

# The Corporation of the Town of Tecumseh

## By-Law Number 2021 - 41

Being a bylaw to provide for the reassessment of the CYR Drain & Extension

**Whereas** the Council of The Corporation of the Town of Tecumseh (hereafter "Town") has been requested to provide for the reassessment of the the reassessment of the CYR Drain & Extension;

**And Whereas** the Town procured a Drainage Report for the reassessment of the CYR Drain & Extension from Mark Hernandez, P. Eng., of Dillon Consulting Ltd, dated June 11, 2021 (hereafter "Drainage Report");

**And Whereas** notice of a Public Meeting to hear comments from the affected property owners on the Drainage Report was given on May 7, 2021;

**And Whereas** a Public Meeting of Council was held on Tuesday, June 08, 2021, at 5:45 pm to hear from any affected property owners on the Drainage Report;

**And Whereas** the Drainage Report was referred back to Mark Hernandez, P. Eng., of Dillon Consulting Ltd. at the June 8, 2021 Public Meeting by Council for reconsideration as a result of a land severance in the affected drainage area;

**And Whereas** on June 11, 2021, Mark Hernandez, P. Eng., of Dillon Consulting Ltd. filed the Reconsidered Drainage Report for the Reassessment of the Cyr Drain & Extension, dated June 11, 2021 (Reconsidered Drainage Report);

**And Whereas** notice of a Public Meeting to hear comments from the affected property owners was given on June 17, 2021;

**And Whereas** a Public Meeting of Council was held on Tuesday, July 13, 2021, at 5:45 pm to hear from any affected property owners on the Reconsidered Drainage Report;

**And Whereas** the Council of The Corporation of the Town of Tecumseh is of the opinion that the reassessment of the the reassessment of the CYR Drain & Extension is desirable;

**Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:**

1. **That** the Reconsidered Drainage Report providing for the repair and improvement of the the reassessment of the CYR Drain & Extension, dated June 11, 2021, as prepared by the consulting engineering firm Dillon Consulting 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 13th day of July, 2021.

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Gary McNamara, Mayor

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Laura Moy, Clerk

**Read** a third and final time this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

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Gary McNamara, Mayor

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Laura Moy, Clerk

**RECONSIDERED DRAINAGE REPORT  
FOR THE  
REASSESSMENT OF THE**

**CYR DRAIN & EXTENSION**

**TOWN OF TECUMSEH  
COUNTY OF ESSEX**



**(FINAL REPORT)**

**11 JUNE 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



## **Reconsidered 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 27<sup>th</sup> 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.

### **Summary of Changes to Original Report**

Our original report dated 17 March 2021 was considered by Town of Tecumseh Council on 8 June 2021. Council deferred their decision to adopt the report. The report was referred back for reconsideration to address a land severance and apportionment for Roll No. 570-06000.

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Windsor, Ontario  
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N8W 5K8  
Telephone  
519.948.5000  
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519.948.5054

## 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. 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 22<sup>nd</sup> 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**

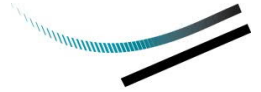
In order that the cost of future maintenance works be fairly proportioned against the lands and roads within the watershed that are affected by the Cyr Drain and Extension to the Cyr Drain, we recommend that the new schedule of assessment included in this report be adopted and used for future maintenance. 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:

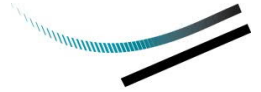
- Drain bank repairs due to erosion caused by surface drainage on the field side of the drain or caused by tile inlet drainage flows shall be assessed 100% against the abutting landowner.
- Drain bank repairs due to erosion caused by surface drainage on the road side of the drain shall be assessed 100%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

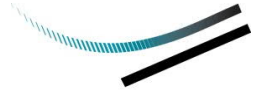
#### **Approvals**

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

## At endees

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<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

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<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**

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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

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<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

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<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 <sup>th</sup> 1992 and was a reconsideration of the February 3, 1992 report. The draft report will be revised accordingly.	<b>Dillon</b>

<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 ETLT 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 East. Draft report to be revised accordingly.	<b>Dillon</b>
5.	Landowner Jeff Sylvestre noted that the property identified as “Team Goran” is allocated into the Cyr. Draft report to be revised accordingly.	<b>Dillon</b>
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.	<b>Dillon</b>

