

**Court of Revision  
AGENDA**

Tuesday, April 11, 2017, 6:30 pm  
Tecumseh Town Hall  
www.tecumseh.ca

Pages

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. DISCLOSURE OF PECUNIARY INTEREST**

**4. INTRODUCTION AND PURPOSE OF MEETING**

The purpose of Court of Revision is to hear from any owner who wishes to appeal his/her assessment or any part thereof, as set out in the Drainage Report prepared by Baird AE, dated February 7, 2017, and by Provisional By-law No. 2017-15, in accordance with the *Drainage Act*.

**5. DELEGATIONS**

**6. COMMUNICATIONS**

- a. Notice of First Sitting of Court of Revision, March 17, 2017 2  
Re: Seventh Concession Drain
- b. Essex Region Conservation Authority 3  
Re: 7th Concession Drain - Notice of First Sitting of Court of Revision
- c. Drainage Superintendent, Report No. 16/17 5  
Re: Seventh Concession Drain – Consider Engineer’s Drainage Report
- d. By-Law 2017-15 12  
Being a by-law to provide for the repair and improvements to the Seventh Concession Drain

**7. ADJOURNMENT**

March 17, 2017

**To: Affected Property Owners and Agencies**

**Re: Notice of First Sitting of the Court of Revision  
For the Repair and Improvement to the  
7<sup>th</sup> Concession Drain**

Tecumseh Council at their meeting held on March 14, 2017, adopted the Drainage Report prepared by Baird AE, dated February 7, 2017, for improvements to the 7<sup>th</sup> Concession Drain (Report) by Provisional By-law No. 2017-15 in accordance with the *Drainage Act*.

**NOTICE IS HEREBY GIVEN** that a Court of Revision in respect of the Drainage Report will be held as follows:

**Date: Tuesday, April 11, 2017**

**Time: 6:30 pm**

**Place: Council Chambers  
Tecumseh Town Hall  
917 Lesperance  
Tecumseh, ON**

The purpose of the Court of Revision is to hear any owner who wishes to appeal his/her assessment or any part thereof as set out in the Drainage Report.

Any notice of such appeal is to be served in writing on the Clerk of the Town at least ten (10) days before the meeting of said Court of Revision. Notice shall be served at the address indicated above.

Additional information regarding the *Drainage Act* process is located on the Ontario Ministry of Agriculture & Food (OMAF) website at: [www.ontario.ca/drainage](http://www.ontario.ca/drainage)

Laura Moy  
Director, Corporate Services & Clerk



**From:** Cynthia Casagrande  
**Sent:** March-28-17 12:18 PM  
**To:** Sam Paglia  
**Cc:** Laura Moy; Halliday Pearson; Dan Jenner  
**Subject:** 7th Concession Drain - Notice of First Sitting of Court of Revision

Dear Sam:

This office has received the Notice of First Sitting of Court of Revision Meeting scheduled for Tuesday, April 11, 2017 regarding the proposed repair and improvement to the 7<sup>th</sup> Concession Drain. Unfortunately, we are unable to attend this meeting.

We note that the comments contained in the email below are still applicable.

If further information or clarification is required, please do not hesitate to contact this office.

Yours truly,

*Cynthia Casagrande*  
Regulations Coordinator  
Essex Region Conservation Authority  
360 Fairview Avenue West, Suite 311  
Essex ON N8M 1Y6

**From:** Cynthia Casagrande  
**Sent:** Tuesday, March 21, 2017 2:15 PM  
**To:** 'Sam Paglia'  
**Subject:** 7th Concession Drain - Notice of Consideration

Dear Sam:

We apologize for not responding prior to the Notice of Consideration Meeting that was scheduled for March 14, 2017 to consider the Engineer's Report for the 7<sup>th</sup> Concession Drain.

This office has received a copy of the Drainage Report prepared by Baird AE Engineering Project No. 14-105 for the repair and improvement to the 7<sup>th</sup> Concession Drain. We have reviewed this information and find it acceptable. In addition, Ms. Halliday Pearson, P. Eng., Baird AE did provide a telephone message clarifying the previous questions I had with respect to this project. We will need an ERCA application for permit form and application fee of \$800.00 for this project to proceed. Please forward this information and/or alternative direction at your earliest convenience.

