



Report to Council

Department: Infrastructure Services
Division: Drainage
Date: September 16, 2024
Prepared by: Lindsay Dean, Drainage Superintendent
Report Number: Drainage-2024-07
Subject: Appointment of an Engineer under Section 4 for a new petition drain and Section 78 for Improvements to the West Townline Drain
Number of Pages: 5

Recommendation(s)

That Drainage-2024-07 entitled Appointment of an Engineer under Section 4 for a new petition drain and Section 78 for Improvements to the West Townline Drain prepared by Lindsay Dean, Drainage Superintendent dated September 16, 2024 be received, and

That Council receive and proceed with the Petition for new drainage works as filed by the corporation of Colchester Heights West Development for Lot 97, Concession 1 pursuant to Section 4 of the Drainage Act, and

That Council direct Administration to notify the petitioners and Essex Region Conservation Authority of their intention to proceed with the construction of new drainage works, and

That Spriet Associates London Limited be appointed to prepare a report under the Drainage Act through Section 4 to establish new drainage works and Section 78 for improvements to the West Townline Drain.

Purpose

The Town of Essex has received a Section 4 petition to establish new drainage works and a request under Section 78 to make improvements to the West Townline Drain to accommodate a new subdivision.

Background and Discussion

The parcels requiring drainage are located south of County Road 50 and east of Goodchild Beach in Lot 97, Concession 1. The parcels petitioning for drainage fall under a plan of subdivision that has existed since the 1920s and the owner is looking to proceed with developing this property.



To establish storm drainage within the subdivision, the owner has submitted a petition under Section 4 of the Drainage Act to create a new municipal drain to service the new lots and roads.

Under Section 4 of the Drainage Act, Council shall decide whether or not to proceed with the drainage works requested through the submitted petition. If Council agrees to proceed with the petition, after all required notifications are filed, then a drainage engineer can be assigned to the project. The validity of the petition will be established by the appointed drainage engineer to make sure it meets the requirements of the area requiring drainage outlined in Section 4.

In addition, the owner has requested multiple improvements be made to the West Townline Drain to facilitate the development.

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 West Townline Drain is a municipal drain that has been adopted by municipal by-law and any changes made to the drain that are required to facilitate the development of the lands would qualify under this section of the act.

Prior to the appointment of an engineer, notification is required under Section 5(1) and 78(2) to advise the petitioners and Conservation Authority that Council has decided to proceed with the drainage works through the petition and improvement process.

The procedures and appeals under Section 4 & 78 are as follows:

- Council acceptance of the petition and appointment of an engineer to prepare a report;
- Required notifications are circulated;
- Engineer is appointed to the project;
- Conduct an on-site meeting with affected landowners and agencies;
- Meeting to Consider the report and passing of the provisional by-law;
- Court of Revision;

- 3rd and Final Reading of the by-law;
- Construction of drainage works.

It is recommended that this project be awarded to Spriet Associates London Limited as one of the firms that qualified under RFPQ-ID-24-012 Engineering Services Roster for Drainage Works.

Schedule

Should Council approve proceeding with the petition and appointment of an Engineer, the estimated schedule will be as follows:

- Council accepts petition and recommends appointment of Engineer – September 2024
- Required notifications about project – September 2024
- Drainage Engineer Appointment – October 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
- 3rd and Final Reading of the By-law – July 2025
- Construction (dependent on weather and agency approvals)- Fall/Winter 2025

Note: This approximate timeline was established based on typical project timelines, however, actual timelines will vary based on the subdivision process and specifics related to this project.

Financial Impact

The engineer will determine the cost sharing for the construction, engineering and incidental costs. It is anticipated that the cost will be fully borne by the property owner requesting the drainage works, however, that can not be confirmed until the Drainage Act process has been completed.

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 under Section 4 and Section 78 for West Townline Drain.docx
Attachments:	- Colchester Heights West - Signed_Redacted.pdf
Final Approval Date:	Sep 10, 2024

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

Norm Nussio, Manager, Operations and Drainage - Sep 10, 2024 - 2:44 PM

No Signature - Task assigned to Kevin Girard, Director, Infrastructure Services was completed by workflow administrator Cassandra Lauzon, Legislative Clerk

Kevin Girard, Director, Infrastructure Services - Sep 10, 2024 - 2:46 PM

A handwritten signature in black ink, appearing to read "Doug Sweet". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Doug Sweet, Chief Administrative Officer - Sep 10, 2024 - 2:57 PM