



Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: December 7, 2020

Prepared by: Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Report Number: Legal and Legislative Services-2020-20

Subject: Court of Revision for Shepley Drain: Bridge Replacement for Gorski Land Holdings Inc., Geographic Township of Colchester South, Town of Essex, County of Essex, Project REI2020Do12

Number of Pages: 4

Recommendation(s)

That the following three (3) members of the Drainage Board: Kirk Carter, Percy Dufour and Felix Weigt-Bienze be appointed to sit as members of the Court of Revision to be convened for the Shepley Drain: Bridge Replacement for Gorski Holdings Inc., Geographic Township of Colchester South, Project REI2020Do12, pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Limited, and dated October 27, 2020 (hereinafter the "Report"), such Court of Revision to be scheduled for 5:00 pm on January 6, 2021, via electronic meeting, and

That By-Law 1969 being a by-law to provide for the Shepley Drain: Bridge Replacement for Gorski Holdings Inc., Geographic Township of Colchester South, Project REI2020Do12, be read a first and second time and be provisionally adopted on December 7, 2020.

Purpose

A Court of Revision is required in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010 (hereinafter the "Drainage Act").

Background and Discussion

Rood Engineering was instructed by the Town of Essex on or about May 25, 2020 to prepare a report for the above Shepley Drain: Bridge Replacement for Gorski Land Holdings Inc., pursuant to Section 78 of the Drainage Act.

On October 27, 2020 the Report was prepared by Rood Engineering Inc. to provide the details, estimates and assessments therein.

A Consideration Meeting for this Report was held on November 25, 2020. At this meeting the Drainage Board received public correspondence/delegations (if applicable) and heard the various concerns or comments made by those who attended. At this meeting the Drainage Board resolved and recommended that the said Report be adopted and that a provisional By-Law be prepared for Council's consideration (see Drainage Board minutes from the November 25, 2020 consideration meeting, which minutes are included under Item 12 of the December 7, 2020 Regular Council Meeting Agenda).

Appointment of Court of Revision Members:

The Court of Revision is to be comprised of three (3) members of the Drainage Board and so accordingly it is recommended that Court of Revision members when required to be convened shall be appointed on a rotating, alphabetical order basis. If an appointed member is not available then that appointed member shall be replaced by the next available member of the Drainage Board (based on the aforementioned rotating, alphabetical order basis).

It is therefore recommended that Kirk Carter, Percy Dufour and Felix Weigt-Bienze be selected and appointed to sit as the Court of Revision for the Shepley Drain: Bridge Replacement for Gorski Land Holdings Inc.

It is further recommended that By-law 1969 adopting the recommendations in the Rood Engineering Report dated October 27, 2020 be provisionally adopted so that this project can proceed to the Court of Revision specified in this report.

The Court of Revision is the next step in the process in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010.

Financial Impact

There is no financial impact.

Consultations

Drainage Department

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

Report Approval Details

Document Title:	Shepley Drain Bridge Rep Gorski L.H. - Legal and Legislative Services-2020-20.docx
Attachments:	- x-rpt Shepley Dr Gorski Land Holdings Bridge.pdf - BL 1969 Shepley Drain Bridge Replacement for Gorski Land Holdings.docx
Final Approval Date:	Nov 30, 2020

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



Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Nov 30, 2020 - 11:15 AM



Chris Nepszy, Chief Administrative Officer - Nov 30, 2020 - 2:21 PM