



**The Corporation of the  
City of Kawartha Lakes**  
12 Peel Street P.O. Box 9000  
Lindsay, ON K9V 5R8  
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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  
Desroches Petition  
**CC:** Juan Rojas Director of Engineering and Corporate Assets  
Mike Farquhar, Supervisor of Technical Services.

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### **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 4, South ½ Lot 15, Geographic Township of Mariposa (being Janette Desroches) be received;

**That** Council proceed with the petition submitted by Janette Desroches for drainage works for Concession 4, South ½ Lot 15 Geographic Township of Mariposa to be known as the "Desroches 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 Desroches Municipal Drain.

## **Background:**

The subject area is located at 281 Ranch Road. It is bounded by Eldon Road to the east and Ranch 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 100 acres in size.

The property is within the Kawartha Region Conservation Authority jurisdiction as defined under the Ontario Conservation Act and has a regulated area 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 owner found two buried catch basins on either side of Eldon Road. The catch basins were completely covered with soil and debris. The Eldon road drawings confirm the existence of the two catch basins and a buried 24" cast iron pipe under Eldon Road which connects these two catch basins. The Road drawings show that the Desroches' field tile was at some point tied into the catch basin on the west side of Eldon Road. The water travelled through the underground pipe onto the east side on Eldon Road, and from there, onto Con 4 PT Lot 16.

A records request was completed to determine if this area contained a drain governed by the Drainage Act or predecessor Act. However, no information was found. Several meetings and phone calls were had with both land owners in an attempt to form a mutual agreement. However, one was never presented to the City for review and the Desroches' opted to petition for a Municipal Drain.

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

## **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.

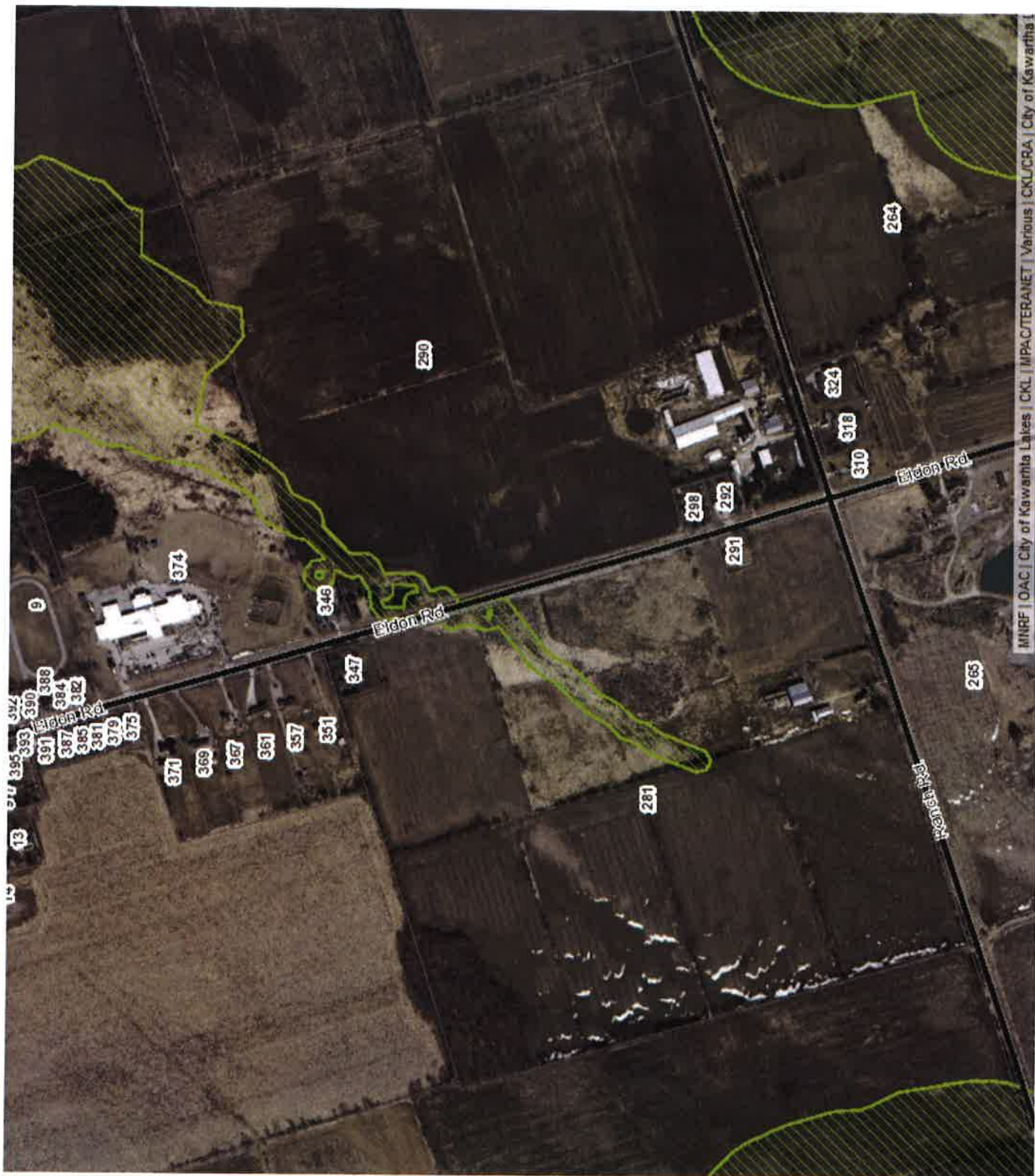
Burnside Engineering  
Tulloch Engineering  
K-Smart Engineering  
R. D. Dobbin Engineering  
DM Wills Engineering.

