



**The Corporation of the
City of Kawartha Lakes**
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Memorandum

Date: November 17, 2020
To: Drainage Board
From: Lucas Feitler, Drainage Superintendent – Engineering & Corporate Assets
Re: Petition for Municipal Drainage
Martin Petition
CC: Juan Rojas Director of Engineering and Corporate Assets
Mike Farquhar, Supervisor of Technical Services.

Recommendation:

That the Memorandum from the Drainage Superintendent - Engineering and Corporate Assets L. Feitler, dated November 24, 2020, regarding the Petition for Drainage Works by Owners of Concession 12, Part Lot 19, Geographic Township of Emily (being Adam Martin) be received;

That Council proceed with the petition submitted by Adam Martin for drainage works for Concession 12, Part Lot 19 Geographic Township of Emily to be known as the Martin Municipal Drain and instruct the City Clerk to proceed with the notices required under Section 5 of the *Drainage Act*;

That Staff concurrently continue to pursue with the petitioners options for a mutual drain agreement as per the City Policy; and

That pursuant to Section 8(1) of the *Drainage Act, R.S.O. 1990, Chapter D. 17*, staff recommend to Council a Drainage Engineer for the examination of the area requiring drainage and proceed with the requirements of the proposed Martin Municipal Drain.

Background:

The subject area/land is located at 1899 Pigeon Lake Road. It is bounded by Pigeon Lake Road to the South (refer to appendix A). There are no existing Municipal Drains within the vicinity. The area of the land identified in the petition is approximately 50 acres in size.

The property is within the Kawartha Region Conservation Authority jurisdiction as defined under the Ontario Conservation Act and has an identified watercourse on the property (see Appendix A).

The Drainage Superintendent was called to site to assist the land owner in obtaining an outlet for tile drainage. The land owners initial plan was to tile to the existing watercourse and to deepen and widen the watercourse downstream in the adjacent neighbor's property. A letter was sent to the adjacent neighbor informing them of some options under the Drainage Act, as well as offering the services of the Drainage Superintendent as a resource (Appendix B). On September 11, 2020 a records request was submitted to the records department. This request was to determine if this watercourse was constructed under the Drainage Act or a predecessor Act. As of the date of this memorandum, no information was found.

Several meetings and phone calls were had with both land owners in an attempt to form a mutual agreement. The downstream neighbor opted to not enter into an agreement and subsequently a petition was submitted.

On November 10, 2020 the City of Kawartha Lakes Clerks Department formally received a Petition for Drainage Works within the subject area (Appendix C).

Alternatives:

As an option for required drainage the City firstly promotes the use of a Mutual Agreement through the City's policy for Agricultural Tile discharge to roadside ditches prior to pursuing a petition for a Municipal Drain under the Ontario Drainage Act. At this point in time the Drainage Superintendent has currently presented this option to the petitioners and explained its avenues in comparison to petitioning for a Municipal Drain under the Drainage Act. At this current time the petitioner wishes to carry on with the process under the Drainage Act for the petition. Staff will leave the door open for pursuing a mutual agreement up until the prescribed time the petitioner has under the Drainage Act for removing their names and abandoning the petition.

Recommendation for Appointment of a Drainage Engineer:

Currently the City has a pool of Drainage Engineers which include the following.

Burnside Engineering
Tulloch Engineering
K-Smart Engineering
R. D. Dobbin Engineering
DM Wills Engineering.

The Drainage Board may recommend a firm to Council directly today, or direct staff to recommend to Council a firm at the December 15, 2020 Regular Council Meeting.

Attachments:

Appendix A – Kawartha Conservation Regulated Area Map

Appendix B – September 10, 2020 Correspondence to Martin

Appendix C – Petition for Drainage Works by Owners - Martin