

Section 40 Report
Bucholtz Municipal Drain Petition
Norfolk County
(Former Township of Middleton)



DIETRICH ENGINEERING LIMITED
CONSULTING ENGINEERS

Reference No. 0950

October 27, 2023



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Kitchener, Ontario

October 27, 2023

**Section 40 Report for the
Bucholtz Municipal Drain Petition
Norfolk County
(Former Township of Middleton)**

To the Mayor and Council
of Norfolk County

Members of Council:

1.0 Authorization

Dietrich Engineering Limited was appointed by a motion of Norfolk County Council to prepare a report under Section 4(1) of the Drainage Act R.S.O., 1990, during their June 9, 2009 Council meeting. Instructions to proceed were received from the County, and a petition was filed by the affected landowners; Norfolk County Road Authority, P. Welch (Pt Lot 57, Plan 397), F. Loschan (Pt Lot 46, Con 3), and D. Foresman (Pts Lot 56 and 57, Plan 397), Located in Pt. Lot 46, Concession 2 in Norfolk County, former Township of Middleton.

The petition is valid in compliance with Section 4(1)(a) of the Drainage Act, R.S.O., 1990.

An onsite meeting was held on November 6, 2009, to review the scope of the project with the Landowners involved and the Norfolk County Drainage Superintendent.

Information meeting no. 1 was subsequently held on February 16, 2011, at the Norfolk County Public Works and Environmental Services building to present the proposed location and design for the new drainage system as well as the estimated costs of construction and future maintenance assessments.

2.0 Existing Conditions & Findings

The existing Bucholtz Municipal Drain was constructed under the authority of a report prepared by J. Byron Wiebe, dated November 30, 1982, and consisted of the construction of an open drain system composed of the Main Drain and Branches 'A', 'B', and 'C'.

The 2009 petition, and subsequent investigation, found that the drain is not of sufficient capacity and depth to drain the upstream lands within the watershed to today's standards of drainage. The existing Branch 'B' was to be upgraded to a new tile drainage system and the remaining open portion of the drain was to be deepened to provide an adequate outlet for the proposed tile drainage system. Branch 'C' was to be upgraded to a new tile system and extended 178 metres to provide outlet for the frontages of the properties on Pine Grove Road.



3.0 Conclusions

The original petitioners are no longer interested in pursuing this project. In accordance with Section 40 of the Drainage Act, R.S.O. 1990, the undersigned Engineer has determined that drainage works arising from this Petition are not required because the current owners of the petitioning parcels have indicated they do not want the project to continue. No further work is needed unless the decision outlined in this report is reversed on an appeal to the Tribunal under Section 48 of the Drainage Act, R.S.O. 1990.

4.0 Assessment of Cost to Date

Project costs to date include engineering survey and design work, Landowner meetings and correspondence, interest charges and preparation of this Section 40 report.

Project costs shall be the responsibility of the current owners of the property identified on the petition and Norfolk County. The total costs to date incurred for work associated with this petition are \$13,130.47 + net H.S.T., for a total of \$13,332.42. Norfolk County shall bear the cost of all accumulated interest charges (\$1,655.81). A 30%/70% split shall be used to assess the remaining costs, with the petitioning property responsible for 30% of the costs and Norfolk County responsible for 70% of the costs, as per the schedule below.

Lot	Concession	Roll No.	Current Owner	Assessment
Pt. 46	2	70-109	D. Foresman	\$1,167.66
Pt. 46	2	70-110	P. & C. Welch	\$1,167.66
Pt. 46	2	70-125	F. Loschan	\$1,167.66
			Norfolk County – Interest Charges	\$1,655.81
			Norfolk County – Assessment	\$8,173.63
			Norfolk County – Total Assessment	\$9,829.44
Total				\$13,332.42

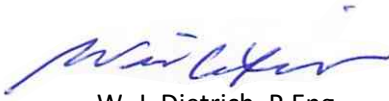
5.0 Report Procedure

We recommend that the County Council formally provide notice of the filing of this report to the requesting landowners in accordance with procedures of the Drainage Act R.S.O. 1990, along with a copy of this report. No other circulation of this report is required, and no further action will be taken under the Drainage Act R.S.O. 1990, on the petition submitted unless the decision of the Engineer in this report is reversed by an appeal to the Drainage Tribunal under Section 48 of the Drainage Act R.S.O. 1990.

In good faith, the outstanding balance of \$1,500.00 for engineering services provided by Dietrich Engineering Limited to date will not be invoiced to Norfolk County.

Respectfully submitted,

DIETRICH ENGINEERING LIMITED



W. J. Dietrich, P.Eng.

WJD:sm

