



## **CORPORATE SERVICES** *Staff Report*

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REPORT NO: COR-2024-35

TO: Council

SUBMITTED BY: Greg Clark, Director of Corporate Services/Chief Financial Officer

PREPARED BY: Kaitlin Bos, Supervisor of Legislative Services / Deputy Clerk

REVIEWED BY: Sharon Chambers, Chief Administrative Officer

DATE: July 22, 2024

SUBJECT: Petition for Drainage Works by Owners- Kevin and Tracey Erb

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### RECOMMENDATION:

THAT the Petition for Drainage Works by Owners Kevin and Tracey Erb be accepted; and further,

THAT K. Smart Associates Limited be appointed as the engineer firm to prepare a report with instruction as per Section 8(4) of the Drainage Act to include the Erb petition in the Section 78 report for the Nicklas Drain.

### SUMMARY:

As per Section 5(1) of the Drainage Act, 1990 where a petition is filed with the municipality Council shall forthwith consider the petition and shall, within thirty days after the filing of the petition decide whether or not to proceed with the drainage works, and send notice of its decision to the petitioner and prescribed persons.

As per Section 8(1) of the Drainage Act, 1990 where Council has decided to proceed with the drainage works described in a petition, the council shall by resolution appoint an engineer to make an examination of the area requiring drainage as described in the petition and to prepare a report.

**BACKGROUND:**

The Nicklas Drain was constructed under an engineer report prepared by Jewitt, Dodd & Vallee in 1964. The drain originates in the Township of East Zorra-Tavistock and services the watershed upstream of Oxford Road 5 in Lots 30 to 32, Concession 2 and 3 Block A in the Township of Wilmot.

In 2020, Karen Wagler submitted a request under Section 78 of the Drainage Act, 1990 for major improvements to the Branch Drain of Nicklas Drain in Lot 32, Concession 3 Block A. Council subsequently appointed K. Smart Associates Ltd. to prepare the engineer report for the major improvement project on the drain.

In January 2021, the Township received a Petition for Drainage Works by Owners under Section 4 of the Drainage Act, 1990. The petition was submitted by Gary Zehr (Zehr Farms Ltd) and Doug and Dolores Geisler for their property in the north part of Lot 31, Concession 3 Block A. The petition requested an upstream extension of the Branch Drain through their property to Bean Road. Council accepted the petition and subsequently appointed K. Smart Associates Ltd. to prepare a report on the Zehr/Geisler petition with instruction as per Section 8(4) of the Drainage Act to combine the new petition report with the Section 78 report for the Nicklas Drain.

K. Smart Associates Ltd. assigned engineer Curtis MacIntyre to prepare the Engineer Report for the major improvements to the Nicklas Drain. This report is currently in the design, cost estimate, and assessments phase.

**REPORT:**

On July 5, 2024, the Clerk's Office received a Petition for Drainage Works by Owners from Kevin and Tracey Erb under Section 4 of the Drainage Act, 1990 for a property located at Lot 31, Concession 2 Block A. This property is located within the watershed of the Nicklas Drain, 1964.

The landowners request under this petition is that the Branch Drain be extended upstream across Bean Road and to continue across their property to Diamond Road to replace the NS Roth Award Drain. This petition also requests that the Nicklas Drain Main Drain be extended upstream across Oxford Road 5. Attachment A shows the location of the outlets requested under the petition.

Under Section 8(4) of the Drainage Act, 1990 the Council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more adjoining areas that require drainage. This allows Council to assign this petition to K. Smart and Associates to include in the current work being completed under the Section 78 request for major improvements submitted by Karen Wagler in 2020.

Should Council proceed with the recommendation as presented in this report, the Clerk will notify the petitioner, the conservation authority and the project engineer to include these improvements

requested by Kevin and Tracey Erb in the engineer report being prepared for the major improvements to the Nicklas Drain.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

N/A

FINANCIAL CONSIDERATIONS:

There are no financial impacts associated with this report.

ATTACHMENTS:

Attachment A: Watershed Plan- Nicklas Drain Petition