



## Report to Council

Department: Infrastructure Services  
Division: Drainage  
Date: August 7, 2020  
Prepared by: Lindsay Dean, Drainage Superintendent  
Report Number: Drainage-2020-08  
Subject: Appointment of an Engineer under Section 78 of the Drainage Act to review the Brush Drain  
Number of Pages: 4

### Recommendation(s)

**That** Drainage-2020-08 entitled Appointment of an Engineer under Section 78 of the Drainage Act to review the Brush Drain prepared by Lindsay Dean, Drainage Superintendent dated August 7, 2020 be received, and

**That** Council appoint Rood Engineering Incorporated under Section 78 of the Drainage Act to review the Brush Drain.

### Purpose

The Town of Essex has been notified of multiple sink holes in culverts that are out of repair on the Brush Drain and need to be replaced once an updated report is provided to legalize all the culverts and provide updated cost sharing for future maintenance.

## **Background and Discussion**

The Brush Drain runs along the north side of County Road 12 west of Brush Road to its outlet into the Canard River.

The most recent report on the Brush Drain was completed in 1950 and was passed under municipal by-law. In the time since that report was prepared, County Road 12 was reconstructed and several front yards were completely enclosed. These lawn enclosures have not been legalized as part of the municipal drain and there are no cost sharing provisions on any of the culverts on the drain. Additionally, a few severances have occurred since 1950, therefore, the engineer will review the assessment schedule for future maintenance to make sure all parcels are fairly assessed.

Under Section 78 of the Drainage Act, Council may appoint an engineer to make repairs or improvements to existing municipal drains that have been passed under municipal by-law . The Brush Drain is a municipal drain that has been adopted by municipal by-law and any improvements made to the Brush Drain would qualify under this section of the act.

Prior to the appointment of an engineer, notice must be sent to the Conservation Authority and after 30 days an engineer may be appointed to this project. An engineer appointment under Section 78 of the Drainage Act, gives the engineer authority to review the drainage works and prepare a report outlining their recommendations.

The procedures and appeals under Section 78 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;
- 3<sup>rd</sup> and Final Reading of the by-law;
- Construction (if applicable)

## **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 –September 2020
- On Site Meeting – October 2020
- Preparation of the Report – March 2021
- Submission of Report and notification period –April 2021
- Consideration of the Report by the Drainage Board –April 2021
- Provisional By-law and Adoption by Council – May 2021
- Court of Revision –June 2021
- 3<sup>rd</sup> and Final Reading of the By-law – July 2021
- Construction (if applicable)- Summer 2021

## **Financial Impact**

The lands and roads assessed to the Brush Drain will be responsible for all cost associated with the engineering, incidental costs and construction if applicable.

## **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 Brush 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 - 8:13 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 - 3:45 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 - 3:46 PM**