### **Errors and/or Omissions**

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

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

<b>Description</b>	<b>Area Affected</b>		<b>Owner</b>	<b>Special Benefit</b>	<b>Benefit</b>	<b>Outlet</b>	<b>Total Assessment</b>
	<b>(Acres)</b>	<b>(Ha.)</b>					
<b>MUNICIPAL LANDS:</b>							
County Road No. 22	8.06	3.26	County of Essex	\$0.00	\$1,739.00	\$2,190.00	\$3,929.00
Westlake Drive	0.80	0.32	Town of Tecumseh	\$0.00	\$90.00	\$224.00	\$314.00
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	\$78.00	\$129.00	\$207.00
570-47900      1      Pt. Lot 156 RP12R10051 Pts. 5- 10&38	2.30	0.93	County of Essex	\$0.00	\$388.00	\$268.00	\$656.00
Total on Municipal Lands				\$0.00	\$2,297.00	\$2,818.00	\$5,115.00

Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment		
	(Acres)	(Ha.)							
<b>PRIVATELY-OWNED - NON-AGRICULTURAL LANDS:</b>									
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	\$902.00	\$1,269.00	\$2,171.00
570-06000	-	Plan 395 Pt. Lot 5 RP12R27334 Pts. 1&2	2.81	1.14	Bernard J. & Diana L. McGraw	\$0.00	\$76.00	\$171.00	\$247.00
570-05800	-	Plan 395 Pt. Lot 5	1.47	0.59	Susan G. Fitzpatrick	\$0.00	\$86.00	\$137.00	\$223.00
570-05700	-	Plan 395 Pt. Lot 5 RP12R16258 Pts. 1&3	2.54	1.03	Philippe J. & Maureen A. LeBlanc	\$0.00	\$130.00	\$176.00	\$306.00
570-05601	-	Plan 395 N. Pt. Lot 6 RP12R2979 Pt. 2	0.81	0.33	James A. & Ellen Desjardins	\$0.00	\$60.00	\$120.00	\$180.00
570-05600	-	Plan 395 Pt. Lot 6 RP12R2979 Pt. 1	0.69	0.28	Normand L. & Rosemary A. Kennette	\$0.00	\$54.00	\$113.00	\$167.00



Description	Area Affected		Owner	Special	Benefit	Outlet	Total		
	(Acres)	(Ha.)		Benefit				Assessment	
570-05500	-	Plan 395 Pt. Lot 6	0.71	0.29	Danny & Domenica Bechara	\$0.00	\$54.00	\$116.00	\$170.00
570-05400	-	Plan 395 Pt. Lot 6	1.42	0.57	Giancarlo Conflitti	\$0.00	\$83.00	\$144.00	\$227.00
570-05300	-	Plan 395 Pt. Lot 6	0.70	0.28	Richard J. Demarse & Diane L. Vincent	\$0.00	\$56.00	\$117.00	\$173.00
570-05200	2	Pt. Lot 153 Plan 395 Pt. Lot 6	6.36	2.57	Romano & Jadranka Zohil	\$0.00	\$214.00	\$416.00	\$630.00
570-05100	-	Plan 395 Pt. Lot 6	1.20	0.49	Barbara K. Biggar	\$0.00	\$77.00	\$144.00	\$221.00
570-05000	-	Plan 395 Pt. Lot 6	0.90	0.36	Felice & Antonia Mainella	\$0.00	\$63.00	\$131.00	\$194.00
570-04902	-	Plan 395 Pt. Lot 6 RP12R7909 Pt. 1	0.69	0.28	Iva Mustapic	\$0.00	\$54.00	\$121.00	\$175.00
570-47835	1	Pt. Lot 155 RP12R19729 Pts. 3,9,10,11,15&16	1.90	0.77	1859283 Ontario Inc.	\$0.00	\$206.00	\$381.00	\$587.00
570-47810	1	Pt. Lot 154&155 RP12R14005 Pts. 25&26	1.65	0.67	Jamsyl Group Inc.	\$0.00	\$197.00	\$344.00	\$541.00
570-47812	1	Pt. Lot 155 RP12R16351 Pts. 1&2	1.08	0.44	Team Goron Inc.	\$0.00	\$90.00	\$135.00	\$225.00

