



**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: December 9, 2021
To: Drainage Board
From: Michael Farquhar Manager of Technical Services – Engineering & Corporate Assets
Re: Petition for Municipal Drainage
Curtin Petition
CC: Juan Rojas Director of Engineering and Corporate Assets

Recommendation:

That the Memorandum from the Drainage Superintendent - Engineering and Corporate Assets, December 9, 2021, regarding the Petition for Drainage Works by Owners of Concession 3, Part Lot 8, Geographic Township of Fenelon (being Michael Curtin) be received;

That Council proceed with the petition submitted by Michael Curtin for drainage works for Concession 3, Part Lot 8 Geographic Township of Fenelon to be known as the Curtin 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 Curtin Municipal Drain.

Background:

The subject area/land is located at 168 Halls Road. It is bounded by Halls Road to the west (refer to appendix A) and Killarney Bay road to the east. There are no existing Municipal Drains within the vicinity. The area of the land identified in the petition is approximately 40 acres in size which fronts on Killarney Bay road.

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 B).

The Drainage Superintendent had been contacted in the past to assist the land owners in this area for information regarding 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 through the adjacent land owner's properties. Property owners of 168 and 140 Halls road both sought out to achieve a sufficient outlet for their drainage through the property known as 255 Killarney Bay road however were unable to come to terms with the land owner of 255 Killarney Bay road to come to agreement through a Mutual drain under the Ontario Drainage Act.

On December 2, 2021 the City of Kawartha Lakes Clerks Department formally received a Petition for Drainage Works within the subject area (Appendix A).

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 with the information available, this option is not feasible due to topography and the natural watercourse. A pointed engineer can explore this option further. 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 14, 2021 or January 25, 2022 Regular Council Meeting.

Attachments:

Appendix A – Map of area requiring Drainage

Appendix B – Map of KRCA regulated area

Appendix C – Petition for Drainage Works by Owners – Curtin



Appendix A Area
requiring drainage.



Appendix B KRCA
regulated area map.



Appendix C Form 1
Petition for Drainag



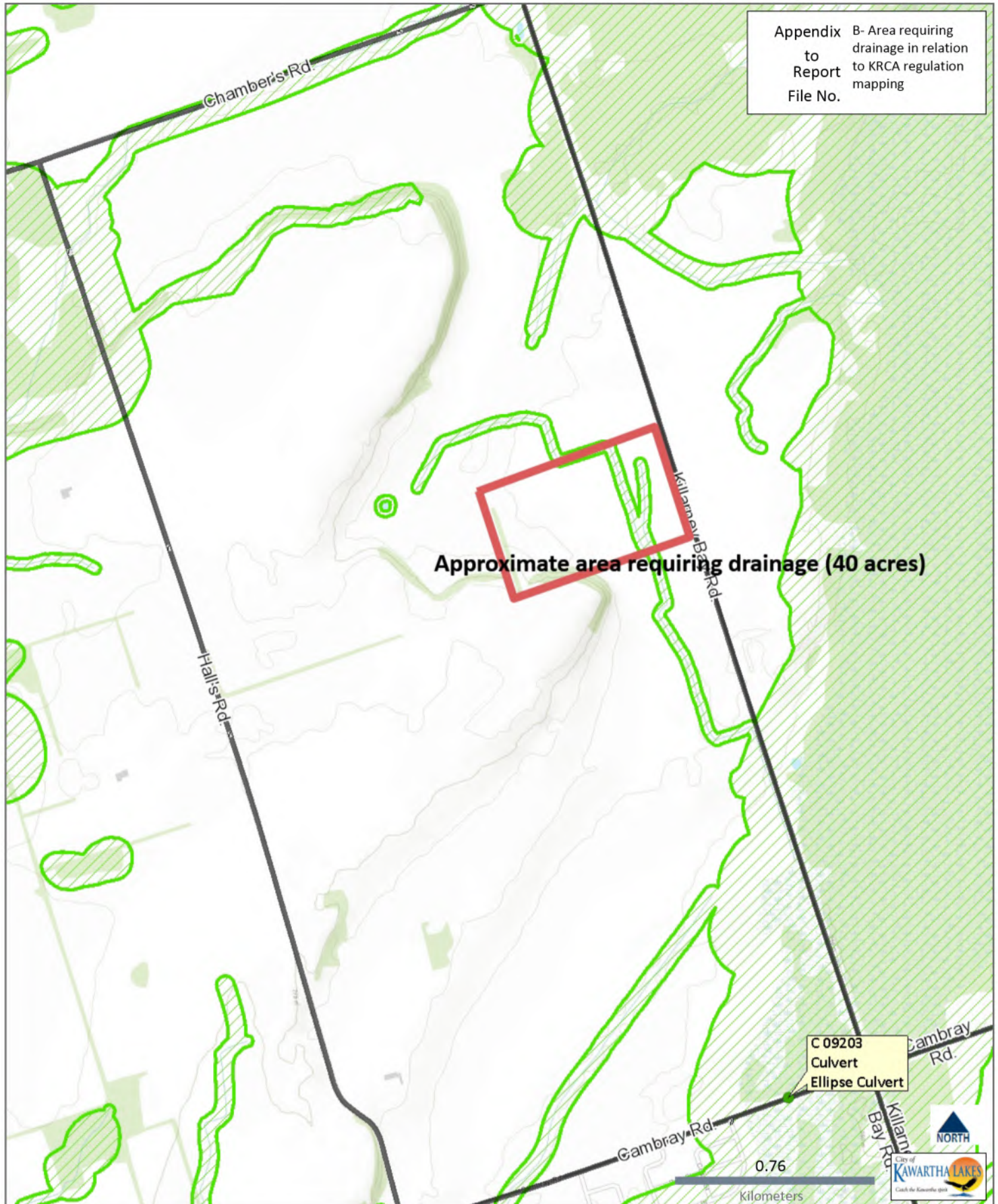
Appendix A
to
Report Curtin Drain petition
File No.

Approximate area requiring drainage (40 acres)

C 09203
Culvert
Ellipse Culvert

0.76

Kilometers



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)

Estimated 40 acres located on Part Lot 8,
concession 3 abutting Killarney Bay Rd.

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>CURTIN</u>	(First Name) <u>MICHAEL</u>	Telephone Number <u>(705) 879-1043</u> ext.
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Address	
Road/Street Number <u>168</u>	Road/Street Name <u>Hall's Rd</u>

Location of Project	Lot <u>8</u>	Concession <u>3</u>	Municipality <u>Lindsay (CKL)</u>	Former Municipality (if applicable) <u>Fenelon Twp.</u>
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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

General description of soils in the area

Clay Loam

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

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

Petition filed this _____ day of _____, 20__

Name of Clerk (Last, first name)

Signature

- 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	Parcel Roll Number
168	Hall's Rd Lindsay, Con 3 PT Lot 8	1651 210 01010400.0000
Ward or Geographic Township		
Fenelon Twp		

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

Ownership

☒ Sole Ownership

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

CURTIN, MICHAEL

Signature

/C F

Date (yyyy/mm/dd)

2021/11/03

☐ 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

I have the authority to bind the Corporation.

Position Title

Date (yyyy/mm/dd)

Number	Property Description	Parcel Roll Number
Ward or Geographic Township		

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)

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

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Signature

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☐ 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

I have the authority to bind the Corporation.

Position Title

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*)