



Report to Council

Department: Infrastructure Services

Division: Drainage

Date: July 29, 2020

Prepared by: Lindsay Dean, Drainage Superintendent

Report Number: Drainage-2020-07

Subject: Appointment of an Engineer under Section 76 of the Drainage Act to provide updated cost sharing for the Brooks Drain

Number of Pages: 3

Recommendation(s)

That Drainage-2020-07 entitled Appointment of an Engineer under Section 76 of the Drainage Act to provide updated cost sharing for the Brooks Drain prepared by Lindsay Dean, Drainage Superintendent dated July 29, 2020 be received, and

That Council appoint Rood Engineering Incorporated under Section 76 of the Drainage Act to provide cost sharing for future culvert replacements for the Brooks Drain.

Purpose

The Town of Essex has been notified of 3 culverts that are out of repair on the Brooks Drain and need to be replaced once updated cost sharing is provided through the Section 76 process.

Background and Discussion

The Brooks Drain runs along the west side of Drummond Road north of the 4th Concession Road with 8 culverts crossing over it.

Under Section 76 of the Drainage Act, Council may appoint an engineer to vary the original assessment values for maintenance from those contained in the most recent assessment schedule. The most recent report that contains an assessment schedule for the Brooks Drain is from 1990 and seems to be fairly accurate, however, the engineer will review if it is suitable to use for future maintenance and culvert cost sharing purposes.

The procedures and appeals under Section 76 are followed in the same manner as Petition Drains, Section 4 of the Drainage Act. The general procedure is as follows:

- Council appointment of an engineer to prepare a report;
- Conduct an on-site meeting with affected landowners;
- Meeting to consider the report and passing of the provisional by-law;
- Court of Revision;
- 3rd and Final Reading of the by-law;
- Replacement of culverts that are out of repair under the Drain Maintenance Program

Schedule

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

- Council approval and appointment of Engineer –August 2020
- On Site Meeting – September 2020
- Preparation of the Report – January 2021
- Submission of Report and notification period –February 2021
- Consideration of the Report by the Drainage Board –February 2021
- Provisional By-law and Adoption by Council – March 2021
- Court of Revision –April 2021
- 3rd and Final Reading of the By-law – May 2021

Financial Impact

The lands and roads assessed to the Brooks Drain will be responsible for all cost associated with the engineering. Under Section 85 of the Drainage Act, reports prepared under Section 76 are not eligible for agricultural grants. Culvert replacements completed under the Drain Maintenance program after the preparation of the new assessment schedule will be eligible for agricultural grants.

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.

Report Approval Details

Document Title:	Appointment of Engineer for Brooks Drain Cost Sharing.docx
Attachments:	
Final Approval Date:	Aug 19, 2020

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

Norm Nussio, Manager Operations and Drainage - Aug 19, 2020 - 8:14 AM

No Signature - Task assigned to Kevin Girard, Director, Infrastructure Services was completed by workflow administrator eSCRIBE Admin

Kevin Girard, Director, Infrastructure Services - Aug 19, 2020 - 3:46 PM

No Signature - Task assigned to Chris Nepszy, Chief Administrative Officer was completed by workflow administrator eSCRIBE Admin

Chris Nepszy, Chief Administrative Officer - Aug 19, 2020 - 3:47 PM