



## Report to Council

Department: Infrastructure Services

Division: Drainage

Date: February 1, 2021

Prepared by: Lindsay Dean, Drainage Superintendent

Report Number: Drainage-2021-01

Subject: Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert in the Malden Road West Drain

Number of Pages: 3

### Recommendation(s)

**That** Drainage-2021-01 entitled Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert in the Malden Road West Drain prepared by Lindsay Dean, Drainage Superintendent dated February 1, 2021 be received, and

**That** Council appoint Rood Engineering Incorporated under Section 78 of the Drainage Act to install a new culvert in the Malden Road West Drain.

### Purpose

The Town of Essex has received a request to install a new culvert for the property located on the northwest corner of the Trembley Road and County Road 12 in the Malden Road West Drain.

## Background and Discussion

The Malden Road West Drain runs from the Canard River along the west side of Trembley Road under County Road 12. The drain continues running along the south side of County Road 12 in a westerly direction in Lot 5, South Malden Road Concession, however, the legal status of this portion of drain is unknown at this time.

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 Malden Road West Drain is a municipal drain that has been adopted by municipal by-law and any new culverts added to this section of the 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;
- 3<sup>rd</sup> and Final Reading of the by-law;
- Construction of drainage works.

## 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 –March 2021
- On Site Meeting – April 2021
- Submission of Report and notification period –August 2021
- Consideration of the Report by the Drainage Board –September 2021
- Provisional By-law and Adoption by Council – September 2021
- Court of Revision –October 2021
- 3<sup>rd</sup> and Final Reading of the By-law – November 2021
- Construction (dependent on weather and agency approvals)- End of 2021/Start of 2022

## **Financial Impact**

The landowner receiving the culvert will be responsible for all costs associated with the construction, engineering and incidental costs. If the scope of the project is altered at the on-site meeting by the landowners in attendance, the project costs may be assessed to others within the watershed.

## **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.



## Report Approval Details

Document Title:	Appointment of Engineer for Malden Road West Drain New Culvert.docx
Attachments:	
Final Approval Date:	Jan 26, 2021

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

**Norm Nussio, Manager Operations and Drainage - Jan 26, 2021 - 10:17 AM**

A handwritten signature in black ink, appearing to read "Norm Nussio". The signature is fluid and cursive, with a large loop at the end.

**Kevin Girard, Director, Infrastructure Services - Jan 26, 2021 - 11:31 AM**

A handwritten signature in black ink, appearing to read "Kevin Girard". The signature is cursive and somewhat stylized, with a large initial "K".

**Chris Nepszy, Chief Administrative Officer - Jan 26, 2021 - 11:32 AM**