

DATE: September 16, 2024

REPORT NO: PW-21-2024

SUBJECT: **Mill Creek Municipal Drain Petition - Withdrawn**

CONTACT: Ray Vachon, C.E.T., Project Manager
Mike DiPaola, P. Eng., Director of Public Works & Recreation

OVERVIEW:

- On September 26, 2019, the Township received from Mr. Frank Svob, a Petition for drainage works under Section 4 of Drainage Act for the Mill Creek ditch, which is an open ditch in the area of Wiley Road and East Chippawa Road.
- On December 16, 2019 Council appointed RJ Burnside to prepare a Preliminary Report for the Mill Creek Drain under Section 10 of the Drainage Act.
- On May, 2021, Council directed the Engineer to proceed with a Final Report with Scenario No. 2 from the Preliminary Report.
- On July 17, 2024, there was a public meeting in Council Chambers with affected residents to discuss the draft Final Report.
- On August 15, 2024, Mr. Frank Svob submitted a signed request to our Clerk's department to withdraw his petition for a new drain.

RECOMMENDATION:

That, Information Report PW-21-2024, titled "Mill Creek Municipal Drain Petition – Withdrawn", dated September 16, 2024, be received.

ALIGNMENT TO STRATEGIC PLAN:

Not Applicable

BACKGROUND:

In September 2019, a petition for drainage works under Section 4 of the Drainage Act was filed with the Clerk from Mr. Frank Svob, 816 River Road, Fenwick, for Con BF PT Lot 26 PT Lot 27, two properties lying between Wiley Road and East Chippawa Road in the Township of West Lincoln.

After Council accepted the petition in October 2019, RJ Burnside was appointed in December 2019 to prepare a Preliminary Report, which was eventually presented to Council in May 2021.

As part of that meeting, Council directed the Engineer to move forward with the Final Report using Scenario No 2 from the Preliminary Report. The general location of this proposed Mill Creek Municipal Drain is illustrated and attached as Schedule B to this Report.

On July 17, 2024, the Engineer organized a public meeting with those affected by the new drain to discuss the draft design of the proposed municipal drain, prior to completing the Final Report. This would also serve as a Question & Answer opportunity for residents and to address any concerns. There were a number of residents that were opposed to the new drain, which has been the case since the first site meeting on August 6, 2020.

CURRENT SITUATION:

On August 15, 2024, the petitioner, Mr. Frank Svob, submitted a request (SCHEDULE A) to withdraw his original Section 4 petition for a new municipal drain as he believes it is no longer required.

To complete the process, the Engineer must file a report with the Clerk under Section 40 of the Drainage Act. This report will detail why the new drain is not required and also the total costs for the Engineer's fees, and by whom those fees will be paid. Although the majority of the costs will be borne by the original petitioner, there will be some costs assigned to others on the drain, including the Township. The magnitude of costs to each affected property owner will not be known until the Section 40 Report is completed.

Once the Section 40 Report is received by the Clerk, under the Drainage Act, the only requirement is that a notice to be sent to the original petitioner. However, the drainage engineer advised the Township that notification should be sent to all affected property owners identified in the Section 40 Report that may be required to cover their proportionate share of the engineering fees incurred to date. The Drainage Act does have an appeal process for property owners that are assessed to cover the costs incurred to date.

FINANCIAL IMPLICATIONS:

There are no known financial implications associated with this report at this time.

The cost attributed to each affected property owner, to cover the Engineering fees incurred to date, will be known upon completion of the Engineer's final Section 40 Report. It is anticipated that the majority of the costs will be borne by the original petitioner. If any costs are assigned to the Township, which are expected to be minimal, if any, those costs will need to be absorbed by the Township's Traffic Operations and Roadside Maintenance Operating Budget.

INTER-DEPARTMENTAL COMMENTS:

This report was reviewed by the CAO, Deputy Treasurer/Manager of Finance, and the Clerks Department.

CONCLUSION:

Administration recommends that Council receive this report as information

SCHEDULE(S):

SCHEDULE A – Petitioners request to withdraw his petition for a new drain.
SCHEDULE B – Key Plan

Prepared & Submitted by:

Approved by:

**Ray Vachon, C.E.T.
Project Manager**

**Truper McBride
CAO**

**Mike DiPaola, P. Eng.
Director of Public Works & Recreation**