



## Report to Council

Department: Infrastructure Services

Division: Drainage

Date: April 20, 2020

Prepared by: Lindsay Dean, Drainage Superintendent

Report Number: Drainage-2020-03

Subject: Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert over the North Rear Road Drain South Side

Number of Pages: 3

### Recommendation(s)

**That** Drainage-2020-03 entitled Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert over the North Rear Road Drain South Side prepared by Lindsay Dean, Drainage Superintendent dated April 20, 2020 be received, and

**That** Council appoint Rood Engineering Incorporated under Section 78 of the Drainage Act to install a new culvert over the North Rear Road Drain South Side.

### Purpose

The Town of Essex has received a request to install a new culvert for Gerald Grondin over the North Read Road Drain South Side.

## **Background and Discussion**

The North Rear Road Drain South Side runs along the south side of North Malden Road from Brush Road to Lot 6, North Malden Concession where it crosses under North Malden Road in a northwesterly direction to its outlet into the King Creek 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 North Rear Road Drain South Side 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;
- 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 – May 2020
- On Site Meeting – June 2020

- Preparation of the Report – September 2020
- Submission of Report and notification period –October 2020
- Consideration of the Report by the Drainage Board –October 2020
- Provisional By-law and Adoption by Council – October 2020
- Court of Revision –November 2020
- 3<sup>rd</sup> and Final Reading of the By-law – December 2020
- Construction (dependent on weather and agency approvals)- Early 2021

## **Financial Impact**

The landowner receiving the culvert will be responsible for all costs associated with the construction, engineering and incidental costs.

## **Link to Strategic Priorities**

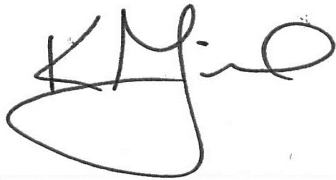
- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship 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 North Rear Road Drain South Side New Culvert Installation.docx
Attachments:	
Final Approval Date:	Apr 14, 2020

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

**Norm Nussio, Manager Operations and Drainage - Apr 14, 2020 - 12:13 PM**

A handwritten signature in black ink, appearing to read 'Norm Nussio', written over a horizontal line.

**Kevin Girard, Director, Infrastructure Services - Apr 14, 2020 - 1:06 PM**

A handwritten signature in black ink, appearing to read 'Chris Nepszy', written over a horizontal line.

**Chris Nepszy, Chief Administrative Officer - Apr 14, 2020 - 2:28 PM**