

**DRAINAGE REPORT
FOR THE
REASSESSMENT OF THE**

CYR DRAIN & EXTENSION

**TOWN OF TECUMSEH
COUNTY OF ESSEX**



**(FINAL REPORT)
17 MARCH 2021
MARK D. HERNANDEZ, P.ENG.
FILE No. 19-9611
TECUMSEH FILE NO. EO9CY(17)**

File No. 19-9611

Mayor and Council
The Corporation of the Town of Tecumseh
917 Lesperance Road
Tecumseh, Ontario
N8N 1W9

Drainage Report for the Reassessment of the CYR DRAIN & EXTENSION Town of Tecumseh

Mayor and Council:

Instructions

The Drainage Superintendent, on behalf of the Municipality, submitted a request to have a new schedule of assessment prepared for future maintenance of the Cyr Drain and Extension to the Cyr Drain in the Town of Tecumseh. Council accepted the request under Section 76 of the Drainage Act and on 27th March 2019 appointed Dillon Consulting Limited to prepare a report.

The purpose of this report is not to authorize work to be carried out on the Cyr Drain and Extension but only to establish an updated Assessment Schedule for Future Maintenance on the drain.

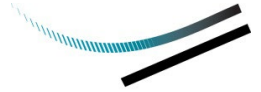
Watershed Description

The Cyr Drain and Extension of the Cyr Drain consists of an open channel with an enclosed section. The length of drain is approximately 1,842 metres and a watershed area of 41.6 hectares. The lands comprising the watershed are of mixed agricultural, residential, commercial and light industrial land uses. There is little topographic relief. From the Ontario Soil Survey, the principle surficial soil in the watershed area is described as Brookston Clay with Brookston Clay Sand Spot Phase soils. The soils are predominantly poorly drained. Most of the agricultural land parcels are systematically tiled.



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During our investigation it was observed that approximately 90 metres of the upper reach of the drain has been filled in. If the filled in upper section of the drain is no longer required for drainage, the Town should meet with the affected landowners to discuss the abandonment of this section of the drain.



Drain History

The recent history of Engineers' reports for the Cyr Drain and Extension follows:

- **8 April 1992 by Lou Zarlenga, P.Eng.:** This is a reconsidered report. The recommended work included the repair, improvement and widening of the Cyr Drain, complete with enclosing part of the drain along the rear of Roll No. 570-06500 and Westlake Drive and incorporating the roadside drain on County Road No. 22 to be known as the Extension of the Cyr Drain.
- **9 October 1969 by C.G.R. Armstrong, P.Eng.:** The recommended work provided for the initial construction of the Cyr Drain under a petition. The drain extended from its outlet into the roadside ditch at County Road No. 22 to its head approximately 762 metres southerly along the west limit of Lot 153.

On-Site Meeting

We conducted an on-site meeting on 22nd January 2020. A record of the meeting is provided in Schedule 'A', which is appended hereto.

Allowances

Allowances for additional land use or damages to lands for the placement of drain spoils in accordance with Sections 29 and 30 of the Drainage Act are applicable to drain improvements recommended under a new Engineer's report only and do not apply to on-going maintenance and repairs or reassessment reports. Schedule 'B' for allowances is therefore omitted from this assessment report since there has been no instruction to consider drain improvements in accordance with Section 78 of the Drainage Act.

Recommendations

In order that the cost of future maintenance works be fairly proportioned against the lands and roads within the watershed that are affected by the Cyr Drain and Extension to the Cyr Drain, we recommend that the new schedule of assessment included in this report be adopted and used for future maintenance. The new schedule more accurately defines the lands and roads which are affected. This schedule will replace the maintenance schedules contained in the previous report.

Assessment of Costs

The individual assessments are comprised of three (3) assessment components:

- i. Benefit (advantages relating to the betterment of lands, roads, buildings, or other structures resulting from the improvement to the drain).
- ii. Outlet Liability (part of cost required to provide outlet for lands and roads).
- iii. Special Benefit (additional work or feature that may not affect function of the drain).

We have assessed the estimated costs against the affected lands and roads as listed in Schedule 'C' under "Benefit" and "Outlet."

Schedule of Assessment (Future Drain Maintenance)

Schedule "C" shows assessments against the affected upstream lands and roads in the watershed based on an arbitrary cost of \$15,000.00. Engineering costs (\$22,500.00) associated with the preparation of this report and future drain maintenance costs on the Cyr Drain and Extension would be proportioned in the same relative amounts as listed in Schedule "C."

All technical aspects of future maintenance works on the drain shall be governed by the report prepared by Lou Zarlenga, P. Eng. dated 8 April 1992.

