



## Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: February 1, 2021

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

Report Number: Legal and Legislative Services-2021-02

Subject: Court of Revision for Relocation of the Rush Drain,  
Former Township of Colchester North Now in the Town  
of Essex, File No. 19-1023

Number of Pages: 5

### 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 Relocation of the Rush Drain, Former Township of Colchester North now in the Town of Essex, File No. 19-1023, pursuant to the Report prepared by Tim R. Oliver, Professional Engineer, Dillon Consulting, and dated January 8, 2021 (hereinafter the "Report"), such Court of Revision to be scheduled for 5:00 pm on February 24, 2021, via electronic meeting, and

**That** By-Law 1987 being a by-law to provide for the Relocation of the Rush Drain, Former Township of Colchester North Now in the Town of Essex, File No. 19-1023, be read a first and second time and be provisionally adopted on February 1, 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**

Dillon Consulting was instructed by the Town of Essex on or about December 13, 2018 to prepare a report for the above Relocation of the Rush Drain, pursuant to Section 78 of the Drainage Act.

On January 8, 2021 the Report was prepared by Dillon Consulting to provide the details, estimates and assessments therein.

A Consideration Meeting for this Report was held on January 21, 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 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 January 21, 2021 consideration meeting, which minutes are included under Item 13 of the February 1, 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 Kirk Carter, Percy Dufour and Felix Weigt-Bienzle be selected and appointed to sit as the Court of Revision for the Relocation of the Rush Drain.

It is further recommended that By-law 1987 adopting the recommendations in the Dillon Consulting Report dated January 8, 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:	Szakacs Drain Repair and Improvement - Legal and Legislative Services-2020-19.docx
Attachments:	- BL 1968 Szakacs Drain Repair and Improvement.docx - y-Rpt Szakacs Dr REI2016Doo4.pdf
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 - 11:22 AM**



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

### Report Approval Details

Document Title:	Relocation of the Rush Drain - Legal and Legislative Services-2021-02.docx
Attachments:	- y-Rpt Szakacs Dr REI2016Doo4.pdf - By-Law No. 1987 Relocation of the Rush Drain.docx
Final Approval Date:	Jan 27, 2021

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



**Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Jan 27, 2021 - 3:54 PM**

**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 - Jan 27, 2021 - 4:06 PM**