



Report to Council

Department: Infrastructure Services

Division: Drainage

Date: November 2, 2020

Prepared by: Lindsay Dean, Drainage Superintendent

Report Number: Drainage-2020-12

Subject: Appointment of an Engineer under Section 78 of the Drainage Act to legalize a culvert installation on the Lawrence Quick Drain

Number of Pages: 3

Recommendation(s)

That Drainage-2020-12 entitled Appointment of an Engineer under Section 78 of the Drainage Act to legalize a culvert installation on the Lawrence Quick Drain prepared by Lindsay Dean, Drainage Superintendent dated November 2, 2020 be received, and

That Council appoint Baird AE under Section 78 of the Drainage Act to legalize a culvert installation on the Lawrence Quick Drain.

Purpose

A culvert was installed in the Lawrence Quick Drain in 2012, however, it was not installed as part of the Drainage Act process. Baird AE worked on the initial design of the culvert in 2012 and their official appointment under Section 78 of the Act will legalize this culvert as part of the Lawrence Quick Drain.

Background and Discussion

The Lawrence Quick Drain runs along the north side of the 6th Concession Road from Lot 20 to its outlet into the Hicks Drain.

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 Lawrence Quick Drain is a municipal drain that has been adopted by municipal by-law and any new culverts added to this municipal drain would qualify under this section of the Act.

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

In this case, the new culvert has already been installed, therefore the execution of this process will ensure that the culvert will be considered a legal entity of the Lawrence Quick Drain.

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 –December 2020
- On Site Meeting – December 2020
- Preparation of the Report – March 2021
- Submission of Report and notification period –April 2021
- Consideration of the Report by the Drainage Board –May 2021
- Provisional By-law and Adoption by Council – May 2021
- Court of Revision –June 2021
- 3rd and Final Reading of the By-law – July 2021

Financial Impact

The landowner of the culvert will be responsible for all costs associated with the construction and engineering works that have already occurred as well as any additional engineering and incidental costs to finalize the report since this is a secondary entrance for this property. It is anticipated that the cost to legalize the culvert will be under \$5,000.

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.