



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: March 14, 2023

Report Number: PWES-2023-19

Subject: Adoption of Municipal Drain By-Laws
10th Concession Drain and the Burke Drain

Recommendations

It is recommended:

That Report PWES-2023-19 titled “Adoption of Municipal Drain By-Laws, 10th Concession Drain and the Burke Drain”, **be received**;

And that By-law 2023-034 being a By-law to adopt the Engineer’s Drainage Report for the 10th Concession Drain (prepared by Dillon Consulting Ltd. and dated March 16, 2015) for the completion of drain improvement and collection of drainage assessments, as approved by the City of Windsor By-law 42-2015, **be given** first, second, third and final reading;

And further that By-law 2023-035 being a By-law to adopt the Engineer’s Drainage Report for the Burke Drain (prepared by Dillon Consulting Ltd. and N.J. Peralta Engineering Ltd. and dated June 6, 2018) for the completion of drain improvement and collection of drainage assessments, as approved by the Town of LaSalle By-law 8183, **be given** first, second, third and final reading.

Background

Municipalities can work together to repair and improve a municipal drain that crosses a municipal boundary. Often, these types of drainage projects are initiated by a single municipality but have affects on their municipal neighbours that are both procedural and assessment related. The initiating municipality is obligated to follow all legislated processes in accordance with the *Drainage Act* (the Act), including inviting the affected municipalities and

landowners to participate throughout the process. Neighbouring municipalities affected by the work or that are subject to assessments to pay for the costs of the drainage improvements, also have obligations when these type of drainage projects take place. This includes providing notification to their residents of site meetings, public meetings, appointing a member of Council to sit on the Court of Revision, and the levying of assessments within their respective municipality in accordance with the schedule of assessment provided in the engineering report.

10th Concession Drain – City of Windsor By-law 42-2015

The City of Windsor appointed the engineering firm Dillon Consulting Ltd. to prepare a report for the improvements to the 10th Concession Drain under Section 78 of the Act on November 18, 2013. The Drain starts at the upstream end located within the City of Windsor and proceeds downstream to its outlet into the Sullivan Creek within the Town of Tecumseh. As part of this drain improvement project, the following events took place:

- An on-site meeting was held on February 20, 2014, and a second on-site meeting on May 15, 2014, with landowners and administration from both Windsor and Tecumseh in attendance;
- A Public Information Centre (PIC) was held on March 5, 2015, with Windsor and Tecumseh landowners;
- Dillon Consulting Ltd. submitted the Drainage Report dated March 16, 2015, to the City of Windsor's Clerk's office. This report was circulated to all affected landowners from Windsor and Tecumseh. The City of Windsor held the Meeting to Consider on April 7, 2015, and the Court of Revision on June 4, 2015. Tecumseh was represented at the Court of Revision by a member of Tecumseh Council;
- Third and final reading of City of Windsor By-law 42-2015 for the improvements to the 10th Concession Drain was given on July 6, 2015;
- D'Amore Construction Ltd. was awarded the tender on June 23, 2015, and construction was substantially completed in the Fall 2015. Assessments to Tecumseh lands were subsequently collected by the Town of Tecumseh, pro-rated in accordance with the Schedule of Assessment provided in the engineering report, in 2017.

Burke Drain – Town of LaSalle By-law 8183

On January 22, 2013, the Town of LaSalle appointed the engineering firms Dillon Consulting Ltd. and N.J. Peralta Engineering Ltd. to prepare a report under Section 78 of the Act for the preparation of all necessary drainage reports for all drains serving as an outlet for the Rt. Hon. Herb Gray Parkway, one of which being the Burke Drain. The Burke Drain is located almost entirely within the Town of Tecumseh except for the outlet which crosses Howard Avenue into the Howard Avenue Drain within the Town of LaSalle. As part of this drain improvement project, the following events took place:

- An on-site meeting was held on July 3, 2013, with landowners and administration from both LaSalle and Tecumseh in attendance;
- Dillon Consulting Ltd. and N.J. Peralta Engineering Ltd. submitted the Drainage Report dated June 6, 2018, to the Town of LaSalle's Clerk's office. This report was circulated to all affected landowners from LaSalle and Tecumseh. The Town of LaSalle held the Meeting to Consider on June 26, 2018, and the Court of Revision on August 14, 2018. Tecumseh was represented at the Court of Revision by a member of Tecumseh Council;
- Third and final reading of Town of LaSalle By-law 8183 for the improvements to the Burke Drain was given on September 11, 2018;
- The work has not been tendered out yet.

Comments

Through discussions with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), it was recommended that Tecumseh Council needs to adopt the Engineering Drainage Reports for municipal drainage projects that are undertaken by a neighbouring municipality but that physically exist within the Town of Tecumseh. This is required to ensure that the Town will have the authority to undertake future maintenance works and issue assessments pursuant to the schedules of assessment provided within the engineering reports, on those segments of drains that are located within the Town of Tecumseh.

Consultations

City of Windsor
Town of LaSalle

Financial Implications

There are no financial implications associated with this report.

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:

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Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None