



## Report to Council

Department: Infrastructure Services  
Division: Drainage  
Date: August 23, 2021  
Prepared by: Lindsay Dean, Drainage Superintendent  
Report Number: Drainage-2021-10  
Subject: Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert in the 5th Concession Road Drain  
Number of Pages: 3

### Recommendation(s)

**That** Drainage-2021-10 entitled Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert in the 5th Concession Road Drain prepared by Lindsay Dean, Drainage Superintendent dated August 23, 2021 be received, and

**That** Council appoint Rood Engineering Incorporated under Section 78 of the Drainage Act to install a new culvert in the 5<sup>th</sup> Concession Road Drain.

### Purpose

The Town of Essex has received a request to install a new culvert in the 5<sup>th</sup> Concession Road Drain for the property located at 4522 4<sup>th</sup> Concession.

## Background and Discussion

The 5<sup>th</sup> Concession Road Drain runs easterly from the Greenway located in Lot 8, Concession 4 and along the south side of the 5<sup>th</sup> Concession Road where it eventually crosses under the 5<sup>th</sup> Concession Road and runs along the north side of the road to its outlet into the Richmond 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 5<sup>th</sup> Concession Road Drain is a municipal drain that has been adopted by municipal by-law and any changes made to the drain such as the installation of a new culvert 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 –September 2021
- On Site Meeting – October 2021
- Submission of Report and notification period –March 2022
- Consideration of the Report by the Drainage Board –April 2022
- Provisional By-law and Adoption by Council – May 2022
- Court of Revision –June 2022
- 3<sup>rd</sup> and Final Reading of the By-law – July 2022
- Construction (dependent on weather and agency approvals)- Summer/Fall 2022

## 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 5th Concession Drain New Culvert DR-2021-10.docx
Attachments:	
Final Approval Date:	Aug 17, 2021

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

**Norm Nussio, Manager Operations and Drainage - Aug 11, 2021 - 1:45 PM**



**Kevin Girard, Director, Infrastructure Services - Aug 13, 2021 - 9:13 AM**



**Chris Nepszy, Chief Administrative Officer - Aug 17, 2021 - 10:39 AM**