



Court of Revision Minutes

County of Essex Council Chambers

360 Fairview Ave. W., Essex, Ontario

Monday, November 18, 2019 – 4:30 PM

The purpose of the meeting is to hold the Court of Revision for:

**Batten Drain: Replacement Bridge for Abram Harms Holdings Inc.,
Part of Lot 27, N.M.R. Concession, Geographic Township of Colchester North,
Project REI2019D024, Town of Essex, County of Essex**

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated September 16th, 2019 which was considered and adopted at a Consideration Meeting held October 7, 2019 and pursuant to By-law 1860 which received two readings by Council at its regular meeting held November 4, 2019.

**Philip Ferris Drain: Drain Diversion for Atlas Tube Inc.,
Maintenance Schedule of Assessment Philip Ferris Drain-North Branch,
Geographic Township of Colchester South,
Project REI2019D007, Town of Essex, County of Essex**

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated September 6th, 2019 which was considered and adopted at a Consideration Meeting held September 30, 2019 and pursuant to By-law 1861 which received two readings by Council at its regular meeting held November 4, 2019.

This sitting of this Court of Revision was duly appointed by Council on November 4, 2019.

Section 54 (1) of The Drainage Act provides that the decision of the Court of Revision can be appealed to the Drainage Tribunal within twenty-one (21) days from the date of the Court of Revision. The final day for appeal is December 9, 2019. At the first Regular Council meeting after this date the third reading to By-Law Number 1860 and 1861 will be given.

1. Roll Call

Present: Luke Martin, Vice-Chair

Kirk Carter

Felix Weigt-Bienzle

Regrets: none

Also Present: Robert Auger, Town Solicitor/Clerk

Norm Nussio, Manager, Operations and Drainage

Tanya Tuzlova, Operations/Drainage Clerk

Gerard Rood, Professional Engineer, Rood Engineering Inc.

Kory Snelgrove, E. I. T., Rood Engineering Inc.

General Public: Per attached Sign-in Sheet

The Clerk confirmed having administered the Oaths to the Members of the Court of Revision.

The Clerk confirmed that all notices have been sent in accordance with The Drainage Act.

The meeting was called to order by Vice-Chair at 4:35 PM.

2. Declarations of Conflict of Interest

None declared.

3. Adoption of Published Agenda

Moved by Board Member Carter

Seconded by Board Member Weigt-Bienzle

(CR-19-11-01) That the published agenda for the November 18, 2019 Court of Revision Meeting be adopted as updated with the following amendment:

a) Correspondence from Diana Sheprak dated November 18, 2019. **“Carried”**

4. Adoption of Minutes

Court of Revision for South Malden Road Drain: Bridge for David and Jamie Kendrick held on October 7, 2019.

Moved by Board Member Weigt-Bienzle

Seconded By Board Member Carter

(CR-19-11-02) That the minutes of the Court of Revision for South Malden Road Drain: Bridge for David and Jamie Kendrick held on October 7, 2019, be adopted as circulated. **“Carried”**

5. Court of Revision for Batten Drain

- a) Batten Drain Replacement Bridge for Abram Harms Holdings Inc., Part of Lot 27, N.M.R. Concession, Geographic Township of Colchester North, Project REI2019D024, Town of Essex, County of Essex;

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated September 16th, 2019 which was considered at a Consideration Meeting held October 7, 2019 and adopted by Council at its November 4, 2019 Regular Meeting.

- b) Appeals from Landowners

The Vice-Chair advised that the purpose of the Court of Revision is to hear appeals regarding the Schedule of assessment only. The Schedule of Assessment may be altered but the total assessment must remain the same. If one assessment is reduced then another must be increased to balance.

- c) List of Written Appeals of Assessment Received by the Clerk

The Vice-Chair asked if there were any appeals from landowners. The Clerk confirmed that there were no appeals.

- d) Engineer to provide a Background on the Drain and the Proposed Project

Kory Snelgrove, E.I.T., Rood Engineering Inc.

Mr. Snelgrove presented the overview of the Report. The Report provides for the installation of a new replacement access bridge for Abram Harms Holdings Inc.

Mr. Snelgrove advised that the cost of the bridge will be shared between the owner and the upstream lands and roads as per Construction Schedule of Assessment. Future maintenance of the bridge costs will be assessed at 56% to the owner and 44% assessed pro-rata against upstream lands and roads.

Mr. Snelgrove advised that the estimated cost of the project is \$26,500.00 and stated that the agricultural properties will be eligible for agricultural grant.

