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File No. 22-076

SECTION 40 REPORT

KWASNIK PETITION

Norfolk County

Summary

On March 8, 2022, Norfolk County appointed K. Smart Associates Limited (KSAL) to prepare a report according to Section 4 of the Drainage Act, RSO 1990, as petitioned by Paul and Michelle Kwasnik (Roll No. 050-07300), regarding flooding on their property in Lot 1, Concession, 5, in Norfolk County, geographic township of Charlotteville.

KSAL accepted the appointment and indicated that Neal Morris, P. Eng. would be the Engineer assigned to this project.

Background

On December 6, 2021, the petition for Drainage Works was filed by Paul and Michelle Kwasnik (050-07300), and on March 28, 2022, the required on-site meeting was held at 23 Charlotteville Road 5, St. Williams. At the meeting, the Kwasnik's indicated that they had recently bought the property and have horse paddocks. Most of the low-lying lands on the property are flooding. There is a tile running across their property which crosses a septic line. They believe a ditch along Forestry Farms Road should be dug to alleviate flooding. They also indicated that they need two culverts to access their property.

Lou and Barbara Winter (Roll No. 040-2360) noted flooding on their property which they believe is due to the County Road ditch being filled in and rerouted through Roll No. 050-07400 and 050-07300 properties. The Winter's believes the County should install culverts along Forestry Farm Road at no cost to everyone else.

Following the detailed survey, agency consultation and design on February 22, 2024, a second site meeting was held with landowners to discuss the proposed design to address the Kwasnik petition. The consensus among landowners was that Norfolk County should pay a greater share of the project costs, as their work along Forestry Farm Road exacerbated the existing problems.

On March 13, 2024, Norfolk County requested KSAL prepare an item list and drawings for a reduced scope of work to resolve the drainage concerns. The reduced scope involved approximately 91m of 600mm diameter pipe and 294m of ditch work, as shown in the attached Drawing 1. In April and May 2024, Norfolk constructed the reduced scope of work with its own forces on its right-of-way. On April 24, 2024, Kwasnik responded that the work completed by Norfolk County resolved the flooding problems. Therefore, the work identified in the original petition is no longer required.

Consequently, this report has been prepared under Section 40 of the Drainage Act to discontinue work under this appointment. No further action will be taken under the Drainage Act.

Conclusion

As a result of the above review, the undersigned has determined that an Engineer's Report for drainage improvement on the Kwasnik Petition is not required. The drainage issue on Kwasnik's property was resolved by the work performed by Norfolk County on the right-of-way for Forestry Farm Road.

Cost to Date

The Engineering cost incurred for work associated with the appointment is \$31,600 (not including Net HST). Costs are broken down as follows:

Table 1. Cost to date

Background Research	1,800
On-site Meeting	2,150
Preliminary Design	2,300
Survey/Site Investigation	5,120
Hydrology and pipe sizing	4,000
Utilities	550
Design	6,370
Assessment Schedules	3,540
Public Meeting	2,370
Tender Document	1,800
Section 40 Report	1,600
Sub Total:	\$ 31,600
Net HST (1.76%)	\$556
Total	\$ 32,156

We are aware of the County's Drainage Improvements Initiative, which exists to resolve drainage concerns by implementing solutions that can be constructed within the County's road right-of-way. Since construction costs and the above engineering costs have been paid by the County through the Drainage Improvements Initiative, there are no remaining costs to be distributed.

Report Procedure

Following Section 40 of the Drainage Act, the Clerk shall notify Council and Paul and Michelle Kwasnik of the filing of this report (Roll No. 050-07300). Though not specified in Section 40, the notice for Paul and Michelle Kwasnik should include a copy of this report. No other circulation of this report is required, and no further action would be taken under the Drainage Act on the appointment unless the Engineer's decision in this report is reversed by an appeal to the Drainage Tribunal under Section 48 of the Drainage Act.

All of which is respectfully submitted.



Neal Morris, P. Eng.