Description	Area Affected		Owner	Special	Benefit	Outlet	Total		
	(Acres)	(Ha.)		Benefit			Assessment		
570-47815	1	Pt. Lot 155 RP12R17521 Pts. 1&2	1.42	0.57	JD & DD Enterprises Inc.	\$0.00	\$148.00	\$262.00	\$410.00
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	\$74.00	\$11.00	\$85.00
570-47904	1	Pt. Lots 155&156 RP12R18783 Pts. 1&2	0.45	0.18	2036610 Ontario Limited	\$0.00	\$80.00	\$50.00	\$130.00
Total on Privately-Owned - Non-Agricultural Lands						\$0.00	\$2,704.00	\$4,358.00	\$7,062.00

Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment		
	(Acres)	(Ha.)							
<b>PRIVATELY-OWNED - AGRICULTURAL LANDS (GRANTABLE)</b>									
570-47800	1	Pt. Lot 155 RP12R19278 Pts. 7,12&17	2.00	0.81	Jamsyl Group Inc.	\$0.00	\$161.00	\$220.00	\$381.00
570-47825	1	Pt. Lots 154&155 RP12R19729 Pts. 1,2,6,7,8&13	7.88	3.19	2292093 Ontario Inc.	\$0.00	\$265.00	\$394.00	\$659.00
570-47700	2	E. Pt. Lot 153	16.69	6.75	Mary Dragicevic & Mary L. Lesperance	\$0.00	\$409.00	\$872.00	\$1,281.00
570-47600	2	Pt. Lot 153	6.33	2.56	Gale A. & Richard J. Demarse	\$0.00	\$164.00	\$338.00	\$502.00
Total on Privately-Owned - Agricultural Lands (Grantable)						\$0.00	\$999.00	\$1,824.00	\$2,823.00
<b>TOTAL ASSESSMENT</b>						<b>\$0.00</b>	<b>\$6,000.00</b>	<b>\$9,000.00</b>	<b>\$15,000.00</b>
		<b>(Acres) (Ha.)</b>							
<b>Total Area:</b>		<b>83.20 33.65</b>							

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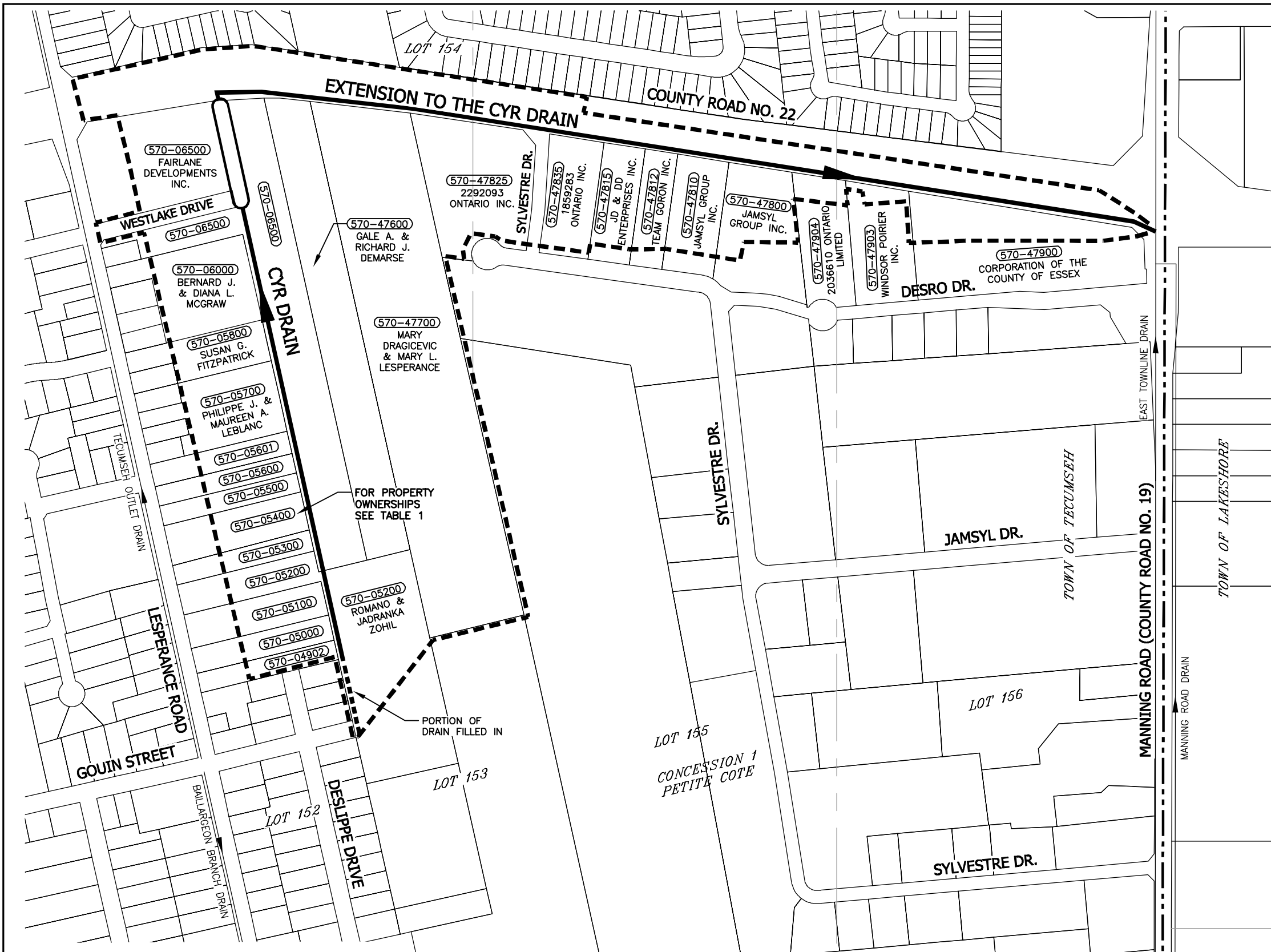
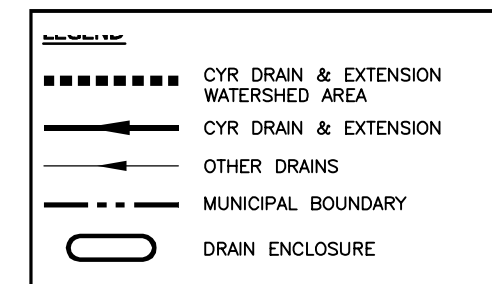
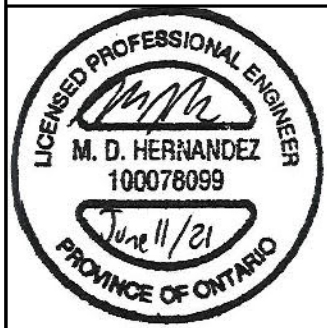


