



Report to Council

Department: Infrastructure Services

Division: Drainage

Date: December 16, 2019

Prepared by: Norm Nussio, C.E.T., CRS

Report Number: Drainage-2019-06

Subject: Appointment of an engineer to prepare a report under section 78 to replace an existing access culvert

Number of Pages: 6

Recommendation(s)

It is recommended that:

1. Report Municipal Drainage D-2019-06 entitled appointment of an engineer to prepare a report under section 78 to replace an existing access culvert is accepted; and
2. Council appoint engineering firm Rood Engineering Incorporated to develop a report replacing an existing culvert over the South Townline Drain.

Purpose

Town of Essex drainage department has received a request to replace an existing access culvert over the South Townline Drain to serve the agricultural lands of

Richard Dubniac. The access culvert is an old concrete span bridge with no design detail to be replaced therefore a report must be prepared under section 78 of the drainage act.

Background and Discussion

Town of Essex drainage department has received a request to replace an existing access culvert over the South Townline Drain to serve the agricultural lands of Richard Dubniac. The access culvert is an old concrete span bridge with no design detail to be replaced therefore a report must be prepared under section 78 of the drainage act.

Background

The South Townline Drain commences at the northwest corner of Coulter side road and travels in westerly direction on the north side of county Rd 18 to its outlet in the Mclean Drain located at the northwest corner of Briton Rd. Latest drainage report on file prepared by La Fontaine Cowie, Buratto & Associates Limited 1991.

According to Section 78 of the Drainage Act Revised Statutes of Ontario 1990 Improving, upon examination and Report of Engineer

78. (1) If a drainage works has been constructed under a by-law passed under this Act or any predecessor of this Act, and the council of the municipality that is responsible for maintaining and repairing the drainage works considers it

appropriate to undertake one or more of the projects listed in subsection (1.1) for the better use, maintenance or repair of the drainage works or of lands or roads, the municipality may undertake and complete the project in accordance with the report of an engineer appointed by it and without the petition required by section 4. 2010, chapter 16, Schedule 1, section 2 (27).

Projects

(1.1) The projects referred to in subsection (1) are:

1. Changing the course of the drainage works.
2. Making a new outlet for the whole or any part of the drainage works.
3. Constructing a tile drain under the bed of the whole or any part of the drainage works.
4. Constructing, reconstructing or extending embankments, walls, dykes, dams, reservoirs, bridges, pumping stations or other protective works in connection with the drainage works.
5. Otherwise improving, extending to an outlet or altering the drainage works.
6. Covering all or part of the drainage works.
7. Consolidating two or more drainage works. 2010, chapter 16, Schedule 1, section 2 (27).

Notice to Conservation Authority

(2) An engineer shall not be appointed under subsection (1) until thirty days after a notice advising of the proposed drainage works has been sent to the Secretary-Treasurer of each Conservation Authority that has jurisdiction over any of the

lands that would be affected. Revised Statutes of Ontario 1990, chapter D.17, section 78 (2); 2010, chapter 16, Schedule 1, section 2 (28).

Powers and Duties of Engineer

(3) The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act. Revised Statutes of Ontario 1990, chapter D.17, section 78 (3).

Proceedings

(4) All proceedings, including appeals, under this section shall be the same as on a report for the construction of a drainage works. Revised Statutes of Ontario 1990, chapter D.17, section 78 (4).

The Drainage Act prescribes the process and timelines that must be followed for a report, under Section 4 of the Drainage Act, for a municipal drain. In brief, the process includes:

- Consideration of the Report by Council; and the appointment of an Engineer to prepare a preliminary report;
- Conduct an on-site meeting with affected landowners to review their drainage requirements;
- Conduct a meeting to consider the preliminary report and recommendation whether or not to proceed with the preparation of an Engineer's Report
- Council approval of the Committee recommendation;

Schedule

Should Council approve to proceed with the maintenance report and appoint an Engineer, the estimated schedule will be as follows:

- Council approval and appointment of Engineer – January 2020
- On Site Meeting – February 2020
- Preparation of the Report –May 2020
- Submission of Report and notification period –June 2020
- Consideration of the Report by Council –July 2020
- Preparation of Provisional By-law – July 2020
- Court of Revision –August 2020
- Construction- September 2020

Financial Impact

Cost associated with the preparation of said report and construction will be shared amongst the upstream lands and roads.

Consultations

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.