



## Report to Council

Department: Infrastructure Services  
Division: Drainage  
Date: June 7, 2021  
Prepared by: Lindsay Dean, Drainage Superintendent  
Report Number: Drainage-2021-07  
Subject: Appointment of an Engineer under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain  
Number of Pages: 3

### Recommendation(s)

**That** Drainage-2021-07 entitled Appointment of an Engineer under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain prepared by Lindsay Dean, Drainage Superintendent dated June 7, 2021 be received, and

**That** Council appoint Rood Engineering Inc. under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain.

### Purpose

To replace and extend a culvert in the Hicks Drain for a property located at 4830 4<sup>th</sup> Concession Road.

### Background and Discussion

The Hicks Drain runs mostly through private lands from between County Road 18 and the 6<sup>th</sup> Concession Road to where it enters Cedar Creek south of the 4<sup>th</sup> Concession Road.

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 Hicks Drain is a municipal drain that has been adopted by municipal by-law and any changes made to the drain would qualify under this section of the act. One item of notation with this replacement culvert, is that this structure has not been identified or installed through a report completed under the Drainage Act. For that reason, it cannot be replaced under Drain Maintenance through Section 74 of the Drainage Act, and therefore, requires replacement under Section 78 instead.

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 –July 2021
- On Site Meeting – August 2021
- Submission of Report and notification period –February 2022
- Consideration of the Report by the Drainage Board –March 2022
- Provisional By-law and Adoption by Council – March 2022

- Court of Revision –April 2022
- 3<sup>rd</sup> and Final Reading of the By-law – May 2022
- Construction (dependent on weather and agency approvals)- Summer 2022

## Financial Impact

It is expected that the landowner receiving the culvert will be responsible for all costs associated with the construction, engineering and incidental costs, however, cost sharing will be determined by the appointed engineer. It should be noted that the project scope may be altered or expanded at the site meeting and this may impact cost sharing including assessments to the Town of Essex and others in 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 Hicks Drain Culvert Replacement.docx
Attachments:	
Final Approval Date:	Jun 1, 2021

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

**Norm Nussio, Manager Operations and Drainage - Jun 1, 2021 - 1:59 PM**

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**Kevin Girard, Director, Infrastructure Services - Jun 1, 2021 - 2:55 PM**

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**Chris Nepszy, Chief Administrative Officer - Jun 1, 2021 - 4:27 PM**