



## Report to Council

Department: Office of the CAO  
Division: Legal and Legislative Services  
Date: June 6, 2022  
Prepared by: Shelley Brown, Deputy Clerk  
Report Number: Legal and Legislative Services-2022-26  
Subject: Court of Revision: Hicks Drain, Replacement Bridge for Diab  
Number of Pages: 3

### Recommendation(s)

**That** the following three (3) members of the Drainage Board: Kirk Carter, Percy Dufour and Janice Dougherty be appointed to sit as members of the Court of Revision to be convened for the Hicks Drain: Replacement Bridge for Diab, Geographic Township of Colchester South, Project REI2021Do16 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., and dated March 28, 2022 (hereinafter the "Report"), such Court of Revision to be scheduled for 5:00 pm on July 6, 2022 via electronic meeting, and

**That** By-Law 2162 being a by-law to provide for the Hicks Drain: Replacement Bridge for Diab, Geographic Township of Colchester South, Project REI2021Do16, be read a first and second time and be provisionally adopted on June 6, 2022.

### Purpose

A Court of Revision is required in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010 (hereinafter the "Drainage Act").

## **Background and Discussion**

Rood Engineering Inc. was instructed by the Town of Essex on or about August 3, 2021 to prepare a report for the above Hicks Drain, pursuant to Section 78 of the Drainage Act.

On March 28, 2022 the Report was prepared by Rood Engineering Inc. to provide the details, estimates and assessments therein.

A Consideration Meeting for this Report was held on May 19, 2022. At this meeting the Drainage Board received public correspondence/delegations (if applicable) and heard the various concerns or comments made by those who attended. At this meeting the Drainage Board resolved and recommended that the said Report be adopted and that a provisional By-Law be prepared for Council's consideration (see Drainage Board minutes from the May 19, 2022 consideration meeting, which minutes are included under Item 14 of the June 6, 2022 Regular Council Meeting Agenda).

### **Appointment of Court of Revision Members:**

The Court of Revision is to be comprised of three (3) members of the Drainage Board and so accordingly it is recommended that Court of Revision members when required to be convened shall be appointed on a rotating, alphabetical order basis. If an appointed member is not available then that appointed member shall be replaced by the next available member of the Drainage Board (based on the aforementioned rotating, alphabetical order basis).

It is therefore recommended that Kirk Carter, Percy Dufour and Janice Dougherty be selected and appointed to sit as the Court of Revision for the Hicks Drain: Replacement Bridge for Diab.

It is further recommended that By-law 2162 adopting the recommendations in the Rood Engineering Inc. Report dated March 28, 2022 be provisionally adopted so that this project can proceed to the Court of Revision specified in this report.

The Court of Revision is the next step in the process in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010.

## **Financial Impact**

There is no financial impact.

## **Consultations**

Drainage Department

## **Link to Strategic Priorities**

- Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

**Report Approval Details**

Document Title:	Court of Revision Hicks Drain - Legal and Legislative Services-2022-26.docx
Attachments:	- y-rpt Hicks Dr - Diab Bridge REI2021D016.pdf - By-Law No. 2162 Hicks Drain Replacement Bridge for Diab.pdf
Final Approval Date:	May 25, 2022

This report and all of its attachments were approved and signed as outlined below:



**Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - May 25, 2022 - 4:29 PM**



**Doug Sweet, Chief Administrative Officer - May 25, 2022 - 4:37 PM**