



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: December 13, 2022

Report Number: PWES-2022-26

Subject: Amendment to Drainage Assessment Schedules for Works Completed under Section 78 of the Drainage Act in 2021

Recommendations

It is recommended:

That the Report PWES-2022-26 titled “Amendment to Drainage Assessment Schedules for Works Completed under Section 78 of the Drainage Act in 2021”, **be received**;

And that By-law No. 2022-093 being a Capital Drain Levying By-Law to provide for the collection of construction drainage assessments for the Dawson Drain (Revenberg Culvert), approved by By-law No. 2021-15, **be given** first, second, third and final reading;

And further that By-law No. 2022-094 being a Capital Drain Levying By-Law to provide for the collection of construction drainage assessments for the South Talbot Holden Outlet Drain (County Road 11 & South Talbot Road Intersection), approved by By-Law 2021-42, **be given** first, second, third and final reading;

And furthermore, that By-law No. 2022-095 being a Capital Drain Levying By-Law to provide for the collection of construction drainage assessments for the South Talbot Holden Outlet Drain (Gosselin O’Neil culvert), approved by By-law No. 2019-25, **be given** first, second, third and final reading;

And further moreover that By-law No. 2022-096 being a Capital Drain Levying By-Law to provide for the collection of construction drainage assessments for the East Townline Drain (St. Clair Outlet), approved by By-law No. 2019-21, **be given** first, second, third and final reading.

Background

Dawson Drain – Revenberg Culvert

Council, at their meeting on May 25, 2021, adopted the engineer's drainage report by Gerard Rood, P.Eng. of Rood Engineering Inc., dated April 3, 2020, under By-law No. 2021-15, for the repair and improvement to the Dawson Drain under Section 78 of the Drainage Act, R.S.O. 1990 (Act). Construction was completed in 2021 and consisted of a new agricultural access bridge serving CON STR S PT LOT 294 (Roll No. 460-00200) over the Dawson Drain.

South Talbot Holden Outlet Drain – County Road 11 & South Talbot Road Intersection

Council, at their meeting on June 8, 2021, adopted the engineer's drainage report by Mark Hernandez, P.Eng., of Dillon Consulting Ltd., dated March 17, 2021, under By-law No. 2021-42, for the repair and improvement to the South Talbot Holden Outlet Drain under Section 78 of the Act. The design of the proposed drainage works was being completed concurrently and in concert with the County of Essex's County Road 11 & South Talbot Road reconstruction project. Construction was substantially completed in January of 2021 and consisted of the realignment of the South Talbot Holden Outlet Drain as part of the works.

South Talbot Holden Outlet Drain – Gosselin O'Neil Culvert

Council, at their meeting on May 14, 2019, adopted the engineer's drainage report by Mark Hernandez, P.Eng., of Dillon Consulting Ltd., dated March 11, 2019, under By-Law No. 2019-25, for repair and improvement to the South Talbot Holden Outlet Drain under Section 78 of the Act. Construction was substantially completed in 2021 as part of the Town's South Talbot Road Improvement project. The work consisted of a new access bridge serving Pt. Lot 303, South Talbot Road Concession (Roll No. 470-00700) over the South Talbot Holden Outlet Drain as part of a land severance and two road bridge replacements on South Talbot Road.

East Townline Drain (St. Clair Outlet)

Council, at their meeting on June 25, 2019, adopted the engineer's drainage report by Mark Hernandez, P.Eng., of Dillon Consulting Ltd., dated February 13, 2019, under By-law No. 2019-21, for repair and improvement to the East Townline Drain under Section 78 of the Act. Construction was substantially completed in 2021 and consisted of culvert replacements, repairs, drain bank repairs and restoring the East Townline Drain, from County Road 42 to County Road 22, to the engineer's design cross-section and grade.

Comments

Municipal Drainage Works Procedures

Section 4 and 78 of the Drainage Act, R.S.O. 1990 provides that the Town can construct, repair or improve municipal drains in response to a request or petition from an affected landowner, in the Town, experiencing drainage issues. Appointed engineer reports proceed through required meetings and appeal opportunities as legislated under the Act. Assessments are established for each affected property and are legislated by by-law after the timelines for any appeals have expired (Drainage By-Law).

Once a drainage report has been adopted as a provisional by-law, construction, repair or improvement works for the Drain are tendered according to the Town's Procurement By-Law and Purchasing Policy.

After the contract for the drainage works is awarded and following substantial completion of the construction of the recommended works in the adopted drainage report, the Town applies to the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) for grant funds for eligible agricultural lands. These properties must be classified at the Farm Tax Rate to receive the grant monies which are applied for by the Drainage Superintendent and deducted from the gross assessment for each individual property.

Section 62(1) of the Act requires the municipality to adopt a by-law to assess out the actual costs of the drainage works proportionately to the affected landowners, excluding any non-pro-ratable special benefit costs. The non-pro-ratable costs are assessed to the affected landowners and roads as determined by the drainage engineer in accordance with the Section 24 and 26 of the Act. The by-laws for the drains referenced in this report provide for assessing the actual costs of the drainage works proportionately to the affected landowners.

Consultations

Financial Services

Financial Implications

Original By-Law	Drain Name	Engineer's Estimate	Actual Costs			OMAFRA Grant
			Total Project Cost	Pro-Rateable Cost	Non-Pro-Rateable Cost	
2021-15	Dawson Drain – Revenberg Culvert	\$14,200	\$10,680.46	\$10,680.46	\$0	\$0
2021-42	South Talbot Holden Outlet Branch Drain – County Intersection	\$210,050	\$23,550.80*	\$23,550.80	\$0	\$0
2019-25	South Talbot Holden Outlet Drain – Gosselin O'Neil Culvert	\$376,000	\$350,000	\$325,203.96	\$24,796.04	\$8,166.67
2019-21	East Townline Drain (St. Clair Outlet)	\$544,638	\$410,931.93	\$397,136.44	\$13,615.49	\$110,382.85

* The actual project costs were substantially lower due to the works being incorporated as part of the County of Essex's County Road 11 and South Talbot Road reconstruction project.

The total project costs listed in the above table include construction, engineering, environmental monitoring, eligible administrative expenses, permit fees, allowances, interest and non-recoverable HST. These project costs are 100% recoverable by affected lands, including the Town's portion, as detailed in the adopted assessment schedules.

The total drainage assessments to the Town are as follows:

- \$325,203.96 for the South Talbot Holden Outlet Drain (Gosselin O'Neil Culvert)
 - Funded from the Road Lifecycle Reserve
- \$155,840.63 for the East Townline Drain (St. Clair Outlet)
 - Funded from the Municipal Drain Lifecycle Reserve

The landowner for the new access bridge over the Dawson Drain paid the total assessment and the County of Essex paid the total assessment for the realignment of the South Talbot Holden Outlet Drain.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" 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 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:

Alessia Mussio, E.I.T.
Drainage Superintendent/Engineering Technologist

Reviewed by:

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

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None