TABLE 1

PARCEL OWNERS	
ROLL NO.	NAME OF OWNER
570-05601	JAMES A. & ELLEN DESJARDINS
570-05600	NORMAND L. & ROSEMARY A. KENNETTE
570-05500	DANNY & DOMENICA BECHARA
570-05400	GIANCARLO CONFLITTI
570-05300	RICHARD J. DEMARSE & DIANE L. VINCENT
570-05200	ROMANO & JADRANKA ZOHIL
570-05100	BARBARA K. BIGGAR
570-05000	FELICE & ANTONIA MAINELLA
570-04902	IVA MUSTAPIC



**WATERSHED PLAN**  
SCALE-1:5,000



**Conditions of Use**

Verify elevations and/or dimensions on drawing prior to use. Report any discrepancies to Dillon Consulting Limited.

Do not scale dimensions from drawing.

Do not modify drawing, re-use it, or use it for purposes other than those intended at the time of its preparation without prior written permission from Dillon Consulting Limited.

No.	ISSUED FOR	DATE	BY
5	RECONSIDERED REPORT SUBMISSION	JUNE 11/2021	MDH
4	FINAL REPORT SUBMISSION	MAR. 17/2021	MDH
3	PUBLIC INFORMATION CENTRE	FEB. 17/2021	MDH
2	CLIENT REVIEW	MAR. 2/2020	MDH
1	CLIENT REVIEW	DEC. 4/2019	MDH

DESIGN	REVIEWED BY
MDH	EPS
DRAWN	CHECKED BY
WLB	TRO
DATE	June 11, 2021
SCALE	AS SHOWN

PROJECT NO. 19-9611

DRAWING SCALES BASED ON A 11" X 17" SHEET

'SCHEDULE G'

Reconsidered Drainage Report for the  
**CYR DRAIN & EXTENSION  
TO THE CYR DRAIN**  
Town of Tecumseh

SHEET TITLE  
**WATERSHED PLAN**

PAGE NO.  
1 of 1