If further information or clarification is required, please do not hesitate to contact this office.

Yours truly,



*Cynthia Casagrande*  
Regulations Coordinator  
Essex Region Conservation Authority  
360 Fairview Avenue West, Suite 311  
Essex ON N8M 1Y6



## THE CORPORATION OF THE TOWN OF TECUMSEH

Public Works & Environmental Services  
Report No. 16/17

**TO:** Mayor and Members of Council

**FROM:** Sam Paglia, P.Eng. Drainage Superintendent

**DATE:** February 23, 2017

**DATE TO COUNCIL:** March 14, 2017

**SUBJECT:** Seventh Concession Drain – Consider Engineer’s Drainage Report

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### **RECOMMENDATIONS**

It is recommended that:

1. The Drainage Report and specifications, for the Seventh Concession Drain as prepared by Mr. Don Joudrey, P.Eng., of Baird AE, dated February 7, 2017 (Drainage Report) be received; and that
2. Consideration be given to first and second readings of a provisional by-law to adopt the Drainage Report; and further that
3. Notice be given to all affected landowners of the Court of Revision to be held on Tuesday, April 11, 2017 at 6:30 pm in accordance with Section 46(1) of the Drainage Act subject to adoption of the provisional by-law.

### **BACKGROUND**

The Town Road Authority Requested the Repair and Improvement of a Municipal Drain on June 16, 2014, in accordance with Section 78 of *The Drainage Act*.

On July 22, 2014, Council accepted the recommendation under Public Works and Environmental Services Report No. 59/14 dated July 7, 2014 and passed resolution (Motion: RCM-316/14) as follows:

***THAT Crozier Baird Engineers be appointed Drainage Engineer to:***

- a) make an examination of the drainage area; and*
- b) to prepare a Drainage Report (Report) for the Seventh (7<sup>th</sup>) Concession & Extension Drain (Drain) in accordance with Section 78 of the Drainage Act (Act) as submitted by the Town of Tecumseh Road Authority in the Request for Repair and Improvements (Request) form dated June 16, 2014;*

Invitations were sent to all affected landowners and agencies and an on-site meeting was held on Wednesday, August 27, 2014. A record of the meeting is provided in the Drainage Report.

The Drainage Engineer submitted a draft report to the Town, dated June 7, 2016. Subsequently, a Public Information Centre (PIC) was held with affected landowners on Wednesday, September 14, 2016.

On February 10, 2017, *Baird AE*, filed a report dated February 7, 2017 for the repair and improvement to the Seventh Concession and Extension Drain and in accordance with Section 41 of the *Drainage Act*, and on February 13, 2017, invitations were sent to all affected landowners notifying them that the Public Meeting of Council to consider the Report would be held on March 14, 2017.

## **COMMENTS**

### Section 41 Notice of Drainage Works

(1) Upon the filing the Engineer’s Drainage Report with the Clerk, and within 30 days of the filing, a copy of the Drainage Report was sent together with a notice of the date of the Council meeting at which the Drainage Report will be considered, to:

1. Affected property owners, within the initiating municipality, according to the last revised assessment roll to be the owners of lands and roads assessed for the drainage works or for which compensation or other allowances have been provided in the report;
2. The Clerk of every other municipality in which any land or road is assessed for drainage works or compensation, or other allowances provided in the Report;
3. The Secretary-Treasurer of the Essex Region Conservation Authority (ERCA);
4. Any railway, public utility or road authority affected by the report; and
5. The Minister of Agriculture, Food and Rural Affairs.
6. The Director appointed for the purposes of the Drainage Act.

### Consideration by Council

Subject to the discretion of Council, the Drainage Report may be:

- a. Referred back to the Drainage Engineer for reconsideration if it appears that there are, or may be errors in the report or for any other reason the report should be reconsidered ; or
- b. Provisionally approve by giving first and second readings to a Provisional By-law.

Following provisional adoption of the By-law, a meeting of the Court of Revision shall be scheduled to allow any affected owner of land assessed for the drainage works to appeal their assessed costs subject to the following:

- a. Any land or road has been assessed too high or too low; or
- b. Any land or road that should have been assessed has not been assessed; or
- c. Due consideration has not been given as to type of use of land.

