



Court of Revision

Notice of Meeting

October 10, 2024, 5:00 pm

Location: Shaheen Room at Essex Centre Sports Complex

60 Fairview Ave West, Essex

Adams Sweet Drain, Section 76 Assessment Schedule,

Geographic Township of Colchester North, Project REI2024D018,

Town 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. 2371, which was given two readings at a regular meeting of the Council of The Corporation of the Town of Essex on September 16, 2024 and Assessment Schedule & Watershed Plan Addendum 1 dated September 17, 2024.

Notice is hereby given that a Court of Revision will be held on Thursday, **October 10th, 2024, at 5:00 PM**, at Shaheen Room at Essex Centre Sports Complex 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 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 in writing must be in writing, addressed to the Clerk of the Tribunal and served upon the Clerk of the Municipality.



Joe Malandrucolo, Clerk, Town of Essex
Date of Notice: September 18, 2024

The Corporation of the Town of Essex

By-Law Number 2371

Being a by-law to provide for the Adams Sweet
Drain: Section 76 Assessment Schedule,
Geographic Township of Colchester North,
Project REI-2024D018, 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 Adams Sweet Drain: Assessment Schedule, Geographic Township of Colchester North, Project REI-2024D018, Town of Essex, County of Essex;

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 July 23, 2024, and considered by the Drainage Board at its September 5, 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 July 23, 2024, and considered by the Drainage Board at its September 5, 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 \$6,500.00, 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 "Adams Sweet Drain: Assessment Schedule".

Read a first and a second time and provisionally adopted on September 16, 2024.



 Mayor



 Clerk

Read a third time and finally passed on [Month Day, Year].

 Mayor

 Clerk

September 17th, 2024

Mayor and Municipal Council
Corporation of the Town of Essex
33 Talbot Street South
Essex, Ontario
N8M 1A8

Mayor Bondy and Members of Council:

**ADAMS SWEET DRAIN
Section 76 Assessment Schedule – Addendum 1
Geographic Twp. of Colchester North
Project REI2024D018
Town of Essex, County of Essex**

During the Consideration meeting for the drainage report prepared for this project and following the meeting, some concerns were raised regarding the affected areas for the watershed. Drainage Superintendent Lindsay Dean arranged to meet with the owners and had discussions with them. She also made site investigations to help in establishing minor adjustments that could be made to the watershed boundary and provided us with DEM mapping. We investigated the LIDAR mapping that we had available to help establish the general lay of the lands and contours.

Based on the information provided and the investigations, we have updated the watershed plan to more accurately reflect the watershed boundary, and we updated the Maintenance Schedule of Assessment. We recommend that the affected areas and assessments to the Nicole & Robert Mailloux parcel 430-01800 and the Robert, John & Nicole Mailloux parcel 430-01700 be reduced as shown in the attached Addendum 1 schedule and on the plan. We further recommend that the Rose Jobin & Frank Lafferty parcel 500-01080 be added to the schedule to reflect the small area of drainage connected into the drain and as shown on the Addendum 1 watershed plan attached.

The Maintenance Schedule of Assessment Addendum 1 included herein has been developed on the basis of an estimated cost of \$10,000.00. The actual cost of maintenance work on the drain and the cost of this drainage report shall be assessed against the lands and roads in the same relative proportions as shown therein, subject to any future variations that may be made under the authority of the "Drainage Act R.S.O. 1990, Chapter D.17, as amended 2021".

We further recommend that the maintenance cost sharing as set out above and provided in the Addendum 1 Maintenance Schedule of Assessment and on the Addendum 1 watershed plan shall

Report – Adams Sweet Drain Addendum 1
Geographic Township of Colchester North
Town of Essex - REI2024D018

2024-09-17

remain as aforesaid until otherwise determined and re-established 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.

tm

att.

ROOD ENGINEERING INC.