Mr. Snelgrove advised that there is an issue related to the property of Kimberley Mak, which is showing as agricultural on the report. Mr. Snelgrove added that the names of the owners for the roll numbers 410-01800 and 410-01850 were put to

each other's roll by the Municipal Property Assessment Corporation and this issue is still under review.

e) Questions from Landowners

The Vice-Chair asked if there were any questions from the Court of Revision Members or the landowners. There were no questions.

f) Court of Revision Decision

Moved by Board member Carter

Seconded by Board Member Weigt-Bienzle

(CR-19-11-03) That the assessments contained in the report for the Batten Drain Replacement Bridge for Abram Harms Holdings Inc., Part of Lot 27, N.M.R. Concession, Geographic Township of Colchester North, Project REI2019D024, Town of Essex, County of Essex, as prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated September 16th, 2019, be confirmed.

"Carried"

6. Court of Revision for the Philip Ferris Drain

a) Philip Ferris Drain New Drain Diversion for Atlas Tube Inc., Maintenance Schedule of Assessment Philip Ferris Drain-North Branch, Geographic Township of Colchester South, Project REI2019D007, Town of Essex, County of Essex;

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated September 6th, 2019 which was considered at a Consideration Meeting held September 30, 2019 and adopted by Council at its November 4, 2019 Regular Meeting.

b) Appeals from Landowners

The Vice-Chair advised that the purpose of the Court of Revision is to hear appeals regarding the Schedule of assessment only. The Schedule of Assessment may be altered but the total assessment must remain the same. If one assessment is reduced then another must be increased to balance.

c) List of Written Appeals of Assessment Received by the Clerk

The Clerk informed that he received written appeals from Mrs. Sheprak dated November 8, 2019 and the reply from Gerard Rood, Professional Engineer, dated November 11, 2019.

The Clerk advised that just before the meeting he has received further correspondence from Mrs. Sheprak with two attachments which were distributed before this meeting. The Clerk stated that he would like to read the email since the public did not have a chance to review this correspondence.

The Clerk read the email from Mrs. Sheprak dated November 18, 2019 received on 3:41 PM. The letter indicates that Mrs. Sheprak believes that the future maintenance of the bridge on her property should be reduced to 25% and that the compensation to her property for the land taken should be increased to \$12,435 per acre.

The Clerk asked the Engineer if he would like to comment about the validity of these appeals.

d) Engineer to provide a Background on the Drain and the Proposed Project

Gerard Rood, Professional Engineer, Rood Engineering Inc. informed that the cost of the project is estimated at \$1,155,000.00 and will be assessed to two parcels owned by Atlas Tube Inc.

Mr. Rood advised that the Addendum dated 2019-10-17 for Maintenance Schedule of Assessment was prepared before the Court of Revision and contains the updated roll information.

Mr. Rood advised that all concerns conveyed in the appeal dated November 8, 2019 were addressed in his reply dated November 11, 2019. Mr. Rood added that the compensation amount was also addressed on November 11, 2019. Mr. Rood added that compensation amount indicated in the report is \$12,200.00 per acre which is comparable to the average farmland price in Ontario indicated as \$12,435 per acre as per London Free Press.

Mr. Rood indicated that his calculation of allowances at \$12,200.00 per acre is based on the appraisal prepared by the licensed appraiser from Fuerland Realty Limited and takes into consideration that the farmland is tiled.

Board Member Carter asked where the appraisal company is located.

Gerard Rood, Professional Engineer, replied that Fuerland Realty Limited is from Windsor and has prepared a full study of Harrow area.

Board Member Carter commented that that the information provided by the local licensed appraiser should be more reliable than values provided in the London

Free Press since the higher values are related to the average farmland price in entire Ontario.

Vice-Chair Martin asked if there are any other questions from the Drainage Board Members or from the audience. There were no questions.

e) Court of Revision Decision

Moved by Board Member Carter
Seconded by Board Member Weigt-Bienzle

(CR-19-11-04) That the assessments contained in the report for Philip Ferris Drain New Drain Diversion for Atlas Tube Inc., Maintenance Schedule of Assessment Philip Ferris Drain-North Branch, Geographic Township of Colchester South, Project REI2019D007, Town of Essex, County of Essex, as prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated September 6th, 2019 be confirmed.

"Carried"

7. Adjournment

Moved by Board Member Weigt-Bienzle
Seconded by Board Member Carter

(CR-19-11-05) That the meeting be adjourned at 4:59 PM.

"Carried"

Chair

Recording Secretary

Date