



## Report to Council

Department: Infrastructure Services  
Division: Drainage  
Date: August 12, 2024  
Prepared by: Lindsay Dean, Drainage Superintendent  
Report Number: Drainage-2024-06  
Subject: Appointment of an Engineer under Section 78 and 76 of the Drainage Act to review the 4th Concession Road Drain South Side  
Number of Pages: 4

### Recommendation(s)

**That** Drainage-2024-06 entitled Appointment of an Engineer under Section 78 and 76 of the Drainage Act to review the 4th Concession Road Drain South Side prepared by Lindsay Dean, Drainage Superintendent dated August 12, 2024 be received, and

**That** Council appoint R. Dobbin Engineering Inc. under Section 78 and 76 of the Drainage Act to review the 4<sup>th</sup> Concession Road Drain South Side.

### Purpose

To hire an engineer to review the 4<sup>th</sup> Concession Road Drain South Side specifically all the culverts and to provide updated cost sharing for the culverts and future maintenance for the drain.

# Background and Discussion

The 4<sup>th</sup> Concession Road Drain South Side runs along the south side of the 4<sup>th</sup> Concession Road from Lot 13, Concession 3 easterly under the McCormick Road into Cedar Creek.



Under Section 78 of the Drainage Act, Council may appoint an engineer to make repairs or improvements to existing municipal drains. The 4<sup>th</sup> Concession Road Drain South Side is a municipal drain that would require any changes made to the drain to go through the improvement process, therefore, reviewing and making changes to the culverts would qualify under this section of the act.

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. Under this section, the engineer will be able to provide updated cost sharing for replacement of the crossings and maintenance schedule on the drain.

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 and 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;
- 3<sup>rd</sup> and Final Reading of the by-law;
- Construction of drainage works.

It should be noted, that while this is the intended scope of the project at the current time, at the on-site meeting other landowners may come forward with additional works that may modify the scope of the report.

It is recommended that this project be awarded to R. Dobbin Engineering Inc. as one of the firms that qualified under RFPO-ID-24-012 Engineering Services Roster for Drainage Works.

## 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 2024
- On Site Meeting – October 2024
- Submission of Report and notification period – April 2025
- Consideration of the Report by the Drainage Board – May 2025
- Provisional By-law and Adoption by Council – May 2025
- Court of Revision –June 2025
- 3<sup>rd</sup> and Final Reading of the By-law – July 2025
- Construction –Summer 2025

## Financial Impact

The cost sharing for the improvements will be determined by the appointed Drainage Engineer, however, it is anticipated that the cost will be distributed between the lands and roads assessed into the 4<sup>th</sup> Concession Road Drain South Side. Any cost assessed to the Town of Essex will be funded through the Operating Budget (Roads-Municipal Drainage).

## Consultations

Jackson Tang, Assistant Manager, Finance Business Services

## Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's** competitive advantages to promote jobs and economic investment.
- Take care of our natural environment and strengthen the sense of belonging to everyone **who makes Essex "home"**.
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

## Report Approval Details

Document Title:	Appointment of Engineer for the 4th Concession Drain South Side.docx
Attachments:	
Final Approval Date:	Aug 7, 2024

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

**Norm Nussio, Manager, Operations and Drainage - Aug 6, 2024 - 9:16 AM**



**Kevin Girard, Director, Infrastructure Services - Aug 7, 2024 - 8:44 AM**



**Doug Sweet, Chief Administrative Officer - Aug 7, 2024 - 8:45 AM**