

The Corporation of the City of Kawartha Lakes
Council Report

Report Number ENG2019-015

Date: July 16, 2019
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Ward 4

Title: Webster Municipal Drain Consideration report

Author and Title: Michael Farquhar, Supervisor of Technical Services,
Engineering and Corporate Assets

Recommendation(s):

That Report ENG2019-015, **Webster Municipal Drain Consideration Report**, be received;

That the Engineer's Report for the Webster Municipal Drain is adopted and the City Clerk be instructed to prepare the necessary by-law;

That Council proceed with the first and second reading of the by-law to provisionally adopt the report; and

That staff be instructed to make the necessary arrangements for a Court of Revision to be held on the Engineer's Report for the Webster Municipal Drain.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the October 10th 2017, Council meeting the following resolution was adopted for the Webster Municipal Drain petition.

CR2017-874

Resolved That Report ENG2017-023, **Petition for Drainage Works by Owner – Webster**, be received;

That Council proceeds with the petition submitted by Alan Webster (Victor Webster Farms Ltd.) for drainage works by owners for Concession 5, Part Lot 11, Geographic Township of Eldon and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act;

That Council appoints and retains, R. Dobbin Engineering Inc. in accordance with the Drainage Act, as the Engineer of Record, and to proceed with the requirements of a petition drain; and;

That should, R. Dobbin Engineering Inc. not be available, that Council instructs staff to retain an alternate qualified Engineer from the standing list.

Carried

Since that time the Engineer of Record Michael Gerrits of R. D. Dobbin has held 2 public meetings for the land owners in the drainage shed of the proposed drain.

The first meeting was on November 1st, 2017. The purpose of the meeting was to advise land owners in the drainage area that a petition had been for filed for drainage by Alan Webster, and Council's recommendation to move forward with this petition under the drainage act.

The second meeting was held on June 6th, 2018 with the owners in the drainage shed of the petition to review the draft design and cost schedule. At this meeting it was discussed that any land owners wishing to have direct benefit from the proposed drain should consider signing onto the current petition.

As a result of the meeting and further discussions with Engineer of Record Michael Gerrits; Mathew Wechsel (agent for Ella Wechsel) decided it would be beneficial to sign onto the current petition.

The subject area/land is bounded by Prospect Road to the West and CKL Road 8 to the North. There are no existing Municipal Drains within the vicinity. The area of the land identified as Concession 5 N ½, Lot 8 and Lot 9 W ½ Lot 10, Geographic Township of Eldon.

On July 2nd, 2019 the City of Kawartha Lakes Drainage Board held a Meeting to Consider the Engineer's Report (attached as Appendix A) prepared by Engineer of Record Michael Gerrits of R.Dobbin engineering pursuant to Section 4 of the Drainage Act, RSO 1990.

Mr. Michael Gerrits gave a presentation of the Engineers Report to the City of Kawartha Lakes Drainage Board and answered questions from the Board and members of the public who were in attendance.

Mr. Gerrits answered questions about property locations within the drainage shed. Mr. Gerrits acknowledge that based on his discussions with land owners on July 2, 2019 that some property locations would be removed from the drainage shed of the drain and the assessment schedule of the report amended accordingly at the court of revision. Please Appendix D Webster drain court of revision recommendations.

Engineer of Record Michael Gerrits outlined the scope of the project and the estimated cost of \$271,850.00 to complete the proposed drainage works.

Following the presentation the City of Kawartha Lakes Drainage Board passed the following recommendation (July 2nd, 2019 Drainage Board meeting minutes attached as Appendix B).

DB2019-016

Moved By M. Verbik

Seconded By J. Oriotis

Recommend that the City of Kawartha Lakes Drainage Board recommend that Council adopt the Engineer's Report for the Webster Drain and instruct the Clerk to prepare the necessary by-law; and,

That Council proceeds with the first and second reading of the by-law to provisionally adopt the report; and,

That Council instructs staff to make the necessary arrangements for a Court of Revision to be held on the Engineer's Report for the Webster Drain.

Carried

Rationale:

The City of Kawartha Lakes Drainage Board, representing the City, has held the Consideration Meeting on July 2nd, 2019 and supported advancing the Webster Municipal Drain.

When such a by-law is given two readings by Council, the report shall be deemed adopted and the by-law known as the provisional by-law.

A copy of the provisional by-law and a notice of the time and place of the first sitting of the Court of Revision will be sent by prepaid mail to each person or body entitled to notice. This notice shall inform each owner that they may appeal their assessment to the Court of Revision which shall consist of three or five members appointed by the Council of the initiating municipality (Section 97 of the Drainage Act). The Drainage Board has appointed three of its members as the Court of Revision.

Other Alternatives Considered:

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. In light of the Drainage Board's position, it is recommended that Council adopt the Webster Municipal Drain Report.

Financial/Operation Impacts:

The Drainage Act requires that the cost of a drain constructed under the Act shall be assessed to the lands and roads within the watershed of the drain. The Engineer's Report includes an assessment schedule (Appendix A), which indicates the total assessment for each property assessed on the drainage works, including assessments on roads.

When the construction is completed and the final costs of the project are known, a by-law is passed to levy the final cost pro-rated with the assessments in the Engineer's Report. An invoice is sent to each assessed owner advising of the amount due within 30 days. The City of Kawartha Lakes estimates the assessed amount is \$95,245.00 for lands and roads belonging to or controlled by the municipality.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

Section 3.1.7 of the Strategic Plan recognizes the protection of prime agricultural land by including policies in the Official Plan and working with the agricultural community to identify opportunities to support the sector.

Consultations:

The City of Kawartha Lakes Drainage Board
City Clerk's Office
Drainage Superintendent

Attachments:

Appendix A: Webster Drain Report



Webster Drain
Report (June 3 2019)

Appendix B: Minutes of the City of Kawartha Lakes Drainage Board Meeting of
July 2, 2019



Post-Meeting
Minutes - Drainage Bc

Appendix C: Draft By-law



By-Law 2019-.docx

Appendix D: Webster Drain Court of Revision Recommendations



2017-847 Webster
Drain Revisions Recor

Department Head E-Mail: jrojas@kawarthalakes.ca

Department Head: Juan Rojas

Department File: