

When 149 Fenelon Drive was purchased in 2016, there were no prescriptions, easements or overland water agreements on the title to date. (See Listing)

The garage has a Building permit which was issued and approved in 2003 by the City of Kawartha Lakes stating 6ft to the left of the building to the property line and this is on file with CKL. (See Building Permit)

This was 1st brought to City of Kawartha Lakes (CKL) attention back in April of 2017 as no response or efforts were made back then. With continued efforts over the years being manipulated and redirected to corrections that never happen or discuss.

First told to it was not right, give us time and let me see what we can do, mentioned about a French drain or other diversion options. It wasn't in the budget, not in the works. Well, here we are 7yrs later and still nothing has been done.

It was under our impression as they started a full ditching program back in 2022 within Southview Estates that eventually the water issue would be addressed and dealt with, this was not the case. As CKL made drastic changes to the 24" culvert that faces 149 Fenelon Drive on Cameron Road in August 2023 by lowering it 18" and shooting a beam across private property, with no communication with the owners or discussing what this change may cause. We advised CKL back in 2017 that if any upstream changes were going to happen to notify us as these changes as it would make a drastic change in the water flow across the property, as we were not ok with this. This was made clear to CKL.

As we have not had any resolutions or feedback to solve the issues, a memorandum was put forward to CKL Council on November 23, 2023. We need answers and a solution, this has gone on for too long, 7yrs with no answers or resolutions from CKL is unacceptable.

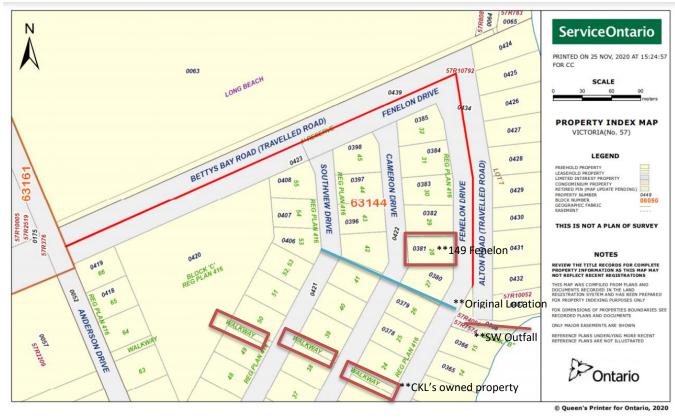
We have also asked for the Stormwater Management Plan for Southview Estates and well to our surprise there isn't one as per 2017 and have continued to ask for this to date along with other questions and still no luck as of today, this was done through Report It and directly to CKL's staff emails.

CKL also has approved two swimming pools on Cameron Road and well where do you think all that water goes when they must drain those pools... that water goes across 149 Fenelon's private property, along with all resident's local sump pump water and all the Stormwater from Cameron Drive flows through 149 Fenelon Drive's Property / CKL cannot have both an approved building and

an overland water drainage area both within a 6ft area. It is one or the other.

As the building permit is the most recent and current permit on file for 149 Fenelon Drive, this is what stand and not the "I think there maybe a prescription" as Juan Rodieguez stated in a meeting with Councilor Mike Perry and Corey Crowder, that so-called unregistered prescription is now noll and void. When the building permit was to be issued, it should have been at that time an easement for overland water should have been addressed, it was not, so the building permit stands. Remove the water that is crossing private property and is within 3 ft of the building.

On the original site plan there is no mention of prescriptions or easements and this would have been stated on the site plan with a comment on the property to see notes, there are no notes on the site plan of this. Remove the water and put it on CKL's owned property which is the most viable and feasible. We have also offered for CKL to buy the entire property of 149 Fenelon and at this time I would like to note to the council that we have discussed many options and still nothing is being done.



Clear the record from Memordanum issued to Council Nov. 23, 2023

- "This stormwater does not go from private property to private property". It is actually goes from CKL property across private property back to CKL property.
- "The homeowners made modifications" There are no modifications made to the area in question. We even modified our
  driveway to accommodate the water, which is now heaving and splitting (see photo). Driveway was completed by a CKL
  approved vendor.
- "This has always been there"... in fact in the original subdivision plan and aerial photo from 1969, this swale (not a ditch)
  was not on 149 Fenelon, it lined up with the large diameter culvert that goes to the outfall to Sturgeon Lake. (see photos
  below)
- "This is a ditch" this is not a ditch, it is at most a 4" swale which levels out at the front of the property.
- "There are no other options". CKL owns property 4 doors down which can be used as the drainage ditch and remove it from the private property of 149 Fenelon Drive. CKL would also be able to follow Cameron road down to the other end and under the road and follow the large storm ditch that goes to the storm outfall to sturgeon lake.

After 7yrs we have exhausted all our efforts to make this right and correct CKL's wrongdoing and the lack of communication or resolutions or mediation of this issue is totally unacceptable.



Aerial View from 1969 Original Drainage Plan which lines up to the culvert on Fenelon to the outfall to Sturgeon Lake



(The starting of the thaw) Refreezing over the small swale and eroding the hedges, trees, driveway and undermining the buildings foundation



A typical winter



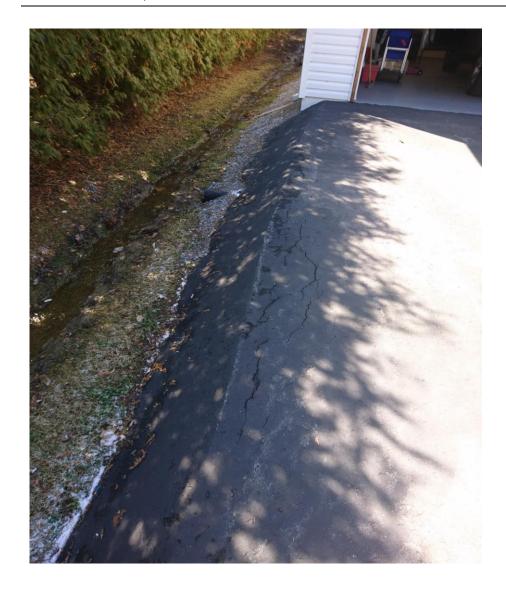
The thaw and freeze



The width of the water/ice during winter

This is a typical flow/speed when it rains. The volume can double if a complete downpour.

This amount of water/flow should not cross any private property this close to a permitted building.



Erosion and splitting of driveway due to erosion and soft soil.

This erosion and soft soil is now causing foundation issues within the building.



Summer Erosion after a typical rain storm