

To:
Municipality of West Elgin
Terri Towstiuć
22413 Hoskins Line
Rodney, On
N0L 2C0

Re: Petition for drainage of lands

Take notice that the Council of the Corporation of the Municipality of Dutton Dunwich
has considered the petition for drainage at their meeting dated 2024/06/26 and decided:

Not to proceed with the drainage works.

To proceed with the drainage works.

Reason(s) for not proceeding with the drainage works:

Name of Clerk (Last Name, First Name)

Kretschmer, Tara

Signature of Clerk



Date (yyyy/mm/dd)

2024/07/05

Right of Appeal: If council has decided not to proceed with the drainage work, a petitioner may appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal. *Drainage Act, R.S.O. 1990, c. D.17, subs. 5(2).*





Municipality of
Dutton Dunwich

MUNICIPALITY OF DUTTON DUNWICH

Council Meeting

Resolution Number 2024.13.06

Date: June 26, 2024

Moved by: C. Pemberton

Seconded by: A. Drouillard

That Council receives the Drainage Act Section 78(1) request the Ministry of Transportation to Improve the Government #1 Drain North

And decides to proceed and that Council instructs the Clerk to proceed with the required notification as required in Section 78(2) of the Drainage Act to the Lower Thames Valley Conservation Authority

And that the clerk notify the requester of its intention to proceed and appoint an engineer once the 30 days notice required in Section 78(2) has passed

And further send notice to the Municipality of West Elgin of the receipt of this Section 78(1) request, along with a copy of this report and ask that their Council consider the request of the Municipality of Dutton Dunwich to combine this project with their current improvement project that is in the hands of the Engineer for the Government #1 Drain North in the Municipality of West Elgin.

Motion: CARRIED



Municipality of
Dutton Dunwich

TO: Mayor and Members of Council
FROM: Brent Clutterbuck, Drainage Superintendent
DATE: June 26, 2024
SUBJECT: Section 78(1) request to Improve the Government #1 Drain North

RECOMMENDATION:

That Council receives the Drainage Act Section 78(1) request the Ministry of Transportation to Improve the Government #1 Drain North

And decides to proceed and that Council instructs the Clerk to proceed with the required notification as required in Section 78(2) of the Drainage Act to the Lower Thames Valley Conservation Authority

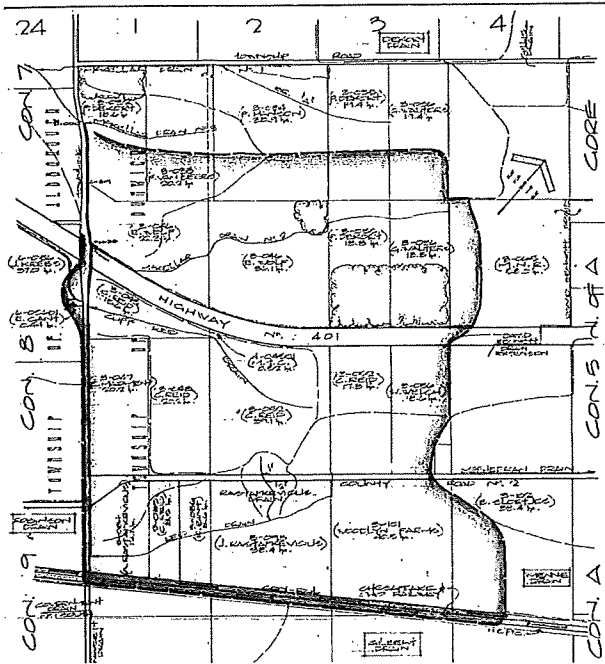
And that the clerk notify the requester of its intention to proceed and appoint an engineer once the 30 days notice required in Section 78(2) has passed

And further send notice to the Municipality of West Elgin of the receipt of this Section 78(1) request, along with a copy of this report and ask that their Council consider the request of the Municipality of Dutton Dunwich to combine this project with their current improvement project that is in the hands of the Engineer for the Government #1 Drain North in the Municipality of West Elgin.

FOR INFORMATION:

On June 6, 2024 the Clerk received a Section 78(1) request for a major improvement for the Government #1 Drain North from the Ministry of Transportation for the 401.

The Government #1 Drain North is an open ditch on the east side of Dunborough Road in Dutton Dunwich. It provides a drainage outlet for about 415 ha of land in Dutton Dunwich including 18.2ha of the 401. This drain affects parts of Lots 1 through 4, Concession Gore, 5 South of A and A as shown below.



Earlier this year the Municipality of West Elgin received a request to improve the Government #1 Drain North in West Elgin. An Onsite meeting under the Drainage Act was held by the Engineer on April 25, 2024.

Since the Engineer is currently working on a drainage report to improve this drain in West Elgin to Dunborough Road (the municipal boundary) it would be efficient for the Engineer to carry on and also improve the section of municipal drain within the municipality of Dutton Dunwich all in one report for the entire drain

Section 78(4) of the Drainage Act states

Proceedings

(4) All proceedings, including appeals, under this section shall be the same as on a report for the construction of a drainage works. R.S.O. 1990, c. D.17, s. 78 (4).

Section 8(4) of the Drainage Act states:

One report on two or more petitions

(4) The council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more adjoining areas that require drainage. R.S.O. 1990, c. D.17, s. 8 (4).

Because of section 78(4) is providing the guidance that all proceedings for a section 78(1) request to improve a drain will be the same as a report for the construction of a drain I am of the opinion that Section 8(4) will apply and that the Council of the Municipality of Dutton Dunwich is able to ask the Council of the Municipality of West Elgin to consider adding this request to the current project for this same drain in West Elgin.

Financial Implications

The municipality of Dutton Dunwich will not have any assessment to this drain. Dunborough Road and Pioneer Line are County of Elgin roads, the 401 is the province of Ontario and there are approximately 34 affected properties in Dutton Dunwich. Financially it would be

expedient to ask West Elgin to add this request and the work associated with it to the Government #1 Drain North project that the Engineer is currently working on. If this request was added to the current project ongoing in West Elgin it would mean that the engineer would only be required to write one report. This would also mean that there would only be one Meeting to Consider the Report required, and One Court of Revision convened.

ALIGNMENT WITH STRATEGIC PRIORITIES

Financial Stewardship	Economic Development	Municipal Infrastructure	Vibrant Community
<input type="checkbox"/> Adopt and execute an Asset Management Plan <input type="checkbox"/> Begin creating a Financial Management Plan <input type="checkbox"/> Forecast a multi-year budget process and plan	<input type="checkbox"/> Develop a Community Improvement Plan <input type="checkbox"/> Develop a Downtown Revitalization Plan <input type="checkbox"/> Encourage and garner investment in Dutton Dunwich	<input type="checkbox"/> Develop tools to implement the Asset Management Plan <input type="checkbox"/> Advocate for high speed internet service and natural gas services to rural communities <input type="checkbox"/> Complete expansion of the Wastewater Treatment Plant	<input type="checkbox"/> Explore and enhance community engagement <input type="checkbox"/> Provide increased opportunities to participate in sport, leisure, recreation and cultural activities, events and programs <input type="checkbox"/> Support the inclusion of all residents in the community

Respectfully Submitted

Brent Clutterbuck
 Drainage Superintendent

Approved for Submission

Tracy Johnson
 CAO/Treasurer