### Approvals

Correspondence with the Essex Regional Conservation Authority (ERCA) has been continuous and an application for approval under Section 28 of the Conservation Authorities Act will be required for the works as recommended under the Drainage Report.

Based on the comments above, it is recommended that:

1. The Drainage Report and specifications, for the East McPherson Drain as prepared by Mr. Don Joudrey, P.Eng., of Baird AE, dated February 7, 2017 (Drainage Report) be received; and that
2. Consideration be given to first and second readings of a provisional by-law to adopt the Drainage Report; and further that
3. Notice be given to all affected landowners of the Court of Revision to be held on Tuesday, April 11, 2017 at 6:30 pm in accordance with Section 46(1) of the Drainage Act subject to adoption of the provisional by-law.

**CONSULTATIONS**

Baird AE.  
 Director Financial Services & Treasurer  
 Director Corporate Services & Clerk

**FINANCIAL IMPLICATIONS**

<b>Engineer's Estimates for the Seventh Concession Drain</b>	
<b>Description</b>	<b>Estimate</b>
Construction	\$240,675
Incidentals	\$64,200
Allowances/Compensation	\$2,602
ERCA	\$800
HST (1.76%)	\$5,383
<b>Total</b>	<b>\$313,660</b>
<b>Assessment Summary</b>	
County of Essex – Roads	\$35
Town of Tecumseh – Lands and Roads	\$28,535
Non-Agricultural lands	\$285,090
<b>Total</b>	<b>\$313,660</b>

The Town of Tecumseh is a landowner on this project and has been assessed for Special Benefit, Benefit Liability and Outlet Liability in the Drainage Report. The Town has six (6) roads that use the Seventh Concession drain for stormwater conveyance and one land parcel. The total land area of 1.44 hectares is assessed for \$19,500 Special Benefit, \$3,275 for Benefit and \$5,760 for Outlet Liability, for a total assessment based on the Engineer’s estimate for the Repair and Improvement works of \$28,535.

The Town’s Municipal Drain Lifecycle Reserve is affected by this drainage project. Please see the table below.

<b>Municipal Drain Lifecycle Reserve - February 28, 2017</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Reserve Balance Start of Year (est.)	\$171,462	\$59,513	\$129,513	\$199,513	\$269,513
Allocation	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000
Road LC re 10th Conc. Windsor (5055)	\$226,000				
<b>Funds Available</b>	<b>\$467,462</b>	<b>\$129,513</b>	<b>\$199,513</b>	<b>\$269,513</b>	<b>\$339,513</b>
<b>Committed</b>					
South McPhee Drain (5014)	\$27,928				
West Branch Delisle (5036)	\$15,414				
O'Keefe (5044)	\$20,719				
South Talbot/Holden Branch (5027)	\$23,020				
McPherson East (5028)	\$32,890				
South Malden (Lower) & Graham (5033)	\$12,443				
10th Concession - Windsor (5055)	\$247,000				
7th Conc & Extension (5047)	\$28,535				
<b>Balance Committed</b>	<b>\$407,949</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Balance Uncommitted</b>	<b>\$59,513</b>	<b>\$129,513</b>	<b>\$199,513</b>	<b>\$269,513</b>	<b>\$339,513</b>
<b>Proposed</b>					
<b>Total Proposed</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Balance Available</b>	<b>\$59,513</b>	<b>\$129,513</b>	<b>\$199,513</b>	<b>\$269,513</b>	<b>\$339,513</b>

There are no privately owned agricultural lands within the watershed and therefore, no eligibility for grants under the Agricultural Drainage Infrastructure Program (ADIP).

Other than costs to administer the project, the cost of constructing the project is 100% recoverable by affected lands and detailed in the Assessment Schedule included in the Drainage Report. If assessments are in excess of \$5,000 landowners have the option of paying the balance, plus interest at 3.1%, over a five (5) year period; the annual payments are added as a special charge on their taxes.



