



The Corporation of the Town of Tecumseh

Public Works & Environmental Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Environmental Services

Date to Council: September 22, 2020

Report Number: PWES-2020-30

Subject: Request for Approval by Resolution for Drainage Apportionment Agreements

Recommendations

It is recommended:

That PWES-2020-30 entitled “Request for Approval by Resolution for Drainage Apportionment Agreement” **be received;**

And that the Drainage Apportionment Agreements for the parcels listed in Appendix A and B **be approved;**

And further that By-Law 2020-62 being a by-Law to authorize the apportionment of the assessments for the drains and respective parcels listed in Appendix A and B **be adopted.**

Background

The purpose of this report is to provide a summary of the background and other information in order to assist Council in providing a resolution for the Apportionment Agreements listed in Appendix A and assigning a by-law to previously approved Apportionment Agreements to increase file efficiency.

The *Drainage Act* provides a means by which property owners can request that drainage work of a municipal drain be undertaken to address drainage issues in specific areas. Once the Engineer’s Report and By-law relating to the construction of a municipal drain have been adopted and all the necessary steps in the *Drainage Act* process have been undertaken, landowners are assessed a share of the cost associated with the construction and/or

maintenance and repair of the drain. Any future maintenance or repair on the drain is assessed to each owner in the same ratios as outlined in the adopted By-law and the Engineer's Report.

Occasionally, a parcel of land in a drainage area is the subject to a land severance. When this occurs, one of two Sections of the *Drainage Act* ensues:

1. Section 65(1) states that if, after the final revision of an engineer's assessment of land for a drainage works, the land is divided by a change in ownership of any part, the Clerk shall instruct an engineer in writing to apportion the assessment among the part into which the land was divided, taking into account the part of the land affected by the drainage works, or
2. Section 65(2) allows for the owners of subdivided land to mutually agree on the share of the drainage assessment that each should pay. A written agreement indicating these shares must be entered into and filed with the Clerk of the Municipality, and if the Agreement is approved by the Council by Resolution, no Engineer need be instructed to apportion the assessment, and the new apportionments are fixed.

Comments

In order to maintain fair and equitable billing for municipal drain maintenance, up-to-date property parcel information must be maintained by the Municipality. Changes in the number of properties and the size of a given property will affect the amount of benefit derived from drainage works and the amount of obligation for maintenance charges.

If the landowners are not in agreement to proceed with Section 65(2) of the *Drainage Act*, the Clerk can instruct an engineer under Section 65(1) to apportion the assessment for the land that was divided; costs associated with this method are to be borne by the affected party.

Landowners, who are in agreement with Section 65(2) of the *Drainage Act*, have agreed to the recommended apportionment percentages. A signed written agreement is then filed with the Town and the new apportionments are to be approved by Council by resolution.

The owners of the properties listed in Appendix A have signed Agreements on Share of Assessment, which have not yet been approved by Council. The owners of the properties listed in Appendix B as previously reported in PWES Report 53/15, 45/16, and 51/17 have also signed Agreements on Share of Assessment. To facilitate record management and document control, it is recommended that these Agreements be approved by by-law.

Consultations

Corporate Services & Clerk
Financial Services

Financial Implications

The approval of Apportionment Agreements ensures that future invoices for municipal drain maintenance for the Town and landowners within the Town are fair and based on the benefit

provided to those lands by future drainage works until such time as an Engineer is appointed to reapportion the drain watershed under the provisions of the *Drainage Act*.

The Town invoices landowners \$185 for the preparation and administration of the apportionment agreements according to our Administrative Fees and Charges By-Law No. 2019-81.

The funds generated from Drainage Apportionment Agreements is allocated as revenue to the Drainage Department.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	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 Chief Administrative Officer.

Prepared by:

Cameron Hedges, E.I.T.
Assistant Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

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

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Appendix A – Drainage Apportionments to be Approved by Council Resolution
2	Appendix B – PWES Apportionment Reports Approved by Council Resolution