



Report to Council

Department: Infrastructure Services
Division: Drainage
Date: May 3, 2021
Prepared by: Lindsay Dean, Drainage Superintendent
Report Number: Drainage-2021-02
Subject: Appointment of an Engineer under Section 78 & 76 for the 9th Concession Drain
Number of Pages: 4

Recommendation(s)

That Drainage-2021-02 entitled Appointment of an Engineer under Section 78 & 76 for the 9th Concession Drain prepared by Lindsay Dean, Drainage Superintendent dated May 3, 2021 be received, and

That Council appoint Rood Engineering Incorporated under Section 78 & 76 of the Drainage Act to provide an updated report on the 9th Concession Drain.

Purpose

A request for maintenance was received to clean the 9th Concession Drain, however, the report on file for this drain is very outdated and an updated report needs to be prepared to properly complete and assess the ditch cleaning works.

Background and Discussion

The 9th Concession Drain runs along the north side of the 9th Concession Road from Ferris Road to the north side of South Malden Road where it outlets into the South Rear Road and Campbell Sideroad Drain. The current report for the 9th Concession Drain is from 1946 and is a combination report with the Campbell Sideroad Drain. The watershed boundary in that report overlaps several other watershed boundaries that use completely separate outlets and all the properties that use the South Rear Road Drain due to a mutual outlet between both systems. For these reasons, this report will not fairly assess the costs for work completed solely on the 9th Concession Drain. Several newer culvert reports have been completed on the drain since 1946, however, the 1946 report does not include any details on any of the crossings. This means that some of the structures would not be considered to be part of the drain and in addition many would not have any cost sharing provided for future replacement.

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 9th Concession Drain is a municipal drain that has been adopted by municipal by-law and a new profile and updated cost sharing for this municipal drain would qualify under this section of the act. In addition, Council can appoint an engineer under Section 76 to alter the schedule of assessment on this drain.

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 & 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;
- 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 –June 2021
- On Site Meeting – June 2021
- Submission of Report and notification period –November 2021
- Consideration of the Report by the Drainage Board –December 2021
- Provisional By-law and Adoption by Council – January 2022
- Court of Revision –February 2022
- 3rd and Final Reading of the By-law – March 2022
- Construction or Drain Maintenance Program (dependent on weather and agency approvals)- Summer 2022

Financial Impact

All lands and roads that use the 9th Concession Drain will be responsible for the costs associated with the engineering, incidental and construction (if applicable).

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:	Appointment of Engineer for 9th Concession Drain Section 78 and 76.docx
Attachments:	
Final Approval Date:	Apr 27, 2021

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

Norm Nussio, Manager Operations and Drainage - Apr 26, 2021 - 4:03 PM

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Kevin Girard, Director, Infrastructure Services - Apr 27, 2021 - 9:42 AM

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Chris Nepszy, Chief Administrative Officer - Apr 27, 2021 - 10:14 AM