Report to Council

Department: Infrastructure Services
Division: Drainage
Date: July 5, 2021
Prepared by: Lindsay Dean, Drainage Superintendent
Report Number: Drainage-2021-08
Subject: Appointment of an Engineer under Section 76 of the Drainage Act to provide updated cost sharing for the Lapoint Drain

Number of Pages: 3

Recommendation(s)

That Drainage-2021-08 entitled Appointment of an Engineer under Section 76 of the Drainage Act to provide updated cost sharing for the Lapoint Drain prepared by Lindsay Dean, Drainage Superintendent dated July 5, 2021 be received, and

That Council appoint Rood Engineering Incorporated under Section 76 of the Drainage Act to provide cost sharing for future culvert replacements for the Lapoint Drain.

Purpose

The Town of Essex has been notified of a culvert that is out of repair on the Lapoint Drain and needs to be replaced once updated cost sharing is provided through the Section 76 process.
Background and Discussion

The Lapoint Drain runs along the south side of the 9th Concession Road easterly of Ferris Road until it crosses under the road between Lots 18 & 19 heading northerly to the Elford Creek Drain.

Under Section 76 of the Drainage Act, Council may appoint an engineer to vary the original assessment values for maintenance from those contained in the most recent assessment schedule. The most recent report that contains an assessment schedule for the Lapoint Drain is from 1992. This schedule will be reviewed by the engineer to determine if it is suitable to use for future maintenance while establishing values for culvert cost sharing.

The procedures and appeals under Section 76 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;
- 3rd and Final Reading of the by-law;
- Replacement of culvert that is out of repair under the Drain Maintenance Program

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
- Preparation of the Report – September 2021
- Submission of Report and notification period – January 2022
- Consideration of the Report by the Drainage Board – January 2022
- Provisional By-law and Adoption by Council – February 2022
- Court of Revision – March 2022
Financial Impact

The lands and roads assessed to the Lapoint Drain will be responsible for all cost associated with the engineering. Under Section 85 of the Drainage Act, reports prepared under Section 76 are not eligible for agricultural grants. Culvert replacements completed under the Drain Maintenance program after the preparation of the new assessment schedule will be eligible for agricultural grants.

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

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<tr>
<th>Document Title:</th>
<th>Appointment of Engineer for Lapoint Drain Cost Sharing.docx</th>
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This report and all of its attachments were approved and signed as outlined below:

Norm Nussio, Manager Operations and Drainage - Jun 29, 2021 - 9:42 AM

Kevin Girard, Director, Infrastructure Services - Jun 29, 2021 - 11:57 AM

Chris Nepszy, Chief Administrative Officer - Jun 29, 2021 - 1:54 PM