



The Corporation of the City of Kawartha Lakes

12 Peel Street P.O. Box 9000

LINDSAY, ON K9V 5R8

Phone: 705-324-9411, Ext. 1156

Fax: 705-324-2982

Memorandum

Date: September 3, 2020

To: Drainage Board

From: Lucas Feitler, Drainage Superintendent – Engineering & Corporate Assets

Re: Request for Drain Improvement – Section 78
Hugh Davidson Municipal Drain

CC: Juan Rojas Director of Engineering and Corporate Assets
Mike Farquhar, Supervisor of Technical Services.

Recommendation:

Recommend That the memorandum from the Drainage Superintendent - Engineering and Corporate Assets L. Feiter, dated September 3, 2020, regarding the Request for Drain Improvement for the Hugh Davidson Municipal Drain by owners Ed Bagshaw of Concession 8, PT W1/2 Lot 19, geographic Township of Mariposa, be received;

That the City proceed with the Request for Drain Improvement submitted by Ed Bagshaw for an improvement to the Hugh Davidson Municipal Drain and the City Clerk proceed by sending notices required under Section 5 and 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17;

That pursuant to Section 8(1) and 78(2) of the Drainage Act, R.S.O. 1990, Chapter D. 17, and subject to any objection from Kawartha Conservation, that ___**(insert engineer)**___ be appointed as the Drainage Engineer on a date 30 days from the notice to the Kawartha Conservation for the examination of the drainage works and to proceed with the requirements of the proposed improvement under section 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17.



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Background:

During last year's inspections the Drainage Superintendent walked the Hugh Davidson Municipal Drain. Fill had been brought in and was placed beside the open section of the drain. The Drainage Superintendent met with the land owner, Ed Bagshaw who stated he wished to enclose the drain on his property. The Superintendent explained that this was a municipal drain and that this request would have to follow the procedures of the *Drainage Act, R.S.O. 1990, Chapter D. 17.*

The Superintendent explained that in the past, enclosing municipal drains have not been approved by local Conservation Authorities. Ed Bagshaw has since met on site with the aquatic biologist from Kawartha Region Conservation Authority to review the enclosure. I contacted the biologist who confirmed he has no issues with the proposed work and plans on issuing a permit for this specific enclosure.

Ed Bagshaw supplied a "Notice of Request for Drain Improvement, subs 78(1)" on August 18, 2020 to the City Clerk's Office. The Drainage Act requires the City to respond to this notice within 30 days.

Unlike a section 4 petition drain, proceeding with a section 78 improvement to a drain is entirely at the discretion of Council, and in Kawartha Lakes, the Drainage Board.

This specific request is made to improve the effectiveness of a single landowner's use of drain. However, this drain has been largely unmaintained and monitored for the past 40 years. Therefore, Engineering recommends proceeding with a new engineer's report to address the following additional concerns:

- The drain is not as per design. The Taylor road crossing has been altered and catch basins have been installed. The 'C.Farr' land has been enclosed. It is unknown if this enclosure is sized correctly. No records exist of this work being completed and it is unknown if it was approved by the drainage superintendent at the time the previous work was done. The scope and cost of work to get the drain back to its original condition, as per the latest engineer's report, would be quite large.
- The infrastructure on Highway 7 likely does not meet current M.T.O. standards.
- Additional land has been brought into the drain through tiling, from outside the drainage shed of the drain. The extent is currently unknown but outlets are visible.
- There is significant erosion, vegetation and fallen trees in brush area. A cleanout is required regardless of improvement request.

For the above reasons Engineering recommends proceeding with a new engineer's report



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Alternatives:

1. Do not proceed with an improvement.
2. Initiate procedures to abandon the drain under section 84(2) of the *Drainage Act, R.S.O. 1990, c. D.17.*

Recommendation for appointment of a Drainage Engineer:

Currently the City has a pool of Drainage Engineers who are listed below. Should the City decide to proceed, and depending on availability the Engineer firm, an engineer should be selected from this list, and appointed on a date 30 days after the required notice is sent to Kawartha Conservation:

Burnside Engineering.
Tulloch Engineering.
M. Gerrits Consulting.
R. D. Dobbin Engineering.
DM Wills Engineering.
K. Smart Engineering.

Attachments:

Drain report and drawings

Improvement request