



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

Date: June 20, 2024
To: Drainage Board
From: Richard Monaghan, Drainage Superintendent – Engineering & Corporate Assets
Re: Petition for Abandonment of the Dykstra Municipal Drain
CC: Mike Farquhar, Manager of Technical Services

Recommendation:

That the Memorandum from the Drainage Superintendent - Engineering and Corporate Assets, June 20, 2024, regarding the Petition for Abandonment of the Dykstra Municipal Drain for be received;

That Council proceed with the abandonment of the Dykstra Municipal Drain and instruct the City Clerk to proceed with the notices required under Section 84(1) of the Drainage Act; and

That pursuant to Section 84(3) of the Drainage Act, staff recommend to Council a Drainage Engineer to examine the proposed Abandonment of the Dykstra Municipal Drain in the event a landowner requests such a report within the timelines of the Drainage Act.

Background:

The Dykstra Drain was originally petitioned for by a Robert Dykstra for his lands located in Concession 6 North Part Lot 16 and 17. An Engineer's Report was completed on July 25, 1973 by R.E. Winters and Associates and the drain was subsequently constructed. The drain has been inspected periodically over the years and has received minor maintenance including tile repairs and a bottom only cleanout of the open portion of the drain.

Brian Davidson (landowner of the former Prouse lands) approached the City about enclosing the drain on his lands. Several options were offered including:

- Drain Enclosure as a major improvement project under Section 78(1) of the Drainage Act. This would allow the open portion to be enclosed with pipe but requires an engineer to be appointed and prepare a report. This process was undertaken in recent years by another landowner on the Hugh Davidson Municipal Drain
- Extending the existing access culvert as a minor improvement project under Section 78(5) of the Drainage Act. This would allow the access culvert to be larger to accommodate modern farming equipment but would leave the drain mostly still open. An engineer would still need to be appointed but the process following is far less intensive than a major improvement project
- Abandon the drain under Section 84 of the Drainage Act. This would remove all status and rights for the drain under the Drainage Act and it would become private infrastructure on each landowner's land. The challenge in pursuing abandonment is getting 3/4 of landowners owning not less than 3/4 of land assessed into a drain, to agree to sign a petition for abandonment

The landowner felt they could achieve the threshold for a petition to abandon the drain and proceeded to engage with his neighbors about this. Abandonment was his preferred option due to the cost and time required for a major or minor improvement project. The abandonment process is much simpler and would only require an engineer to be appointed and prepare a report if a landowner assessed into the drain requested it.

On April 18, 2024, Brian Davidson submitted a signed petition for abandonment of the Dykstra Drain to the Clerks office. This petition was also signed by 3 other landowners that compromised in total 86% of lands assessed into the drain. As three quarters of owners owning not less than three quarters of land assessed into the drain have signed the petition, it is valid pursuant to Section 84(1) of the Drainage Act.

By Council proceeding with the Abandonment of the Dykstra Municipal Drain, all infrastructure that currently exists as part of the drain would become private infrastructure to be maintained by the corresponding landowners. The municipality would no longer have any requirement under the Drainage Act to maintain any part of the drain on private lands.

However, there currently is a 600 mm CSP culvert under Eldon Road that would now be maintained by City at full cost to the City instead of shared amongst all landowners. From the City's perspective, we would no longer be paying any assessment into maintenance on other

lands within the drain. The abandonment of this drain isn't expected to have a significant change in budget requirements for the City.

Alternatives:

As the landowners meet the threshold for abandonment under the Drainage Act, it is recommended that Council proceed with the abandonment process. The Dykstra Drain is quite small with very few affected landowners. If Council did not proceed with abandonment, the Municipality could be open to an appeal to the Drainage Tribunal.

Attachments:

Appendix A – Petition for Abandonment

Appendix B – Map of Landowners Signed onto Petition



Appendix A -
Petition for Abando



Appendix B - Map
of Landowners Sign