



**The Corporation of the
City of Kawartha Lakes**
322 Kent Street West P.O. Box 9000
Lindsay, ON K9V 5R8
Phone: 705-324-9411, Ext. 1167
Fax: 705-324-2982

Memorandum

Date: August 6, 2020
To: Drainage Board
From: Lucas Feitler, Drainage Superintendent – Engineering & Corporate Assets
Re: Direction of Engineer to Proceed with Drainage Report
MacEachern Brown Municipal Drain
CC: Juan Rojas Director of Engineering and Corporate Assets
Mike Farquhar, Supervisor of Technical Services.

Recommendation:

Recommend that the memorandum from L. Feitler, Drainage Superintendent - Engineering and Corporate Assets, dated July 14, 2020, regarding the direction of Engineer to proceed with drainage report be received;

That the Drainage Board directs the appointed Engineering Firm D. M. Wills to proceed with an Engineer's Report under the provisions of the *Drainage Act, R.S.O. 1990, c. D.17*;

Background:

The City of Kawartha Lakes received a petition for drainage works on September 3rd, 2019. A drainage board meeting was held to discuss the petition on September 17th, 2019 and subsequently a Council meeting was held on October 22, 2019 where the following resolution was passed:

MacEachern / Brown Petition Drain

Mike Farquhar, Supervisor, Technical Services

CR2019-585

That Report ENG2019-023, **MacEachern / Brown Petition Drain**, be received;

That Council proceeds with the petition submitted by D.S. & B. Farms Inc., Robert MacEachern and Lynda MacEachern for drainage works by owners for Lot 17 Con 3, Lot 16 Con 3 and Lot 16 Con 2 in the Former Eldon twp., and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act; and

That Council appoints and retains, D.M. Wills and Associates Limited, in accordance with the Drainage Act, as the Engineer of Record for the petition and to proceed with the requirements of a petition drain.

There were delays to the on-site meeting due to both weather and health and safety. The on-site meeting was tentatively planned for the spring when existing conditions of the land could be observed. The Corona Virus also delayed the on-site meeting until the gathering limit imposed by the provincial government was lifted to 10 people.

The section 9 on-site meeting was held on July 7th, 2020. Both petitioners as well as land owners in the projected watershed were invited to attend. Following the meeting, the Engineer determined the petition is valid under Section 4(1)(b) of the *Drainage Act, R.S.O. 1990, c. D.17*.

Section 4 of the *Drainage Act, R.S.O. 1990, c. D.17* states:

Petition Drains

Petition

4 (1) *A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,*

(a) the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including the owners of any roads in the area;

(b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the hectarage in the area;

(c) where a drainage works is required for a road or part thereof, the engineer, road superintendent or person having jurisdiction over such road or part, despite subsection 61 (5);

(d) where a drainage works is required for the drainage of lands used for agricultural purposes, the Director. R.S.O. 1990, c. D.17, s. 4 (1)

Alternatives:

1. Proceed with a Preliminary Report containing a sketched plan and an estimate of the cost of the drainage works.

Recommendation for appointment of a Drainage Engineer:

Following a competitive procurement process and Council resolution, D.M. Wills has already been retained as the appointed Engineering firm for the MacEachern-Brown Municipal Drain under Section 8 of the provisions of the *Drainage Act, R.S.O. 1990, c. D.17*;

Attachments:

Appendix A - Section 9 on-site meeting minutes.

Appendix B - Petition for the MacEachern Brown municipal drain.

Appendix C - Letter from Engineering Firm D. M. Wills validating petition.

Appendix D - Site drawing from Engineering Firm D. M. Wills.

Appendix E - Memo to drainage board from Lucas Feitler, Drainage Superintendent dated September 11, 2019.

Appendix F – Emails regarding petition from landowners in estimated watershed.