



Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: February 16, 2021

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

Report Number: Legal and Legislative Services-2021-03

Subject: Court of Revision for 13th Concession West Drain: New Bridge for Martin, Geographic Township of Colchester North, Project REI2020Do27, Town of Essex, County of Essex

Number of Pages: 4

Recommendation(s)

That the following three (3) members of the Drainage Board: Dan Boudreau, Luke Martin, and Kirk Carter be appointed to sit as members of the Court of Revision to be convened for the 13th Concession West Drain: New Bridge for Martin, Geographic Township of Colchester North, Project REI2020Do27, Town of Essex, County of Essex, pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. and dated January 12, 2021 (hereinafter the "Report"), such Court of Revision to be scheduled for 5:00 pm on March 11, 2021, via electronic meeting, and

That By-Law 1988 being a by-law to provide for the 13th Concession West Drain: New Bridge for Martin, Geographic Township of Colchester North, Project REI2020Do27, Town of Essex, County of Essex, be read a first and second time and be provisionally adopted on February 16, 2021.

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 September 28, 2020 to prepare a report for the above 13th Concession West Drain, pursuant to Section 78 of the Drainage Act.

On November 26, 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 January 6, 2021. 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 received the presented report but at the recommendation of Mr. Henry Martin, asked for the Report prepared by Gerard Rood, Professional Engineer dated November 26, 2020 to be reconsidered to reflect the design changes requested by Mr. Martin.

On January 12, 2021 the Reconsidered Report was prepared by Rood Engineering Inc. to provide the details, estimates and assessments therein.

A Reconsideration Meeting for the Reconsidered Report was held on February 3, 2021. 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 February 3, 2021 consideration meeting, which minutes are included under Item 13 of the February 16, 2021 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 Dan Boudreau, Luke Martin, and Kirk Carter be selected and appointed to sit as the Court of Revision for the 13th Concession West Drain Reconsidered Report: New Bridge for Martin.

It is further recommended that By-law 1988 adopting the recommendations in the Rood Engineering Report dated January 12, 2021 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:	13th Concession Drain - Legal and Legislative Services-2021-03.docx
Attachments:	- y-reconsidered 2021-01-12 rpt 13th Con W Dr Martin Bridge.pdf - By-Law No. 1988 13th Concession Drain New Bridge for Martin.docx
Final Approval Date:	Feb 11, 2021

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



Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Feb 11, 2021 - 11:19 AM

No Signature - Task assigned to Chris Nepszy, Chief Administrative Officer was completed by workflow administrator Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Chris Nepszy, Chief Administrative Officer - Feb 11, 2021 - 11:24 AM