**LINK TO STRATEGIC PRIORITIES**

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	
2.	Ensure that the Town of Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh’s plans and priorities.	
4.	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.	✓
5.	Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	

**COMMUNICATIONS**

Not applicable

Website  Social Media  News Release  Local Newspaper

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

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Sam Paglia, P.Eng.,  
Drainage Superintendent

Reviewed by:

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Phil Bartnik, P.Eng., PMP  
Manager Engineering Services

Reviewed by:

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Dan Piescic, P.Eng.  
Director Public Works & Environmental  
Services

Reviewed by:

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Luc Gagnon, CPA, CA, BMath  
Director Financial Services & Treasurer

Reviewed by:

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Laura Moy, Dipl. M.M, CMMIII HR  
Professional  
Director Corporate Services & Clerk

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment:

1. Location Map

**ATTACHMENT 1  
 LOCATION MAP**

The Corporation of the Town of Tecumseh  
**Drain Maps**  
**Seventh 7th Conc. & Extension**



<u>DRAIN NUMBER</u>	<u>DRAIN NAME</u>	<u>OUTLET</u>	<u>OUTLET NAME</u>
84	7th Concession Drain	2	Little River

**BY-LAWS**

59 & 77/1896 - 127/1901 - 842/39 - 1277/1959 - 78-22 & 78-27/78 - 91-28

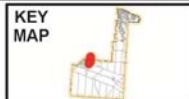
**COMMENTS**

77 being a bylaw to amend bylaw 59 rep. & imp. - 78-27 being a bylaw to amend bylaw 78-22 rep. & imp. - BL-91-28 wasn't found, report BC-90-107 on Jul.8/91rep. & imp. - In 1995, according to report BC-95-119 enclosure drain owner Saturn Tool. -In 1998, sizing for proposed two commercial bridges Volvo Expway Truck center  
 - In 2000, required maintenance -BI 2008-83 rep.& imp.

**MAP LOCATION**



DISCLAIMER  
 The information within this map is provided "as is" without warranty of any kind, either expressed or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The Corporation of the Town of Tecumseh assumes no liability for any alleged or actual, incidental or consequential damages resulting from the furnishing, performance or use of this map.



Drain Number **84**  
 Date Printed: Mar 26, 2010

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2017-15

Being a by-law to provide for the repair and improvements to the Seventh Concession Drain

**WHEREAS** the Council of The Corporation of the Town of Tecumseh [Town] has been requested to provide for the repair and improvement of the Seventh Concession Drain;

**AND WHEREAS** the Town procured a Drainage Report for the Seventh Concession Drain and specifications from the consulting engineering firm of Baird AE, dated February 7, 2017;

**AND WHEREAS** notice of a Public Meeting to hear comments from the affected property owners was given on February 13, 2017;

**AND WHEREAS** a Public Meeting of Council was held on Tuesday, March 14, 2017, at 6:00 p.m. to hear from any affected property owners on the Drainage Report;

**AND WHEREAS** the Council of The Corporation of the Town of Tecumseh is of the opinion that the repair and improvement of the Seventh Concession Drain is desirable;

**NOW THEREFORE** the Council of The Corporation of the Town of Tecumseh, pursuant to *The Drainage Act, R.S.O. 1990 (Act)*, hereby enacts as follows:

1. **THAT** the Drainage Report providing for the repair and improvement of the Seventh Concession Drain, dated February 7, 2017, as prepared by the consulting engineering firm Baird AE and attached hereto as Schedule "A" to this by-law, is hereby adopted and the drainage works as therein indicated and set forth is hereby approved and shall be completed in accordance therewith.
2. **THAT** the Treasurer, subject to the approval of Council, may agree with any bank or person for temporary advances of money to meet the costs of construction pending the completion of the drain and grants and computed payments are received.
3. **THAT** the Town may issue debentures for the amount borrowed and the amount of such debentures shall be reduced to the total amount of:
  - (a) Grants received under Section 85 of the said Act;
  - (b) Commuted payments made in respect of land and roads assessed.
4. **THAT** such debentures shall be made payable within five (5) years from the date of the debenture and shall bear interest at a rate as approved by resolution of Council.
5. **THAT** the specifications and General Specifications as established are adopted as set out in the Drainage Report which forms part of this by-law.
6. **THAT** the Mayor and Clerk are authorized to cause a contract for the construction of the works to be made and entered into with some person or persons, firm or corporations, subject to the approval of the Council to be declared by resolution.

7. **THAT** this by-law shall come into force upon and after the final passing thereof.

**READ** a first and second time this 14<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk

**READ** a third and final time, and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk