



Court of Revision

Notice of Meeting

July 3, 2024, 5:00 pm

Location: Town of Essex Council Chambers at

33 Talbot Street South, Essex

Little Drain & Extension

Replacement Bridge for Thompson (2380 County Road 20 West)

Geographic Township of Colchester South, Project

REI2023D016Town of Essex, County of Essex

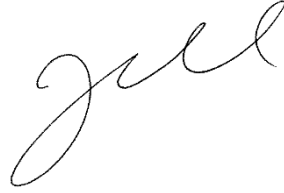
In accordance with Section 46, Subsection 2 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010, I enclose herewith a copy of the Town's Provisional By-Law No. 2331, which was given two readings at a regular meeting of the Council of The Corporation of the Town of Essex on June 3, 2024.

Bridge Cost Sharing for the future maintenance and assessment schedules are attached.

Notice is hereby given that a Court of Revision will be held on Wednesday, **July 3rd, 2024, at 5:00 PM**, at the Town of Essex Council Chambers to hear and consider any appeals against your assessment, which you may make, under the attached By-Law. The said appeal is to be made by a notice in writing given to the undersigned, **10 days prior** to the sittings of the Court, or any other complaints in respect to any matter in the said By-Law in which the Court has jurisdiction.

Pursuant to Section 54 (1) of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010, notice is hereby given that anyone intending to appeal the decision of the Court

of Revision to the Drainage Tribunal must do so within twenty-one days after the Court pronounces its decision. The notice of appeal must be in writing, addressed to the Clerk of the Tribunal and served upon the Clerk of the Municipality.

A handwritten signature in black ink, appearing to read "J. Malandrucolo", written in a cursive style.

Joe Malandrucolo, Clerk, Town of Essex

Date of Notice: June 5, 2024

The Corporation of the Town of Essex

By-Law Number 2331

Being a by-law to provide for the Little Drain and Extension: Replacement Bridge for Thompson (2380 County Road 20 West), Geographic Township of Colchester South, Project REI2023D016, Town of Essex, County of Essex

WHEREAS the Town of Essex Drainage Department recommended that Council appoint a Drainage Engineer to prepare a drainage report for the Little Drain and Extension: Replacement Bridge for Thompson (2380 County Road 20 West), Geographic Township of Colchester South, Project REI2023D016, Town of Essex, County of Essex;

AND WHEREAS Section 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended, states that the Council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof, may on the report of an Engineer appointed by it, complete the drainage works as set forth in such report;

AND WHEREAS Section 76 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended, states the council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance and repair of the drainage works may make an application to the Tribunal, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission;

AND WHEREAS an Engineer's Drainage report dated February 26, 2024, and considered by the Drainage Board at its May 15, 2024, Consideration of Report meeting, has been procured and made by Gerard Rood, Professional Engineer, Rood Engineering Inc. and that the said report is attached hereto and forms part of this by-law as Schedule "A" hereto;

AND WHEREAS the Council of the Corporation of the Town of Essex is of the opinion that the said drainage works and/or improvements are warranted and desirable;

NOW THEREFORE be it resolved that the Council of The Corporation of the Town of Essex hereby enacts as follows:

1. That the Engineer's Drainage report dated February 26, 2024, and considered by the Drainage Board at its May 15, 2024, Consideration of Report meeting and attached hereto as Schedule "A" to this By-Law is hereby adopted and that the said drainage works and/or improvements as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.
2. That the Corporation of the Town of Essex may borrow on the credit of the Corporation in the amount of \$47,888.00, the amount necessary for the construction of said drainage works.
3. That the Corporation may issue debentures for the amount borrowed less the total amount of:

- Grants received under Section 85 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended;
- Commuted payments made in respect of lands and roads assessed within the Municipality;
- Money paid under Section 61(3) of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended;

and such debentures shall be made payable: a) in the case of assessments in value of between \$1,500.00 and \$7,499.99 within (5) five years from the date of the debenture and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s); or b) in the case of assessments in value of \$7,500.00 and greater, within (10) ten years from the date of the debenture and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

4. That a special equal annual rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads as set forth in the Schedule, to be collected in the same manner as other taxes collected in each year for (5) five or (10) ten years (as applicable) after the passing of this by-law.
5. For paying the amount assessed upon the lands and roads belonging to or controlled by the Municipality, a special rate sufficient to pay the amount assessed plus interest thereon, shall be levied upon the whole rateable property in the Town of Essex, in each year for five years after the passing of this by-law to be collected in the same manner and at the same time as other taxes are collected.
6. All assessments of \$1,499.99 or less are payable in the first year in which the assessment is imposed.
7. The by-law comes into force on the passing thereof and may be cited as Little Drain and Extension: Replacement Bridge for Thompson (2380 County Road 20 West)".

Read a first and a second time and provisionally adopted on June 3, 2024.



 Mayor



 Clerk

Read a third time and finally passed on

 Mayor

 Clerk

Property Tax Class will be eligible for a grant from the Ontario Ministry of Agriculture, Food and Rural Affairs (O.M.A.F.R.A.) in the amount of 1/3 of their total assessment for this project.

Where a bridge structure has increased top width beyond the standard 6.10 metre (20.0 ft.) top width, all of the increased costs resulting from same are assessed 100% to the Owner, as provided for in the cost sharing set out in the Bridge Cost Sharing table below.

IX. FUTURE MAINTENANCE

We recommend that the bridge structure as identified herein, be maintained in the future as part of the drainage works. After the completion of all of the works included within this report, the access bridge within the Little Drain shall be maintained in the future by the Town of Essex. Furthermore, if any maintenance work is required to the access Bridge #1 in the future, we recommend that 35% of the future maintenance costs shall be assessed as a Benefit against the abutting property (Parcel 730-02705) being served by the access bridge, which is currently owned by Paula & Doug Thompson, in Part of Lot 7, Concession 2, and the remaining balance of 65% be assessed pro-rata against the upstream lands and roads based on their Outlet Liability assessment in the current by-law Schedule of Assessment. This sharing reflects that the owner has requested a bridge at the standard 6.1 metre (20 feet) top width that is normally shared between the owner and upstream affected lands and roads.

When maintenance work is carried out on any of the bridges along the drain in the future, we recommend that part of the cost be assessed as a Benefit to the abutting parcel served by the access bridge, and the remainder shall be assessed to the upstream lands and roads based on their affected area and outlet assessments as set out in the current applicable Schedule of Assessment. The share for Benefit and Outlet Liability shall be as set out in the Bridge Cost Sharing table below.

BRIDGE COST SHARING

<u>Bridge</u>	<u>Owners</u>	<u>Benefit to Owner</u>	<u>Outlet Upstream</u>
1	Douglas & Paula Thompson (730-02705)	35%	65%
2	Shane Beausoleil & Victoria Silva (730-02810)	35%	65%
3	Ronald Renaud (730-02800)	39%	61%
4	1710690 Ontario Inc. (730-02900)	42%	58%

5	Karl & Sandy Neudorf (730-03100) Howard & Arthur Heaton (730-03200)	27.7% 27.7%	44.6%
6	Town of Essex (Drummond Road)	98.0%	2.0%

Should any future works or maintenance be required to the existing access bridges, the cost will be shared as noted in the above table based on maintaining the existing bridge top width or achieving the minimum 6.1m (20') standard top width. The share indicated for the Owner shall be assessed as a Benefit to the bridge Owner and the remaining cost share shall be assessed as an Outlet Liability against the lands and roads within the watershed lying upstream of said access bridge and shall be assessed in the same proportions as the Outlet assessments shown in the 1994 Maintenance Schedule of Assessment with any updates. Pursuant to Section 26 of the Drainage Act, the Road Authority is responsible for all increases in cost to the drainage works due to the existence of their roadway. This requirement has been reflected in the above Table related to sharing of future maintenance costs for the access bridge. This provision shall apply to Drummond Road for the Town of Essex.

Where a bridge structure has increased top width beyond the standard 6.10 metre (20.0 ft.) top width, all of the increased costs resulting from same are assessed 100% to the Owner as provided for in the cost sharing set out in the Bridge Cost Sharing Table above. We recommend that the bridge structures as identified herein be maintained in the future as part of the drainage works. We would also recommend that the bridges, for which the maintenance costs are to be shared with the upstream lands and roads within the watershed, be maintained by the Town and that said maintenance would include works to the bridge culvert, bedding, backfill and end treatment. Should concrete, asphalt, or other decorative driveway surfaces over these bridge culverts require removal as part of the maintenance works, these surfaces shall also be repaired or replaced as part of the works. Likewise, if any fencing, gate, decorative walls, guardrails, or other special features exist that will be impacted by the maintenance work, they are also to be removed and restored or replaced as part of the bridge maintenance work. However, the cost of the supply and installation of any surface materials other than Granular "A" material and the cost of removal and restoration or replacement, if necessary, of any special features, shall be totally assessed to the benefiting adjoining Owner(s) served by said access bridge.

Should an owner request a wider top width beyond the existing or standard 6.1m minimum top width during bridge maintenance, we recommend that the tender document include special items. To assist with accurately assessing the future maintenance costs, we recommend that the tender for the works include the following items:

- a) An item for the cost to repair and improve the existing or standard 6.1 metre top width of the bridge including all backfill and end treatment costs
- b) An item for the cost to provide any extra length of pipe including extra backfill material costs and installation costs for the additional length

c) An item for the cost of removing and reinstalling or replacing any special features

Item a) costs shall be shared on the basis shown in the table above and shared as outlined above. Items b) and c) shall be assessed to the Owner(s) of the parcel served by the access bridge with no cost sharing to the upstream lands and roads.

The above provisions for the future maintenance of the replacement access bridge, being constructed under this report, and for future bridge maintenance works to all bridges shall remain as aforesaid until otherwise determined under the provisions of the “Drainage Act, R.S.O. 1990, Chapter D.17 as amended 2021”.

