

# STAFF REPORT

*Adopted September 20, 2006*

Report #CAO2006-36

**To:** His Worship the Mayor and Members of Council  
**From:** Jeff Carswell, Chief Administrative Officer  
**Re:** Agreement with Dietrichs re: Drainage Works  
**Date:** September 20, 2006

## **Background:**

As Council is aware, Paul MacIntyre from RJ Burnside has investigated and proposed a drainage improvement for the Janelle Drive area. This proposal requires work on Dietrichs farm behind the houses on the west side of Janelle. In order to carry out this work the Township could petition for drainage or it could attempt to reach an agreement with Dietrichs for a drainage improvements. The agreement would be the preferable course of action. To this end Paul McIntyre, staff and Councillor Oliphant have met with the Dietrichs twice to discuss this matter.

## **Discussion:**

The first meeting was held September 12<sup>th</sup>. At that time Paul MacIntyre presented the proposed drainage works and impact on their property. Township staff suggested an agreement would be the preferable method to implement this work and provide the necessary protections to them and the Township from a legal perspective. The Dietrichs requested time to review and consider the proposal. A subsequent meeting was held on September 19<sup>th</sup>.

At the September 19<sup>th</sup> meeting the Dietrichs had several additional questions/clarifications which the Township addressed. They also set out their requirements for an agreement. Township representatives reviewed the requirements and proposed several changes/clarifications. As a result of the two meetings, Township representatives are in a position to recommend Council enter into an agreement with the Dietrichs for drainage works.

Following are the highlights that will be incorporated into the agreement:

- Drainage works would be as proposed by Paul MacIntyre from RJ Burnside
- 5 year agreement, may be extended or amended with agreement from both parties
- \$1,000 / year lease payment from the Township to the Dietrichs
- Township would carry insurance and hold the Dietrichs harmless from any claims, damages, costs or legal fees related to the Drainage Works

- Township will return the land to its original state at the end of the lease
- Township will pay any increased insurance premium incurred by the Dietrichs which relates to occupation and lease of the land by the Township
- Township will re-imburse the Dietrichs for their legal fees incurred to negotiate and execute this agreement to a maximum of \$2,000
- Township agrees to support, in principle, incorporating the Dietrich lands into the Township at some future date
- Township will compensate the Dietrichs for any damages incurred by the Dietrichs which arise as a direct result of the drainage works
- The Township will provide notice to the Dietrichs prior to carrying out any work in which the Township or its contractors will be outside of the defined drainage works and on the Dietrichs land
- The Township has right of access to the drainage works
- The Township will maintain the drainage works
- The Dietrichs agree to not disturb the drainage works or encroach on the area defined as the drainage works
- The drainage works will be clearly identified by stakes or other means
- The agreement will be registered on title
- The Township will provide information to residents backing onto the drainage works about its purpose and requirements to not change or disturb the area

Other matters related to this project include:

- Start date would be the end of October (as soon as corn comes off)
- Estimated cost of the work is \$20,000
- Work will be contracted out with some assistance from the Township's Public Works Department

**Recommendations:**

1. That Council approve the proposed drainage works as set out by Paul MacIntyre from RJ Burnside. (ie. Drainage swale and berms on the Dietrich Farm behind the properties on the west side of Janelle Drive, directing surface flow to the Murray Street road stub)
2. That Council authorize the Mayor and CAO to sign an agreement for the drainage works with Dietrichs as set out in this report.
3. That Council authorize Paul MacIntyre to proceed with contract documents and engaging the appropriate contractors in consultation with the Township Public Works Manager and Township purchasing policy.

Report prepared  
and submitted by:



A handwritten signature in black ink that reads "Jeff Carswell". The signature is written in a cursive style with a large, stylized initial "J".

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Jeff Carswell, AMCT  
Chief Administrative Officer