Special Assessments for Drain Maintenance Items

To address other future maintenance work, we recommend the following:

- Drain bank repairs due to erosion caused by surface drainage on the field side of the drain or caused by tile inlet drainage flows shall be assessed 100% against the abutting landowner.
- Drain bank repairs due to erosion caused by surface drainage on the road side of the drain shall be assessed 100% against the Road Authority.
- Tile inlet repairs shall be assessed 100% against the abutting landowner.

The above assessments are typically applied as a special benefit assessment against the benefiting landowner when the works are undertaken. Schedule 'D' is typically provided within a new engineer's report that recommends drain improvements and includes an estimate and breakdown of costs with corresponding special benefit assessments in accordance with Sections 24 and 26 of the Drainage Act. Since this report is for reassessment purposes only, Schedule 'D' has been omitted from this report.

Drawings and Specifications

Schedule 'F' for drainage work specifications does not apply to reassessment reports and therefore is omitted from this report. Attached to this report is Schedule 'G' which include the following drawings:

Page 1 of 1: Watershed Plan

Utilities

It may become necessary to temporarily or permanently relocate utilities that may conflict with the ongoing maintenance activities. In accordance with Section 26 of the Drainage Act, we assess any relocation cost against the public utility having jurisdiction. Under Section 69 of the Drainage Act, the public utility is at liberty to do the work with its own forces, but if it should not exercise this option within a reasonable time, the Municipality will arrange to have this work completed and the costs will be charged to the appropriate public utility.

Approvals

The construction and/or improvement to a drainage works, including repair and maintenance activities, and all operations connected therewith are subject to the approval, inspection, by-laws and regulations of all Municipal, Provincial, Federal and other authorities having jurisdiction in respect to any matters embraced by the proposed works. Prior to any construction or maintenance works, the Municipality or proponent designated on the Municipality's behalf shall obtain all required approvals/permits and confirm any construction limitations including timing windows, mitigation/off-setting measures, standard practices or any other limitations related to in-stream works.

Grants

Section 85 states that grants may be made with respect to assessments upon lands used for agricultural purposes applicable to drainage works undertaken in accordance with Sections 4, 74 or 78. No grant is applicable to costs of reassessment prepared in accordance with Section 76 of the Drainage Act except for provisions stated in A.D.I.P. policy 2.3(e).

Respectfully submitted,



DILLON CONSULTING LIMITED

Mark D. Hernandez, P.Eng.

MDH:wlb:lld

Meeting Minutes

Subject: Cyr Drain
Date: January 22, 2020 4 p.m.
Location: Horwood Room Tecumseh Arena
Our File: 19-9611
Distribution: Landowners

Attendees

<u>Name</u>	<u>Role/Company</u>
Jeff Sylvestre	Landowner
James Sylvestre	Landowner
Josette Eugeni	Landowner
Robert Banwell	Landowner
Sam Paglia	Town of Tecumseh
Phil J. LeBlanc	Landowner
Rick Demarse	Landowner
Mark Fishleigh	County of Essex
Yves Poirier	Landowner
Bernie & Diana McGraw	Landowner
Mark Hernandez	Dillon Consulting Limited
Kristine Wilkinson	Dillon Consulting Limited

Notes

<u>Item</u>	<u>Discussion</u>	<u>Action by</u>
1.	General information regarding the Drainage Act	
1.1.	Project scope is an updated Schedule of Assessment under Section 76 of the Drainage Act	
1.1.1.	Explanation of project-Surveying of lands to confirm watershed including an updated Schedule of Assessment for Future Maintenance	
2.	Question: What does maintenance mean?	
2.1.	Clean out and repair to bring back to original state	
3.	Desro drainage issues-blockage at drain culvert	

<u>Item</u>	<u>Discussion</u>	<u>Action by</u>
3.1.	Not a municipal drain. Belongs to the Road Authority. Town Public Works can repair and maintain	
4.	How is the work assessed to landowners?	
4.1.	Explanation of drainage assessments was provided	
5.	Cyr Drain is a Class 'F' drain meaning not constantly full of water	
6.	Question: When will maintenance occur?	
6.1.	Class 'F' drain and anticipate cleaning in the spring	
7.	Background information about request	
7.1.	Some landowners indicated the drain often has no water	
7.2.	No flooding issues identified	
8.	Assessed for path of water to Cyr Drain then East Townline Drain	
8.1.	New assessment is created based on use and area to determine assessment	
9.	Upstream end has been filled in and needs to be removed from the drainage report	
10.	Questions: Is there development in the vacant lands? Would we have to double pay? Would the drain have to be rerouted? Who will pay the costs? The Developer?	
10.1.	Presently when the drain is cleaned the costs will be assessed to the landowners. Separate from development.	