Consulting Engineers
9 Nelson Street
LEAMINGTON, Ontario N8H 1G6

MAINTENANCE SCHEDULE OF ASSESSMENT
ADAMS SWEET DRAIN
Town of Essex

3. MUNICIPAL LANDS:

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Hectares Owned	Acres Afft'd	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
		County Road 12		5.05	2.044	County of Essex	\$ 243.00	\$ 122.00	\$ -	\$ 365.00
Total on Municipal Lands.....							\$ 243.00	\$ 122.00	\$ -	\$ 365.00

4. PRIVATELY OWNED - NON-AGRICULTURAL LANDS:

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Hectares Owned	Acres Afft'd	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
430-01400	SMR	18	0.478	1.18	0.478	Ryan & Michelle O'Neil	\$ -	\$ 4.00	\$ -	\$ 4.00
430-01500	SMR	18	3.877	9.58	3.877	William & Patricia Beaudoin	\$ -	\$ 36.00	\$ -	\$ 36.00
430-01800	SMR	18	0.425	0.66	0.267	Nicole & Robert Mailloux	\$ -	\$ 2.00	\$ -	\$ 2.00
430-01900	SMR	19	1.582	3.91	1.582	Jeffery & Nicholle Kuzniak	\$ -	\$ 15.00	\$ -	\$ 15.00
430-01901	SMR	19	0.364	0.90	0.364	Terrance & Cindy Brockman	\$ -	\$ 3.00	\$ -	\$ 3.00
430-01903	SMR	19	0.344	0.85	0.344	Benjamin & Nicky Allsop	\$ -	\$ 3.00	\$ -	\$ 3.00
430-01904	SMR	19	0.247	0.61	0.247	Robert & Katharina Strong	\$ -	\$ 2.00	\$ -	\$ 2.00
430-01905	SMR	19	0.247	0.61	0.247	Shane Therrien	\$ -	\$ 2.00	\$ -	\$ 2.00
430-02000	SMR	20	0.121	0.30	0.121	Magdalena Maj	\$ -	\$ 1.00	\$ -	\$ 1.00
430-02100	SMR	20	0.198	0.12	0.050	David & Estelle McBeth	\$ -	\$ 1.00	\$ -	\$ 1.00
500-00500	NMR	19	0.425	0.31	0.127	Michael & Charmaine Gillis	\$ -	\$ 1.00	\$ -	\$ 1.00
500-00501	NMR	19	0.279	0.69	0.279	Philip & Kathleen Mailloux	\$ -	\$ 2.00	\$ -	\$ 2.00
500-00610	NMR	19	0.388	0.96	0.388	Brian & Debra Lawson	\$ -	\$ 4.00	\$ -	\$ 4.00

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Hectares Owned	Acres Afft'd	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
500-01305	NMR	19	0.372	0.92	0.372	Cindy & Steven Marchand	\$ -	\$ 14.00	\$ -	\$ 14.00
Total on Privately Owned - Non-Agricultural Lands.....							\$ -	\$ 90.00	\$ -	\$ 90.00
5. PRIVATELY OWNED - AGRICULTURAL LANDS (grantable):										
430-01300	SMR	17 & 18	22.173	10.00	4.047	Marc & Michelle Cooper	\$ 364.00	\$ 36.00	\$ -	\$ 400.00
430-01700	SMR	18	25.026	5.64	2.284	Robert, John & Nicole Mailloux	\$ -	\$ 22.00	\$ -	\$ 22.00
430-02300	SMR	19 & 20	58.052	5.00	2.023	Terrance & Cindy Brockman	\$ -	\$ 20.00	\$ -	\$ 20.00
500-00600	NMR	19	27.620	68.25	27.620	Marcel & Lou-Anne Mailloux	\$ -	\$ 353.00	\$ -	\$ 353.00
500-00700	NMR	17, 18 & 19	113.255	199.69	80.814	Terance & Elaine Byrne	\$ 2,840.00	\$ 1,377.00	\$ -	\$ 4,217.00
500-01300	NMR	17, 18 & 19	67.198	126.05	51.011	Maureen & Henry Schuurman	\$ 2,453.00	\$ 1,928.00	\$ -	\$ 4,381.00
500-01670	NMR	20	20.291	20.00	8.094	Paul, Phillip & Rose Jobin	\$ -	\$ 103.00	\$ -	\$ 103.00
500-01900	NMR	20	4.193	5.00	2.023	Jeffrey & Carol Cross	\$ -	\$ 26.00	\$ -	\$ 26.00
500-01080	NMR	16 & 17	20.036	1.00	0.405	Rose Jobin & Frank Lafferty	\$ 19.00	\$ 4.00	\$ -	\$ 23.00
Total on Privately Owned - Agricultural Lands (grantable).....							\$ 5,676.00	\$ 3,869.00	\$ -	\$ 9,545.00
TOTAL ASSESSMENT				467.29	189.11		\$ 5,919.00	\$ 4,081.00	\$ -	\$ 10,000.00

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1 Hectare = 2.471 Acres
Project No. REI2024D018
July 23rd, 2024
Addendum 1: September 17th, 2024

WATERSHED
OF THE
ADAMS SWEET DRAIN
(Geographic Township of Colchester North)
IN THE
TOWN OF ESSEX
IN THE
COUNTY OF ESSEX • ONTARIO



Good Road
GERARD ROOD, P.ENG.

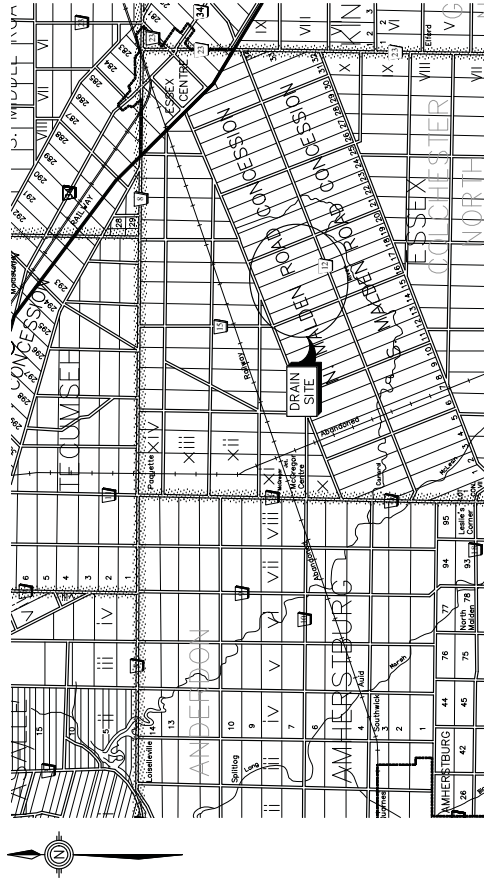
**ROOD
ENGINEERING
INC.**
CONSULTING ENGINEERS
Lemington, Ontario
519-322-1621

DATE: July 23rd, 2024
APPENDIUM 1: September 17th, 2024

TOWN OF ESSEX
MAYOR: Sherry Brandy
CLERK: Joe Malandrucolo
DRAINAGE SUPERINTENDENT: Lindsay Dean, B.Sc.

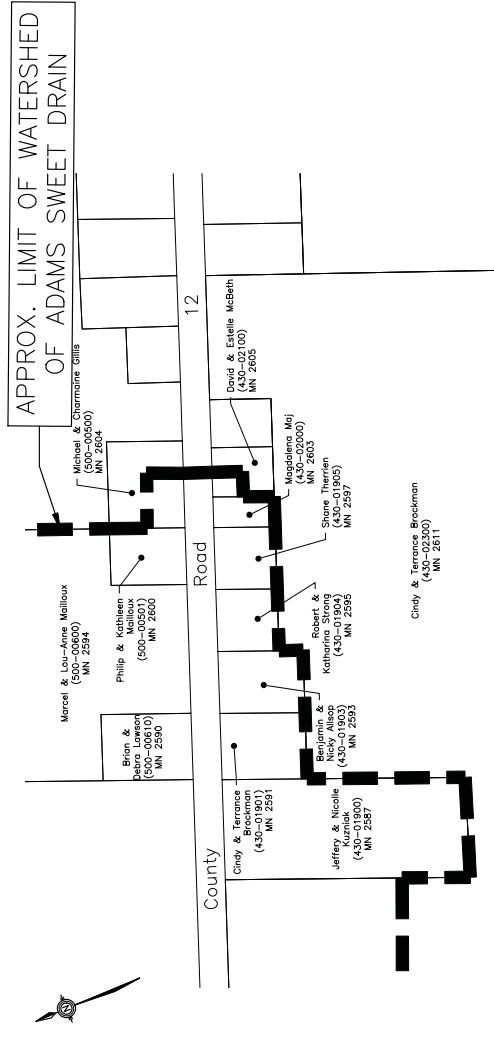
BENCHMARKS:

