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**Date:** June 17, 2019  
**To:** Mayor and Council  
**Author:** Ken Vegh, CRS  
**RE:** Train Court Update  
**Report No.:** MS 2019-30

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## **AIM**

The aim of this report is to provide Council with an update of the drainage issues of Train Court.

## **BACKGROUND**

### **286-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly Deyong

*That Council direct Administration to provide an update as to the past drainage studies regarding the site (field) and adjacent lands near Train Court, including options and recommendations, and further, That Council directs Administration to notify the Train Court and other residents in the vicinity as to the date the report is being presented to Council.*

The Municipal Services Department has been aware of the drainage concerns within this area Since July of 2015. A petition was submitted under Section 4 of the Drainage Act in July of 2015. The three (3) signatures on the petition were as follows:

1. Michael and Rebecca Foldesi
2. Anna Jugovic
3. Town of Kingsville (as a landowner and not the Road Authority)

In September of 2015 the engineering firm of N.J. Peralta was appointed to deal with the drainage works described in the petition.

Notices were issued to all potentially affected landowners to attend a meeting on January 6, 2016. A total of 17 people attended with 13 properties being represented.

At this meeting the landowners were advised that a Drainage Petition was submitted to address the current flooding situation. Considerable discussions regarding the extent of the flooding and each landowner expressed their concerns. Many landowners expressed their opinion that the flooding had been ongoing since the homes were initially constructed.

In accordance with Section 4 of the Drainage Act a review of the “Area Requiring Drainage” was performed by the engineer. The review found that there are eight (8) properties that require drainage. This area consists of approximately 6,418 square metres.

**Section 4. (1) (a)** requires that “the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including any owners of roads in the area”.

Based on the review of the engineer only three (3) of the eight (8) properties within the Area Requiring Drainage signed the petition and at least two (2) more landowners would need to sign the petition to make it valid. Without a valid petition we could no longer proceed under the laws of the Drainage Act.

Since the attempt to solve the drainage issues through the Drainage Act process failed, the process of entering into a Mutual Drain Agreement with the lands owned by Sam Youssef, Essex Region Conservation Authority and the Town of Kingsville. Negotiations between the three (3) parties was a challenging process. It was during these negotiations that the Municipal Services, in an attempt to alleviate the drainage concerns constructed a surface water catchment system on Town property at the east of Gladstone Ave. This catchment system was installed in the spring of 2017.

It was not until the spring of 2019 that we were informed that the catchment system was not sufficient during significant rain events such as the three (3) day rain event which occurred Easter weekend 2019. It was at this time Municipal Services began internal discussions to develop additional catchment system designs.

## **DISCUSSION**

Municipal Services is currently in the process of obtaining easement rights to install additional catchment systems on two properties. Once the legal requirements have been achieved then construction of the surface water collection system that has been approved by our drainage engineer will begin. It is anticipated that this process will commence in the summer of 2019

## **LINK TO STRATEGIC PLAN**

To become a leader in sustainable infrastructure renewal and development.

## **FINANCIAL CONSIDERATIONS**

The estimated cost of \$30,000 to obtain the easements as well as the construction of the surface water catchment system will be absorbed within the Municipal Services drainage budget.

## CONSULTATIONS

Municipal Services- Internal Review  
N.J. Peralta Engineering

## RECOMMENDATION

That Council receive this report regarding drainage issues on Train Court for information purposes.

*Ken Vegh*

Ken Vegh, CRS  
Drainage Superintendent

*Shaun Martinho*

Shaun Martinho, H.B.Sc., C.E.T.  
Public Works Manager

*G.A. Plancke*

G.A Plancke, Civil Eng. Tech (Env)  
Director of Municipal Services

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer