

Council-In-Committee Meeting – December 14, 2021

Subject: Report to Hire an Engineer under the Drainage Act
Prescott Drain Branch E Alterations
Report Number: EIS 21-57
Division: Environmental and Infrastructure Services
Department: Engineering
Purpose: For Decision

Recommendation(s):

THAT staff report EIS 21-57 Report to hire an engineer under the Drainage Act, Prescott Drain Branch E Alterations be received as information.

AND THAT Council accept the Notice of Request for Drain Major Improvement form signed by Kerry Lannigan and dated November 9, 2021

AND FURTHER THAT Council appoints the firm of R. Dobbin Engineering Inc. in accordance with Drainage Engineering Services Roster.

Executive Summary:

Council is in receipt of a Notice of Request for Drain Major Improvements on the Prescott Drain Branch E. Staff recommend Council appoint an Engineer under the Drainage Act Section 78(1.1) to complete a report in response to this request.

Discussion:

Staff have been in discussions with the owner of part of Lot 1, Concession 2, former Geographic Township of Townsend. The Prescott Drain Branch E is an open ditch drain that runs through the center and east side of the owner's property and Prescott Drain Branch B runs along the south side of the property along Concession 3 Townsend. These drains restrict use and access to the south half of the owner's property. (Refer to Attachment No. 1 - Site Plan)

Staff have been in discussions with the owner regarding available options reduce or eliminate the restrictions to his property created by both Prescott Drain Branch E and Branch B. The options being considered were to Abandon, consolidate two drains into one, relocate or enclose the drain. Staff determined an Abandonment is a highly improbable option due to the existing drain servicing Highway 24 (MTO) road ditches as well as the watershed west of Highway 24. Staff are confident the drain could be relocated, consolidated or enclosed to maintain outlet for the upstream lands and road and better suit the owners land interests. As a result, the owner has filed the attached

Notice of Request for Drain Major Improvement dated November 15, 2021, requesting the Prescott Drain Branch E be enclosed. (Refer to Attachment No. 2) Upon receipt of this form Council must determine whether to accept the request and appoint an engineer to prepare a drainage report. If Council accepts the request, Council shall by by-law or resolution appoint an engineer. The engineer through Council's appointment becomes responsible to investigate and prepare a report including design, estimate and assessments to be presented to council and the owners for further decision. Staff recommend that Council accept the request and appoint an engineer.

Currently, Norfolk County is not assessed for any portion of the Prescott Drain Branch E. If the project proceeds and includes alterations to Prescott Drain Branch B under a new report, depending on the extent of the work the County may become responsible for a portion of the works.

An engineer once appointed under Section 78(1.1) of the Drainage Act the engineer shall hold an on-site meeting to examine the drain and meet with the owner discuss the affected owner's needs. Through the consultation process the engineer will be able to consider the request as received as well as any other available options to determine the most cost-effective solution to alter or improve the drain.

According to the Norfolk County Drainage Engineering Services Roster EIS-ENG-21-03 approved by Council at the July 13, 2021, Council-in-Committee meeting, R. Dobbin Engineering Inc. is the firm to be appointed. Staff have confirmed their compliance with the roster and availability should council resolve to proceed with the appointment.

Financial Services Comments:

The Approved 2021 Capital Budget includes an overall allocation of \$968,000 for the 2021 Municipal Drain Construction Program. This budget includes \$148,000 for the use of engineering services; a portion of which will be used to hire the engineer in relation to this petition.

Norfolk County's Drain Construction Program is funded through recoveries from affected landowners, tax levy (Norfolk County assessments) and ministry grants.

Norfolk County may be responsible for some of the costs related to the construction and future maintenance of the drain. Construction cost and assessment estimates are unknown at this time and will be presented to Council upon completion of the engineer report.

It should be noted, staff are continuing further efforts to determine future costs related to municipal drain construction and maintenance to ensure funds are set-aside to address Norfolk County's assessments.

Interdepartmental Implications:

All expenses related to work under the *Drainage Act* are financed through Norfolk County. These costs are then assessed to lands, roads and utilities in accordance with the *Drainage Act*. Assessments are calculated based on actual costs and are applicable to the owner(s) of lands according to the tax roll at the time of the bill preparation.

Consultation(s):

The General Manager, Environmental and Infrastructure Services was consulted during this process. The *Drainage Act* is a public process and the owners of lands affected by this project will be notified and consulted in accordance with the Act.

Once a drain report is adopted under By-Law, Norfolk County will become responsible for maintenance of the drainage works through the Drainage Superintendents.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Build and Maintain Reliable, Quality Infrastructure".

Explanation:

Municipal Drains once adopted under by-law provide an outlet for storm water for private and public lands and are maintained by Norfolk County in accordance with the drain by-laws through the Drainage Superintendent(s).

Conclusion:

Staff recommends that Council by resolution accept the request as received and appoint the engineering firm of R. Dobbin Engineering Inc. in response to the request as received.

Attachment(s):

1. Attachment No. 1 – Key Map
2. Attachment No. 2 – Petition for Drainage Works by Owners

Submitted By:
Jason Godby, BA, CET
General Manager, Public Works
For more information, call:
519-426-5870 ext. 1200

Reviewed By:
Mike King, CET
Director Engineering
For more information, call:
519-426-5870 ext. 8012

Prepared By:
Bill Mayes, A.Sc.T.
Drainage Superintendent
For more information, call: 519-426-5870 ext. 8018