NORTH END OF CONCRETE BOX CULVERT AT COUNTY ROAD 12
CROSSING
ELEV. 146.7601



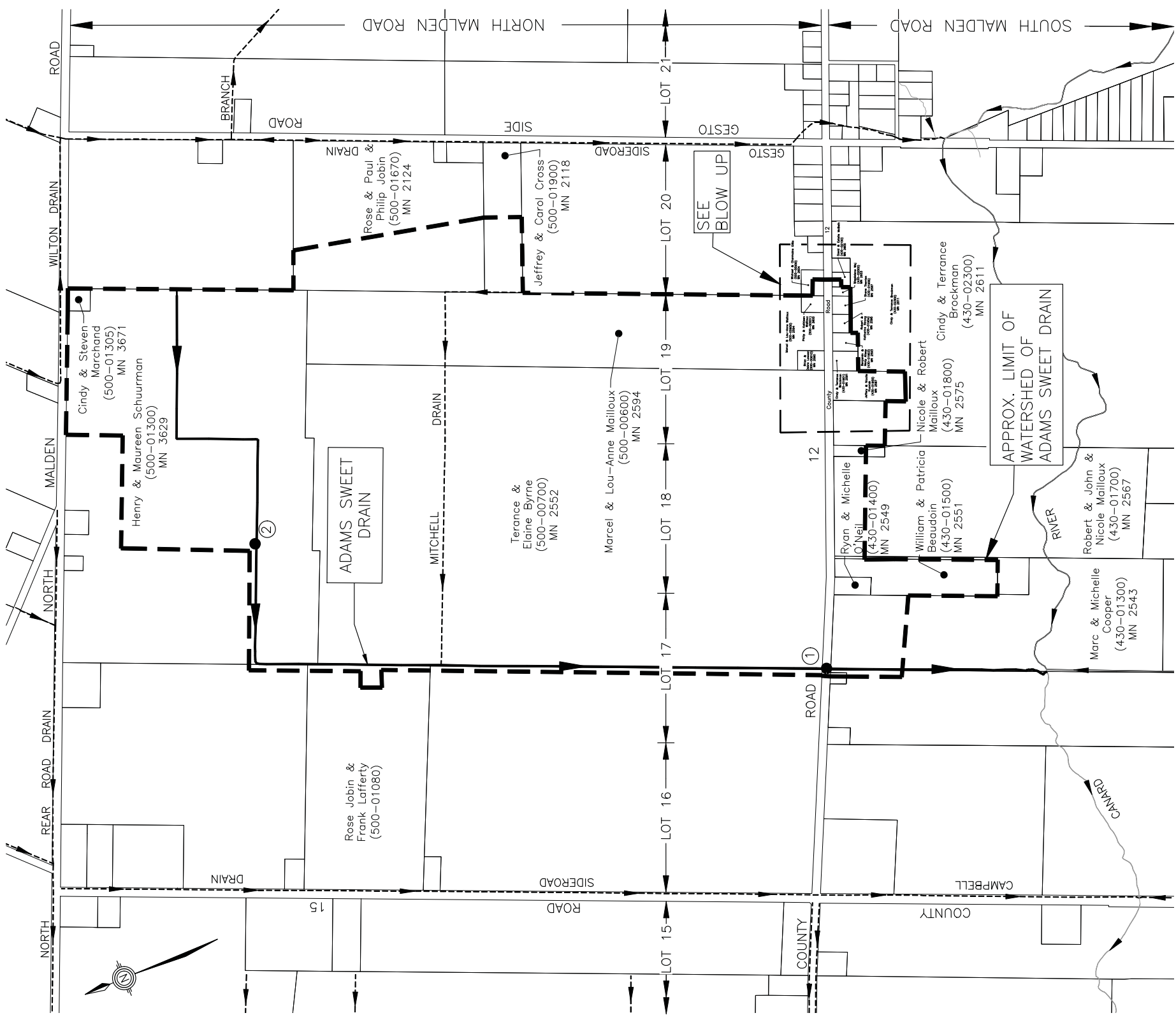
KEY PLAN

Scale = 1:100,000



BLOW UP

Scale = N.T.S.



① Bridge No.

WATERSHED PLAN

SCALE = 1:4000

THESE PLANS HAVE BEEN REDUCED
AND THE SCALE THEREFORE VARIES
FULL SCALE PLANS MAY BE VIEWED
AT THE MUNICIPAL OFFICE.

DRAWN BY: P.K.
PLOT CODE: 1-1
COMPUTER FILE: RE20240018.DWG
FILE NO.:
SHEET NO.:
REI20240018 1 OF 1

BRIDGE COST SHARING

<u>Bridge</u>	<u>Owners</u>	<u>Benefit to Owner</u>	<u>Outlet Upstream</u>
1	County of Essex, (Road 12),	98.0%	2.0%
2	Henry & Maureen Schuurman, (500-01300),	66.1%	33.9%

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 Maintenance Schedule of Assessment established and included herein. 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 bridges. This provision shall apply to the County Road 12 crossing for the County 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