



Report to Council

Department: Infrastructure Services

Division: Capital Works and Asset Management

Date: January 13, 2025

Prepared by: David McBeth, C.E.T.
Manager, Capital Works and Asset Management

Report Number: Capital Works and Asset Management-2025-01

Subject: Update on Driveway at 33 Irwin Avenue

Number of Pages: 4

Recommendation(s)

That Capital Works and Asset Management Report-2025-01 entitled “Update on Driveway at 33 Irwin Avenue” by David McBeth, Manager, Capital Works & Asset Management, dated January 13, 2025, be received; and

That Council approve the construction for approximately 600mm (2') of additional driveway with a 300mm (1') flare on the south side of the existing driveway at 33 Irwin Avenue from the Irwin Avenue Reconstruction project budget.

Purpose

To provide Council with an update to the meeting between Administration and John Fraser, property owner of 33 Irwin Avenue regarding his driveway complaint.

Background and Discussion

At the November 4th, 2024 Council Meeting, **Resolution Number R24-11-473** was passed;

That Council direct Administration to meet with John Fraser, property owner of 33 Irwin Avenue, to review the permit details from the curb cut permit that was awarded in 2019 and return to Council with a resolution at such time.

Moved By: Councillor Garon

Seconded By: Deputy Mayor Shepley

As directed by Council, Administration reached out to Mr. Fraser and arranged another on-site meeting, which was held on Friday, November 15th at 10:30am. Administration met with Mr. Fraser for an hour to discuss the driveway and curb cut, the resident's concerns, and to try to come to a potential solution to satisfy Mr. Fraser's complaint.

Considering Council's potential willingness to come to a compromise, Administration proposed to cover the installation costs at no expense to Mr. Fraser to expand the current driveway on the south side by approx. 600mm (2') with either with a 1' flare or no flare depending on Mr. Fraser's preference, conditional on Council's approval and Mr. Fraser signing a release indemnifying the Town against any future claims regarding his driveway approach.

This driveway proposal was per the recommendation in the Capital Works and Asset Management Council Report #2024-16 from October 7, 2024 at a cost of \$8,588.00, including applicable HST. This proposal was not acceptable to Mr. Fraser. Mr. Fraser indicated that he wanted both sides of his driveway expanded not just the south side, which would require the removal of the entire concrete driveway approach, and additional curb cut. Based on the original estimate from SheaRock Construction, per Mr. Fraser's request, the driveway approach as proposed by Mr. Fraser would cost more than \$10,000.

During construction, the Town could have added a flare on the north side at no extra cost to the Town before the asphalt was paved, but this option was declined by Mr. Fraser. Administration reminded Mr. Fraser at the most recent November meeting that this could have been completed during construction and recommended that if Mr. Fraser wanted to expand on the north side

that he could do so at his own expense. At that time Mr. Fraser declined to contribute and indicated that he would not put any funds towards his driveway.

On Monday, December 9, 2024, Mr. Fraser reached back out to the Town with a proposal to accept Administration's previous offer to complete the flare on the south side of the driveway and that he himself would complete the flare on the north side of his driveway at his expense with whatever contractor the Town of Essex hires by working out his own deal with them. Mr. Fraser also acknowledged his willingness to sign the required release. Mr. Fraser would be required to apply for a driveway permit so the Town has records of this driveway construction, but as the work would be completed by the same contractor as the Town at the same time, Administration will not impose the required fee and deposit as part of the permit application.

With Council's approval of this report, Administration will attempt to solicit the best price possible by including this driveway extension to our upcoming concrete sidewalk tender in 2025 as a provisional item for multiple concrete contractors to bid on with their best price.

Financial Impact

As the additional driveway costs are within the already approved budget for the Irwin Avenue Reconstruction project, there is no additional financial impact expected.

Consultations

Kevin Girard, Director, Infrastructure Services

Kate Giurissevich, CPA, CA, Director, Corporate Services/Treasurer

Joe Malandrucolo, Director, Legal & Legislative Services/Clerk

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:	Update on Driveway at 33 Irwin Avenue - Capital Works and Asset Management-2025-01.docx
Attachments:	
Final Approval Date:	Dec 20, 2024

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



Kevin Girard, Director, Infrastructure Services - Dec 20, 2024 - 11:15 AM



Kate Giurissevich, Director, Corporate Services - Dec 20, 2024 - 2:12 PM



Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk - Dec 20, 2024 - 3:09 PM



Doug Sweet, Chief Administrative Officer - Dec 20, 2024 - 3:11 PM