

APPLICATION TO THE STRONG TOWNSHIP COUNCIL OCTOBER 8, 2013

Petitioners

John and Nancy Maynes
Owners of Lots 23 and 24 and Lots 1 and ½ of 2 Plan M-56, Concession 4,
Strong Township

Background

In 1979 (October 16, 1979), title was granted to the existing township road (transferring ownership of the township road allowance to the Township of Strong), now known as South Lake Bernard Road, across Lots 21, 22, 23, and 24, Concession 4, by the owners of those lots, at the time of transfer from joint ownership to individual ownership. After this date the ownership of the lots was as follows:

- Lot 21- Norman
- Lot 22 – Mac Lean
- Lot 23 – Maynes
- Lot 24 – Campbell

In 1979, as part of the reorganization of the original land blocks (21, 22, 23, and 24), the original owners of the larger property (Maynes, Mac Lean, Campbell, and Norman) signed over ownership of Plan 42R-5956 Pt. 4-7 (effectively the existing township road) for \$2.

In 2011, considerable blasting was undertaken on the road behind our cottage at 1522B South Lake Bernard Road (see correspondence giving notice of the blasting, dated June 7, 2011 from the Township Office) on Lot 23 and the adjacent Lot 22 (owned by MacLeans); this was in response to spring flooding which caused a rock and soil slide off the east side of the Township road, damaging cottage property to the lots owned by Al and Marilyn MacLean.

We believe this flooding is directly attributable to forest thinning/harvesting on the lots during the previous years, undertaken by MacLeans (Lot 22) and Normans (Lot 21). Since a single mature tree can absorb 100 gallons of water per day, it was foreseeable that when the mature trees were removed (for profit) the water they would otherwise absorb would travel downhill (in its natural east to west course) and end up on the Township road. It was also foreseeable that extreme rainfall could cause water flow, carrying gravel, onto the area close to the cottages and even on the shoreline as was the case in spring 2011. This can be substantiated by the steady flow of

water that was, for years, directed through garden areas and gravel beds on the MacLean lots (Lots 5 & 6 of Plan M-56).

The Township solution to this water/washout problem was to divert the water downhill by 90 degrees, changing its course from east/west to south/north, by adding drains/culverts that direct the water to Lot 23 (owned by Maynes). Parts of Lot 23 are now very boggy (personal inspections; September and October, 2013). The area that is now boggy includes the area around the original Flannigan barn foundation. The area was dry before the road blasting and water diversion. This has no doubt, decreased the value of that property.

Proposed Solution

As it is clearly not possible to undo the redirection of this watershed and it is highly likely that the diverted water flow will continue to have an adverse impact on the quality of the land on Lot 23, we propose that a compensatory resolution is in order.

Our petition to the Strong Council is as follows:

- that the Township of Strong deed the lakeshore road allowance on Lot 1/and half of 2 and across the lake side of Part 5 (Plan M-56) to John and Nancy Maynes; and
- that the Township of Strong deed the concession road allowance bordered by Lots 23 and 24 and Flannigan's Trail (owned by Maynes) from the shoreline road allowance to Flannigan's Trail, to John and Nancy Maynes; the Herberger family (owners of the lot adjacent to the north side of the concession road allowance and therefore the only other people who could purchase any part of this road allowance) agree that the road allowance should be closed and have declared that they have no interest in owning it (see letter from the Herbergers in the Township file).