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 – Petition for Drainage Works by Owners - Desroches





**Petition for Drainage Works by Owners  
Form 1**

Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.

To: The Council of the Corporation of the City of Kawartha Lakes

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

5 1/2 Lot 15 Con 4  
Planning on tiling entire lot. Area requiring drainage  
east side of lot.

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

**Purpose of the Petition (To be completed by one of the petitioners. Please type/print)**

Contact Person (Last Name) <u>Desroches</u>	(First Name) <u>Janette</u>	Telephone Number <u>705 786 3392</u> ext.
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Address	
Road/Street Number <u>281</u>	Road/Street Name <u>Ranch Road</u>

Location of Project	Concession	Municipality	Former Municipality (if applicable)
Lot <u>5 1/2 Lot 15</u>	<u>4</u>	<u>City of Kawartha Lakes</u>	<u>Mariposa</u>

What work do you require? (Check all appropriate boxes)

- ☒ Construction of new open channel  
☒ Construction of new tile drain  
☐ Deepening or widening of existing watercourse (not currently a municipal drain)  
☐ Enclosure of existing watercourse (not currently a municipal drain)  
☐ Other (provide description ▼)

Name of watercourse (if known)

Estimated length of project 1,000'

General description of soils in the area

gravel, clay, loam

What is the purpose of the proposed work? (Check appropriate box)

- ☐ Tile drainage only ☐ Surface water drainage only ☒ Both

**RECEIVED**

**NOV 10 2020**

Petition filed this 10<sup>TH</sup> day of NOVEMBER, 20 20

Name of Clerk (Last, first name)

WATTS, JOEL (DEPUTY CLERK)

Signature

OFFICE OF THE CITY CLERK  
**KAWARTHA LAKES**

[Signature]

**Property Owners Signing The Petition**

Page \_\_\_\_\_ of \_\_\_\_\_

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description
	Con 4 PT 5 1/2 Lot 15
Ward or Geographic Township	Parcel Roll Number
04 Mariposa	1651 110 02009100.0000

I hereby petition for drainage for the land described and acknowledge my financial obligations.

**Ownership**☒ **Sole Ownership**

Owner Name (Last, First Name) (Type/Print)

Signature

Date (yyyy/mm/dd)

Desroches Janette

Janette Desroches

2020/10/10

☐ **Partnership (Each partner in the ownership of the property must sign the petition form)**

Owner Name (Last, First Name) (Type/Print)

Signature

Date (yyyy/mm/dd)

☐ **Corporation (The individual with authority to bind the corporation must sign the petition)**

Name of Signing Officer (Last, First Name) (Type/Print)

Signature

Name of Corporation

Position Title

I have the authority to bind the Corporation.

Date (yyyy/mm/dd)

Number	Property Description
Ward or Geographic Township	Parcel Roll Number

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**Ownership**☐ **Sole Ownership**

Owner Name (Last, First Name) (Type/Print)

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Name of Signing Officer (Last, First Name) (Type/Print)

Signature

Name of Corporation

Position Title

I have the authority to bind the Corporation.

Date (yyyy/mm/dd)

☐ **Check here if additional sheets are attached**

Clerk initial

**Petitioners become financially responsible as soon as they sign a petition.**

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

**Notice of Collection of Personal Information**

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D. 17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (*municipality to complete*)

and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 826-3552.