Errors and/or Omissions

These minutes were prepared by **Kristine Wilkinson** who should be notified of any errors and/or omissions.

Meeting Minutes

Subject: Cyr Drain PIC Meeting
Date: March 5, 2021 2:30 p.m.
Location: Conference Call Via Zoom
Our File: 19-9611
Distribution: Landowners in Cyr Watershed

Attendees

<u>Name</u>	<u>Role/Company</u>
Josette Eugeni	Landowner
Jeff Sylvestre	Landowner
Jim Sylvestre	Landowner
Rick Demarse	Landowner
Zohill	Landowner
Sam Paglia	Town of Tecumseh
Mark Fishleigh	County of Essex
Mark Hernandez	Dillon Consulting Limited
Kristine Wilkinson	Dillon Consulting Limited

Notes

<u>Item</u>	<u>Discussion</u>	<u>Action by</u>
1.	General information regarding the Drainage Act	
1.1.	Project scope- updated schedule of assessment under a Section 76 of the Drainage Act.	
1.1.1.	Clarification was given regarding the difference between a section 76 and a section 78	
2.	Clarification was provided by the Town regarding the most recent by-law / report which is dated April 8 th 1992 and was a reconsideration of the February 3, 1992 report. The draft report will be revised accordingly.	Dillon

<u>Item</u>	<u>Discussion</u>	<u>Action by</u>
3.	2019 Lidar illustrating the topography of the fields was shown during the meeting to show the overland drainage path of the fields. It generally coincides with the watershed depicted in the draft report.	
4.	Landowner Jeff Sylvestre requested that the Sylvestre farm parcels already assessed to the East Towline Drain remain in the ETLD report, and be removed from the Cyr Drainage Report. Jeff noted that although the topography goes west, the Sylvestres have constructed furrows to capture the flow and take it west. Draft report to be revised accordingly.	Dillon
5.	Landowner Jeff Sylvestre noted that the property identified as “Team Goran” is allocated into the Cyr. Draft report to be revised accordingly.	Dillon
6.	Landowner Rick Demarse indicated that his farm parcel 570-47600 is now grantable under OMAFRA’s guidelines and the report should be amended accordingly. The Town has reviewed and confirmed this to be the case. Draft report to be revised accordingly.	Dillon

Errors and/or Omissions

These minutes were prepared by **Kristine Wilkinson EIT**, who should be notified of any errors and/or omissions.

"SCHEDULE C"
SCHEDULE OF ASSESSMENT
CYR DRAIN & EXTENSION TO THE CYR DRAIN
TOWN OF TECUMSEH

Description			Area Affected		Owner	Special	Benefit	Outlet	Total
			(Acres)	(Ha.)		Benefit			Assessment
MUNICIPAL LANDS:									
County Road No. 22			8.06	3.26	County of Essex	\$0.00	\$1,708.00	\$2,170.00	\$3,878.00
Westlake Drive			0.80	0.32	Town of Tecumseh	\$0.00	\$89.00	\$222.00	\$311.00
Gouin Street (Unopened)			0.10	0.04	Town of Tecumseh	\$0.00	\$2.00	\$7.00	\$9.00
Sylvestre Drive			0.55	0.22	Town of Tecumseh	\$0.00	\$77.00	\$127.00	\$204.00
570-47900	1	Pt. Lot 156 RP12R10051 Pts. 5-10&38	2.30	0.93	County of Essex	\$0.00	\$381.00	\$266.00	\$647.00
Total on Municipal Lands						\$0.00	\$2,257.00	\$2,792.00	\$5,049.00

Description			Area Affected		Owner	Special	Benefit	Outlet	Total
			(Acres)	(Ha.)		Benefit			Assessment
PRIVATELY-OWNED - NON-AGRICULTURAL LANDS:									
570-06500	2	Pt. Lot 153 Plan 395 Pt. Lot 5 Plan 1287 Blk Z RP12R9926 Pt. Pt. 1	11.41	4.62	Fairlane Developments Inc.	\$0.00	\$886.00	\$1,257.00	\$2,143.00
570-06000	-	Plan 395 Pt. Lot 5 RP12R27334 Pts. 1-3	0.75	0.30	Bernard J. & Diana L. McGraw	\$0.00	\$56.00	\$107.00	\$163.00
570-05902	-	Plan 395 Pt. Lot 5 RP12R26793 Pt. 4	2.10	0.85	Kevin B. & Danielle M. Mayrand	\$0.00	\$116.00	\$151.00	\$267.00
570-05800	-	Plan 395 Pt. Lot 5	1.47	0.59	Susan G. Fitzpatrick	\$0.00	\$85.00	\$135.00	\$220.00
570-05700	-	Plan 395 Pt. Lot 5 RP12R16258 Pts. 1&3	2.54	1.03	Philippe J. & Maureen A. LeBlanc	\$0.00	\$127.00	\$174.00	\$301.00
570-05601	-	Plan 395 N. Pt. Lot 6 RP12R2979 Pt. 2	0.81	0.33	James A. & Ellen Desjardins	\$0.00	\$59.00	\$118.00	\$177.00
570-05600	-	Plan 395 Pt. Lot 6 RP12R2979 Pt. 1	0.69	0.28	Normand L. & Rosemary A. Kennette	\$0.00	\$53.00	\$112.00	\$165.00