All of which is respectfully submitted.

Rood Engineering Inc.



Gerard Rood, P.Eng.



att.

ROOD ENGINEERING INC.

Consulting Engineers

9 Nelson Street

LEAMINGTON, Ontario N8H 1G6

SCHEDULE OF ASSESSMENT
LITTLE DRAIN & EXTENSION
 (Thompson Bridge)
 Town of Essex

4. PRIVATELY OWNED - NON-AGRICULTURAL LANDS:

Tax Roll No.	Plan No.	Con. or Lot of	Hectares Owned	Acres Aftt'd	Hectares Aftt'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
730-02705	2	7	0.571	1.41	0.571	Douglas & Paula Thompson	\$ -	\$ -	\$ 44,700.00	\$ 44,700.00
Total on Privately Owned - Non-Agricultural Lands.....							\$ -	\$ -	\$ 44,700.00	\$ 44,700.00
TOTAL ASSESSMENT							\$ -	\$ -	\$ 44,700.00	\$ 44,700.00

1 Hectare = 2.471 Acres
 Project No. REI2023D016
 February 26th, 2024

**SCHEDULE OF ASSESSMENT
 LITTLE DRAIN & EXTENSION
 (Bridge Cost Sharing)
 Town of Essex**

3. MUNICIPAL LANDS:

Tax Roll No.	Plan No.	Con. or	Lot or Part of Lot	Hectares Owned	Acres Aftt'd	Hectares Aftt'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
			Drummond Road	5.22	5.22	2.112	Town of Essex	\$ 568.00	\$ 144.00	\$ -	\$ 712.00
			County Road 20	10.53	10.53	4.261	County of Essex	\$ -	\$ 289.00	\$ -	\$ 289.00
Total on Municipal Lands.....								\$ 568.00	\$ 433.00	\$ -	\$ 1,001.00

4. PRIVATELY OWNED - NON-AGRICULTURAL LANDS:

Tax Roll No.	Plan No.	Con. or	Lot or Part of Lot	Hectares Owned	Acres Aftt'd	Hectares Aftt'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
730-02705	2		7	0.571	1.41	0.571	Douglas & Paula Thompson	\$ 203.00	\$ 18.00	\$ -	\$ 221.00
730-02810	2		7	0.186	0.46	0.186	Shane Beausoleil & Victoria Silva	\$ 203.00	\$ 9.00	\$ -	\$ 212.00
730-03000	2		6	0.405	1.00	0.405	Daniel & Debra Goldring	\$ -	\$ 15.00	\$ -	\$ 15.00
730-03150	2		6	1.032	2.55	1.032	Shannon Parent	\$ -	\$ 27.00	\$ -	\$ 27.00
740-00202	2		5	0.619	1.53	0.619	James Moir	\$ -	\$ 20.00	\$ -	\$ 20.00
Total on Privately Owned - Non-Agricultural Lands.....								\$ 406.00	\$ 89.00	\$ -	\$ 495.00

5. PRIVATELY OWNED - AGRICULTURAL LANDS (grantable):

Tax Roll No.	Plan No.	Con. or	Lot or Part of Lot	Hectares Owned	Acres Aftt'd	Hectares Aftt'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
730-02800	2		7	22.513	20.20	8.175	Ronald Renaud	\$ 226.00	\$ 101.00	\$ -	\$ 327.00
730-02900	2		6	21.416	52.92	21.416	1710690 Ontario Inc.	\$ 244.00	\$ 265.00	\$ -	\$ 509.00
730-03100	2		6	39.756	46.45	18.798	Karl & Sandy Neudorf	\$ 161.00	\$ 233.00	\$ -	\$ 394.00

**Little Drain & Extension
Bridge Cost Sharing**
Town of Essex

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Hectares		Acres	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
			Owned	Afft'd							
730-03200	2	6	19.696	18.211	45.00	18.211	Howard & Arthur Heaton	\$ 161.00	\$ 225.00	\$ -	\$ 386.00
730-06000	2	7	23.832	2.023	5.00	2.023	1710690 Ontario Inc.	\$ -	\$ 25.00	\$ -	\$ 25.00
740-00100	2	5	19.498	19.498	48.18	19.498	Allan Gall	\$ -	\$ 241.00	\$ -	\$ 241.00
740-00110	2	5	22.577	22.578	55.79	22.578	Gorski Land Holdings	\$ -	\$ 279.00	\$ -	\$ 279.00
740-00200	2	5	20.335	19.616	48.47	19.616	Joseph Drouillard	\$ -	\$ 243.00	\$ -	\$ 243.00
Total on Privately Owned - Agricultural Lands (grantable).....								\$ 792.00	\$ 1,612.00	\$ -	\$ 2,404.00
TOTAL ASSESSMENT								\$ 1,766.00	\$ 2,134.00	\$ -	\$ 3,900.00

1 Hectare = 2.471 Acres
Project No. REI2023D016
February 26th, 2024