



Report to Council

Department: Infrastructure Services
Division: Drainage
Date: April 4, 2022
Prepared by: Lindsay Dean, Drainage Superintendent
Report Number: Drainage-2022-01
Subject: Appointment of an Engineer under Section 78 of the Drainage Act to review the Walker Drain
Number of Pages: 4

Recommendation(s)

That Drainage-2022-01 entitled Appointment of an Engineer under Section 78 of the Drainage Act to review the Walker Drain prepared by Lindsay Dean, Drainage Superintendent dated April 4, 2022 be received, and

That Council appoint Rood Engineering Incorporated under Section 78 of the Drainage Act to review the Walker Drain.

Purpose

The Town of Essex has a drainage report for both the outlet portion and upper portion of the Walker Drain along with several of the bridges, however, there is no drainage report for the remainder of the drain that runs along the north side of the 12th Concession Road. The appointed engineer shall review the entire drain and provide a plan, profile, and specifications to complete improvements to the drain.

Background and Discussion

The Walker Drain runs along the east side of Walker Sideroad starting at the 13th Concession Road running southerly to the 12th Concession Road where it runs westerly along the north side of the 12th Concession Road until it crosses southerly under the 12th Concession Road along the lot line between lots 1 and 2 eventually becoming the Sucker Creek Drain.

The most recent report for the outlet of the Walker Drain is from 1967 and the upper portion is from 1963. Since that time, reports have been completed on 2 access bridges. A comprehensive report to review all the crossings and full drain is necessary to establish a plan, profile, cross sections and specifications will allow the drain to be improved since it is currently in need of repair. In addition, the report will provide cost sharing for the crossings and an updated assessment schedule.

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 Walker Drain is a municipal drain that has been adopted by municipal by-law and any improvements made to the Walker Drain would qualify under this section of the act.

Prior to the appointment of an engineer, notice must be sent to the Conservation Authority as required under Section 78(2) 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;
- 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 –May 2022
- On Site Meeting – June 2022
- Preparation of the Report – November 2022
- Submission of Report and notification period –December 2022
- Consideration of the Report by the Drainage Board –January 2023
- Provisional By-law and Adoption by Council – February 2023
- Court of Revision –March 2023
- 3rd and Final Reading of the By-law – April 2023
- Construction if applicable (dependent on weather and agency approvals) – Summer 2023

Financial Impact

The lands and roads assessed to the Walker Drain will be responsible for all cost associated with the engineering, incidental costs 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.

Report Approval Details

Document Title:	Appointment of Engineer for Walker Drain.docx
Attachments:	
Final Approval Date:	Mar 30, 2022

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

Norm Nussio, Manager Operations and Drainage - Mar 29, 2022 - 2:42 PM



Kevin Girard, Director, Infrastructure Services - Mar 29, 2022 - 2:42 PM

No Signature - Task assigned to Doug Sweet, Chief Administrative Officer was completed by delegate Lori Chadwick, Director, Development Services

Doug Sweet, Chief Administrative Officer - Mar 30, 2022 - 8:57 AM