Description			Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
570-05500	-	Plan 395 Pt. Lot 6	0.71	0.29	Danny & Domenica Bechara	\$0.00	\$54.00	\$115.00	\$169.00
570-05400	-	Plan 395 Pt. Lot 6	1.42	0.57	Domenic & Yolanda Lombardi	\$0.00	\$81.00	\$143.00	\$224.00
570-05300	-	Plan 395 Pt. Lot 6	0.70	0.28	Richard J. Demarse & Diane L. Vincent	\$0.00	\$55.00	\$115.00	\$170.00
570-05200	2	Pt. Lot 153 Plan 395 Pt. Lot 6	6.36	2.57	Romano & Jadranka Zohil	\$0.00	\$211.00	\$412.00	\$623.00
570-05100	-	Plan 395 Pt. Lot 6	1.20	0.49	Barbara K. Biggar	\$0.00	\$75.00	\$143.00	\$218.00
570-05000	-	Plan 395 Pt. Lot 6	0.90	0.36	Felice & Antonia Mainella	\$0.00	\$62.00	\$129.00	\$191.00
570-04902	-	Plan 395 Pt. Lot 6 RP12R7909 Pt. 1	0.69	0.28	Iva Mustapic	\$0.00	\$53.00	\$120.00	\$173.00
570-47835	1	Pt. Lot 155 RP12R19729 Pts. 3,9,10,11,15&16	1.90	0.77	1859283 Ontario Inc.	\$0.00	\$203.00	\$377.00	\$580.00
570-47810	1	Pt. Lot 154&155 RP12R14005 Pts. 25&26	1.65	0.67	Jamsyl Group Inc.	\$0.00	\$194.00	\$341.00	\$535.00
570-47812	1	Pt. Lot 155 RP12R16351 Pts. 1&2	1.08	0.44	Team Goron Inc.	\$0.00	\$89.00	\$134.00	\$223.00

Description			Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
570-47815	1	Pt. Lot 155 RP12R17521 Pts. 1&2	1.42	0.57	JD & DD Enterprises Inc.	\$0.00	\$146.00	\$259.00	\$405.00
570-47903	1	Pt. Lot 156 RP12R10051 Pts. 3,4,11,12,17,18,25& 26	0.28	0.11	Windsor Poirier Inc.	\$0.00	\$73.00	\$11.00	\$84.00
570-47904	1	Pt. Lots 155&156 RP12R18783 Pts. 1&2	0.45	0.18	2036610 Ontario Limited	\$0.00	\$79.00	\$49.00	\$128.00
Total on Privately-Owned - Non-Agricultural Lands						\$0.00	\$2,757.00	\$4,402.00	\$7,159.00

Description			Area Affected		Owner	Special	Benefit	Outlet	Total
			(Acres)	(Ha.)		Benefit			Assessment
PRIVATELY-OWNED - AGRICULTURAL LANDS (GRANTABLE)									
570-47800	1	Pt. Lot 155 RP12R19278 Pts. 7,12&17	2.00	0.81	Jamsyl Group Inc.	\$0.00	\$159.00	\$218.00	\$377.00
570-47825	1	Pt. Lots 154&155 RP12R19729 Pts. 1,2,6,7,8&13	7.88	3.19	2292093 Ontario Inc.	\$0.00	\$261.00	\$390.00	\$651.00
570-47700	2	E. Pt. Lot 153	16.69	6.75	Mary Dragicevic & Mary L. Lesperance	\$0.00	\$404.00	\$864.00	\$1,268.00
570-47600	2	Pt. Lot 153	6.33	2.56	Gale A. & Richard J. Demarse	\$0.00	\$162.00	\$334.00	\$496.00
Total on Privately-Owned - Agricultural Lands (Grantable)						\$0.00	\$986.00	\$1,806.00	\$2,792.00
TOTAL ASSESSMENT						\$0.00	\$6,000.00	\$9,000.00	\$15,000.00
			(Acres)	(Ha.)					
Total Area:			83.24	33.66					

