



## Report to Council

Department: Infrastructure Services

Division: Drainage

Date: June 6, 2022

Prepared by: Lindsay Dean, Drainage Superintendent

Report Number: Drainage-2022-04

Subject: Appointment of an Engineer under Section 76 of the Drainage Act to provide an updated assessment schedule for the Bondy No. 1 Drain

Number of Pages: 4

### Recommendation(s)

**That** Drainage-2022-04 entitled Appointment of an Engineer under Section 76 of the Drainage Act to provide an updated assessment schedule for the Bondy No. 1 Drain prepared by Lindsay Dean, Drainage Superintendent dated May 16, 2022 be received, and

**That** Council appoint N. J. Peralta Engineering Ltd. under Section 76 of the Drainage Act to provide an updated schedule of assessment for the Bondy No. 1 Drain in accordance to Section 22 of the Town of Essex Procurement By-law 2129.

### Purpose

The Town of Essex has been notified that the Bondy No. 1 Drain needs maintenance, however, the current schedule of assessment will not distribute the maintenance costs fairly. An updated schedule of assessment is required through Section 76 of the Drainage Act prior to completing maintenance on the Bondy No. 1 Drain.

## Background and Discussion

The Bondy No. 1 Drain runs from Lot 89, Concession 1 in a southwesterly direction crossing under County Road 50, Levergood and Erie Shores Drive until it eventually makes its outlet into Lake Erie.

Under Section 76 of the Drainage Act, Council may appoint an engineer to vary the original assessment values for maintenance from those contained in the most recent assessment schedule. The most recent report that contains an assessment schedule for the purposes of cleaning the drain was from 1968 although many other improvement projects have occurred on the drain more recently. The improvement projects were completed in 2010, 1997 and 1987 with N.J. Peralta Engineering Ltd being the author of all these reports. Based on their extensive background and experience working on this drain and watershed, it will allow them to complete the project more efficiently.

This schedule has not been maintained since that time and numerous land changes have occurred, which is prompting the need for an updated schedule.

The procedures and appeals under Section 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;
- 3<sup>rd</sup> and Final Reading of the by-law;
- Cleaning the drain under the Drain Maintenance Program

## 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
- 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
- 3<sup>rd</sup> and Final Reading of the By-law – April 2023
- Maintenance on the drain – Summer 2023

## **Financial Impact**

The landowners and roads assessed to the Bondy No. 1 Drain will be responsible for all cost associated with the engineering. Under Section 85 of the Drainage Act, reports prepared under Section 76 are not eligible for agricultural grants. The cleaning of the drain completed under the Drain Maintenance program after the preparation of the new assessment schedule will be eligible for agricultural grants.

## **Consultations**

Jackson Tang, Assistant Manager Business Services

Kate Giurissevich, Director, Corporate Services/Treasurer

## 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 Bondy No 1 Assessment Schedule Drainage-2022-04.docx
Attachments:	- Procurement Section 22 -Bondy No 1 Drain.pdf
Final Approval Date:	May 30, 2022

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

**Norm Nussio, Manager Operations and Drainage - May 27, 2022 - 1:30 PM**



**Kevin Girard, Director, Infrastructure Services - May 30, 2022 - 12:20 PM**



**Doug Sweet, Chief Administrative Officer - May 30, 2022 - 12:34 PM**