



## 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:** June 27, 2023

**Report Number:** PWES-2023-45

**Subject:** Adoption of Municipal Drain By-law  
4th Concession Drain

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### Recommendations

It is recommended:

**That** report PWES-2023-45 titled 'Adoption of Municipal Drain By-law, 4<sup>th</sup> Concession Drain' **be received;**

**And that** By-Law 2023-069 being a By-law to adopt the Engineer's Drainage Report for the 4<sup>th</sup> Concession Drain (prepared by RC Spencer Associates Inc. and dated August 5, 2022) for the completion of drain improvement and collection of drainage assessments, as approved by the Town of LaSalle By-law 8764, **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 effects 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.

## **4<sup>th</sup> Concession Drain – Town of LaSalle By-Law 8764**

The Town of LaSalle appointed the engineering firm RC Spencer Associates Inc. to prepare a report for the repair and improvements of the 4<sup>th</sup> Concession Drain in the Town of LaSalle and the Holden Outlet Drain in the Town of Tecumseh under Section 78 of the Act in 2018. The Drain starts at the upstream end located within the Town of Tecumseh and proceeds downstream to its outlet into the River Canard within the Town of LaSalle. The Town of Tecumseh requested that the Holden Outlet Drain be renamed the 4<sup>th</sup> Concession Drain in the report. As part of this drain improvement project, the following events took place:

- An on-site meeting was held on November 5, 2018, with landowners and administration from both LaSalle and Tecumseh in attendance;
- RC Spencer Associates Inc. submitted the Drainage Report dated August 5, 2022, to the Town of LaSalle 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 January 24, 2023, and the Court of Revision on March 23, 2023. Tecumseh was represented at the Court of Revision by a member of Tecumseh Council;
- Third and final reading of Town of LaSalle By-law 8764 for the improvements to the 4<sup>th</sup> Concession Drain was given on April 25, 2023;
- In speaking with LaSalle Administration, it is anticipated this project will be tendered in June with construction commencing in August of 2023.

## **Comments**

It is recommended that Tecumseh Council adopt 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**

Town of LaSalle

## **Financial Implications**

There are no financial implications associated with this report. It should be noted, however, that lands owned by the Town of Tecumseh, and privately owned lands within the Town of Tecumseh, will be assessed costs in accordance with the schedules of assessment included in

the Drainage Report for the current recommended repairs and improvements, and for future drain maintenance.

### 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:

Alessia Mussio, E.I.T.  
Drainage Superintendent

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

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Drain Location Map