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Council Meeting – October 28, 2025

Subject: Mills-South Norwich Drain Branch A – Report Consideration
Report Number: PW-25-016
Division: Environmental and Infrastructure Services
Department: Environmental Services
Ward: Ward 2
Purpose: For Decision

Recommendation(s):

That staff report EIS-25-016 be received as information; and

That Council adopt a by-law for the Branch A of the Mills-South Norwich Municipal Drain report, dated January 26, 2025, prepared by Stephen Brickman, P.Eng.; and

That staff send a copy of the provisional by-law and notice of Court of Revision to all affected owners in accordance with the *Drainage Act*; and

That upon completion of the *Drainage Act* appeals, the Drainage Superintendent proceed with completion of the drainage works in accordance with report; and

Further that the Approved Capital Budget be amended to reduce the budget of the Mills-South Norwich Drain Branch A from \$160,000 to \$149,000, with funding to provided in line with Table 1.

Executive Summary:

The purpose of this report is to inform Mayor and Council that Norfolk County has received the Mills-South Norwich Drain Branch A (Stubbe's Branch) Report, and to seek Council's decision on whether to adopt the report by by-law in accordance with the *Drainage Act* and to proceed with the drainage works.

The subdivision site is part of Lot 25, Concession 1 STR, within the geographic Township of Middleton. Staff brought report EIS-23-047 to Council in response to a Petition for Drainage Works by Owners, and the resultant resolution was that Council appointed Headway Engineering to prepare an engineer's report.

To proceed, Council has the option to adopt the engineer's report as a by-law authorizing construction of the work or Council may choose to refer the report back to the engineer for revisions.

Based on the conclusions outlined in the report prepared by Headway Engineering, staff recommend that Council adopt the report by by-law and proceed with authorization of the construction.

The adoption of this report will result in a budget amendment to the Capital Budget, reducing the previously established budget for the Mills-South Norwich Drain Branch A project from \$160,000 to \$149,000. This amendment will also result in a reduced funding requirement from the Drain Construction Reserve, which will have a favourable financial impact to the County.

Discussions:

Headway Engineering was appointed under Council resolution under staff report EIS 23-047 in response to a Petition for Drainage Works by Owners. The petition related to establishing a legal and adequate outlet for the proposed residential subdivision development in Courtland. The subdivision site is part of Lot 25, Concession 1 STR, geographic Township of Middleton.

Staff are in receipt of a final report for Branch A of the Mills-South Norwich Drain, dated August 22, 2025. (Refer to Attachment No. 1) The proposed drain incorporates the design completed by the consultant for Stubbe's Development Property for the proposed subdivision stormwater management design. Adopting this work under the *Drainage Act* will create a legal outlet from the development, across private lands, to the existing Mills-South Norwich Drain.

Norfolk County Development Engineering staff and the developer's consultant coordinated the storm design and approvals through the subdivision review process. Headway engineering has completed the *Drainage Act* report to incorporate the approved design under the *Drainage Act* report.

The Total Estimated Project cost is \$148,100. Norfolk County is assessed \$1,523 to Byerlay Side Road. Private owners within the watershed are assessed \$5,154. The balance is assessed to the development property.

The *Drainage Act* provides that the engineer must assess all contributing lands and roads, however, does not prevent one (1) owner from paying the assessment of others. The County is in receipt of an offer from the developer to pay 100% of the costs associated with the project (Refer to Attachment No. 2). Staff are recommending this offer be accepted to reduce collections from private owners in the watershed and to the County. As a result, staff will complete interim invoicing to the developer to work to collect costs in line with this offer; however, it should be noted that the by-law for construction will not reflect this payment offer, and that future maintenance assessments will still be collectable from those assessed within the engineer's assessment schedule.

Finance Comments:

The Approved 2025 Capital Plan includes an allocation of \$160,000 related to the Mills-South Norwich Drain Branch A project, with funding to be provided from external recoveries (\$144,000) and the Drain Construction Reserve (\$16,000).

The estimate for this project was established prior to the receipt of the final engineer's report, and as a result, staff are recommending the project be amended to reflect the engineer's report and assessment schedule. This would result in a reduction to the expenditure budget from \$160,000 to \$149,000; the funding amendment is provided in Table 1 below.

Table 1 – Funding Amendment

Funding Source	Approved Budget (\$)	Amendment (\$)	Recommended Budget (\$)
External Recoveries	144,000	3,000	147,000
Drain Construction Reserve	16,000	(14,000)	2,000
Total	\$160,000	\$(11,000)	\$149,000

This amendment will have a favourable impact on the Drain Construction Reserve, as capital commitments from this reserve will be reduced.

As outlined in Attachment 2, the County has received a formal letter from the developer offering to make full payment for the project. Staff have recommended the budget amendment be processed in line with the engineer's report, but have, and will continue to bill the developer on an interim basis in order to collect 100% of costs related to this project. Based on current plans for the project, the developer will complete the construction work in line with the engineer's report, and as a result no interim billing will be required for the construction work.

Upon project completion, staff will provide an update if all funds have been successfully recovered from the developer, or if a subsequent billing in line with the assessment schedule is required. Staff do not anticipate collection issues at this time, as the interim billing completed to date was paid in a timely fashion by the developer.

Interdepartmental Implications:

Not Applicable

Consultation(s):

Development Engineering and Finance have been consulted in the preparation of this staff report.

Strategic Plan Linkage:

Building Norfolk - Develop the infrastructure and supports needed to ensure complete communities

Attachment(s):

- Attachment 1 – Branch A of the Mills-South Norwich Drain Report
- Attachment 2 – Stubbe's Payment Letter

Approval:

Approved By:
Al Meneses, CAO

Reviewed By:
Andrew Grice, General Manager Public Works
Stephanie Davis, Director Environmental Services
Chris Dunn, Manager Stormwater and Drainage

Prepared By:
Bill Mayes, Drainage Superintendent