any other reason, Council may refer the report back to the Engineer.
  - The Township's Drainage Superintendent and Township staff advise that the Engineer's Report is in general conformity with the Drainage Act.
3. Take no action on the Engineer's Report
  - Any petitioner could appeal to the Drainage Tribunal the decision of Council to not proceed with the report under the Drainage Act.

- If there is no appeal the cost of the Engineer's Report (\$70,300) would have to be paid from the Township general levy.
- Under Section 79 of the Drainage Act the Township would be liable for any damage claim by an affected landowner due to failure to properly maintain an existing municipal drain.

Staff recommend accepting the Engineers Report and proceeding ahead following the provisions under the Drainage Act.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Municipal drain maintenance supports the strategic plan focus areas of Responsible Governance and Environmental Protection.

FINANCIAL CONSIDERATIONS:

Based on the Drainage Engineer's Report, the total estimated cost of the project is \$462,900.

The Township of Wilmot has an estimated assessment of \$0 in association with these drainage works.

ATTACHMENTS:

Attachment 1 – Engineers Report