



## Report to Council

Department: Office of the CAO  
Division: Legal and Legislative Services  
Date: May 16, 2022  
Prepared by: Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk  
Report Number: Legal and Legislative Services-2022-23  
Subject: Court of Revision for Long Marsh Drain: Replacement and Future Bridge  
Number of Pages: 4

### **Recommendation(s)**

**That** the following three (3) members of the Drainage Board: Janice Dougherty, Percy Dufour and Felix Weigt-Bienzle be appointed to sit as members of the Court of Revision to be convened for the Long Marsh Drain: Replacement and Future Bridge, Geographic Township of Colchester South, Project REI2020Do22 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., and dated March 2, 2022 (hereinafter the "Report"), such Court of Revision to be scheduled for 5:00 pm on June 14, 2022 at the Essex Centre Sports Complex Shaheen Room, and

**That** By-Law 2154 being a by-law to provide for the Long Marsh Drain: Replacement and Future Bridge, Geographic Township of Colchester South, Project REI2020Do22, be read a first and second time and be provisionally adopted on May 16, 2022.

## **Purpose**

A Court of Revision is required in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010 (hereinafter the "Drainage Act").

## **Background and Discussion**

Rood Engineering Inc. was instructed by the Town of Essex on or about October 29, 2020 to prepare a report for the above Long Marsh Drain, pursuant to Section 76 of the Drainage Act.

On January 29, 2021 the Report was prepared by Rood Engineering Inc. to provide the details, estimates and assessments therein.

A Consideration Meeting for this Report was held on March 17, 2021. At this meeting the Drainage Board received public correspondence/delegations (if applicable) and heard the various concerns or comments made by those who attended. At this meeting the Drainage Board resolved and recommended that the Report prepared by Gerard Rood, Professional Engineer dated October 29, 2020 be reconsidered due to concerns from Essex Region Conservation Authority (ERCA) regarding the sizing for the proposed bridge replacement.

On October 5, 2021 the Reconsidered Report was prepared by Rood Engineering Inc. to provide the details, estimates and assessments therein.

A Reconsideration Meeting for the Reconsidered Report was held on November 24, 2021. At this meeting the Drainage Board received public correspondence/delegations (if applicable) and heard the various concerns or comments made by those who attended. At this meeting the Drainage Board resolved and recommended that the Report prepared by Gerard Rood, Professional Engineer dated October 5, 2021 be reconsidered a second time to reconsider upstream assessments after further amendments to the assessment schedule to reduce the benefit portion or net assessment (after grant) to the property owner.

On March 2, 2022 the Reconsidered Report was prepared by Rood Engineering Inc. to provide the details, estimates and assessments therein.

A Reconsidered Meeting for the Reconsidered Report was held on April 14, 2022. At this meeting the Drainage Board resolved and recommended that the said Report be adopted and that a provisional By-Law be prepared for Council's consideration (see Drainage Board minutes from the April 14, 2022 consideration meeting, which minutes are included under Item 14 of the May 16, 2022 Regular Council Meeting Agenda).

**Appointment of Court of Revision Members:**

The Court of Revision is to be comprised of three (3) members of the Drainage Board and so accordingly it is recommended that Court of Revision members when required to be convened shall be appointed on a rotating, alphabetical order basis. If an appointed member is not available then that appointed member shall be replaced by the next available member of the Drainage Board (based on the aforementioned rotating, alphabetical order basis).

It is therefore recommended that Janice Dougherty, Percy Dufour and Felix Weigt-Bienzle be selected and appointed to sit as the Court of Revision for the Long Marsh Drain: Replacement and Future Bridge.

It is further recommended that By-law 2154 adopting the recommendations in the Rood Engineering Inc. Report dated March 2, 2022, be provisionally adopted so that this project can proceed to the Court of Revision specified in this report.

The Court of Revision is the next step in the process in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010.

**Financial Impact**

There is no financial impact.

## Consultations

Drainage Department

### 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:	COR Long Marsh Drain Repl Future Bridge - L L Services-2022-23.docx
Attachments:	- By-Law No. 2154 Long Marsh Drain Replacement and Future Bridge.pdf
Final Approval Date:	May 9, 2022

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



**Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - May 9, 2022 - 2:39 PM**



**Doug Sweet, Chief Administrative Officer - May 9, 2022 - 2:43 PM**