

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ENG2019-025

Meeting Date: December 10, 2019

Title: Webster Municipal Drain Revised Report

Description: Amendment of Municipal Drain Report

Ward Number: Ward 4

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

Recommendation(s):

That Report ENG2019-025, **Webster Municipal Drain Revised Report**, be received;

That Council approve the Revised Webster Municipal Drain report based on the Recommendations from the Court of Revision;

That Council approve the amendments to By-Law 2019-110 based on the Court of Revision Recommendations; and,

That Council proceed with the third and final reading and subsequent adoption of By-law 2019-110 inclusive of the amendments from the Court of Revision.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the July 16, 2019 Council meeting the following resolution was adopted for the meeting to consider Webster Municipal Drain report.

CR2019-447

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.

Carried

After the adoption of the Engineers report and the passing of the provisional by-law 2019-110 at the meeting for consideration, the Court of Revision was convened on August 15th, 2019 as required under Section 97 of the Ontario Drainage Act. At this meeting Mr. Gerrits of Dobbin Engineering gave an overview of the amendments to the original report for the Court of Revision. These amendments were described in Mr. Gerrits July 5th letter. The Court of Revision then proceeded to pass the following resolutions (see attached Minutes Appendix A).

Decision of the Court of Revision

That we, the Court of Revision for the Webster Municipal Drain, make the following decision with respect to the appeal filed by Tricia Bottan:

That the appeal of Tricia Bottan be dismissed as the outlet and benefit liability assessments are consistent with other lands in the watershed; and

That the owner(s) failed to show justification for changes to their assessment.

Carried

That the assessments contained in the Webster Municipal Drain Report, as amended on July 5, 2019 by Drainage Engineer M. Gerrits, are hereby confirmed;

That Provisional By-Law Number 2019-110 be amended to reflect the amended report and schedules, as advised by the Drainage Engineer M. Gerrits on July 5, 2019; and

That the amended Drainage Engineer's Report be adopted with the corresponding By-law 2019-110 being forwarded to Council for third reading.

Carried

Rationale:

The City of Kawartha Lakes Court of Revision, representing the City, has held its meeting to hear any appeals with regards to assessments and or revisions to the original engineers report for the Webster Municipal Drain. Based on that meeting the Court of Revision approved resolutions for making the recommended revisions to the engineers report effecting assessments (see Appendix B), it is now procedurally necessary to come back to Council seeking approval for these changes to the existing engineers report and to update and amend the provisional by-law 2019-110 to reflect these changes .

If Council chooses to proceed with the third and final reading and subsequent adoption of By-law 2019-110 inclusive of the amendments (see appendix C) from the Court of Revision, then a copy of the final by law and report will be sent out to each person or body entitled to notice under the Ontario Drainage Act.

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, which indicates the total assessment for each property assessed on the drainage works, including assessments on roads. Council report recommends the changes approved and the Court of revision to the Engineers report and provisional by-law 2019-110.

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 \$92,502.00 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
The City of Kawartha Lakes Court of Revision

Attachments:

Appendix A: Minutes of the City of Kawartha Lakes Court of Revision of August 15, 2019.



August 15, 2019
Court of Revision Min

Appendix B: Webster Drain Revised report



Final Report.pdf



Final Report
Drawings.pdf

Appendix C: Amended By-Law 2019-110



2019-110 Webster
Municipal Drain Third ;

Department Head E-Mail: jrojas@kawarthalakes.ca

Department Head: Juan Rojas

Department File: