



## Report to Council

Department: Infrastructure Services

Division: Drainage

Date: May 2, 2022

Prepared by: Lindsay Dean, Drainage Superintendent

Report Number: Drainage-2022-03

Subject: Appointment of an Engineer under Section 78 of the Drainage Act to install new culverts in the 4<sup>th</sup> Concession Drain

Number of Pages: 3

### Recommendation(s)

**That** Drainage-2022-03 entitled Appointment of an Engineer under Section 78 of the Drainage Act to install new culverts in the 4<sup>th</sup> Concession Drain prepared by Lindsay Dean, Drainage Superintendent dated May 2, 2022 be received, and

**That** Council appoint Rood Engineering Incorporated under Section 78 of the Drainage Act to install new culverts in the 4<sup>th</sup> Concession Drain.

### Purpose

The Town of Essex has received 2 requests to install new culverts in the 4<sup>th</sup> Concession Drain under the Drainage Act because of 2 recently approved severances.

## Background and Discussion

The 4<sup>th</sup> Concession Drain runs along the northerly side of the 4<sup>th</sup> Concession Road from east of County Road 11 to its outlet into the Crosby Drain in Lot 11, Concession 4.

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 4<sup>th</sup> Concession 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 – June 2022
- On Site Meeting – June 2022

- Submission of Report and notification period –September 2022
- Consideration of the Report by the Drainage Board –October 2022
- Provisional By-law and Adoption by Council – November 2022
- Court of Revision –December 2022
- 3<sup>rd</sup> and Final Reading of the By-law – January 2023
- Construction (dependent on weather and agency approvals)- Early 2023

## **Financial Impact**

The landowners receiving the culverts 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 4th Concession Drain Drainage-2022-03.docx
Attachments:	
Final Approval Date:	Apr 25, 2022

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

**Norm Nussio, Manager Operations and Drainage - Apr 25, 2022 - 10:45 AM**

A handwritten signature in black ink, appearing to read 'N. Nussio', with a large loop at the end.

**Kevin Girard, Director, Infrastructure Services - Apr 25, 2022 - 5:51 PM**

A handwritten signature in black ink, appearing to read 'K. Girard', with a long horizontal stroke at the end.

**Doug Sweet, Chief Administrative Officer - Apr 25, 2022 - 5:54 PM**