



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: January 28, 2025

Report Number: PWES-2025-03

Subject: Request to Consider Engineer's Report – 11th Concession Drain
(Balkwill Culvert)

Recommendations

It is recommended:

That the Report and Specifications for the 11th Concession Drain (Drain) as prepared by Oliver Moir, P.Eng., of Dillon Consulting Ltd., dated December 10, 2024 (Drainage Report) **be received**;

And that consideration **be given** to the first and second readings of a provisional by-law to adopt the Drainage Report in accordance with Section 42 of the Drainage Act (Act);

And further that notice **be given** to all affected landowners of the Court of Revision to be held on February 25, 2025 at 6:00 pm in accordance with Section 46(1) of the Act, subject to the adoption of the provisional by-law.

Background

The purpose of this report is to provide a summary of the background and other information in order to assist Council in giving consideration to the Drainage Report in accordance with the Act.

On August 13, 2024 Council accepted the recommendation by the Director of Public Works & Engineer Services under Report No. [PWES-2024-44](#) and passed resolution (Motion: RCM-188/24) as follows:

That Oliver Moir, P.Eng., of Dillon Consulting Limited be appointed Drainage Engineer to make an examination of the 11th Concession Drain as submitted by a Landowner in the "Notice of Request for Drainage Improvement" dated June 26, 2024;

And that a Drainage Report be prepared in accordance with Section 78 of the Drainage Act (Act), including provisions for future maintenance;

And further that Council delegate the authority to the Chief Administrative Officer, the Purchasing Coordinator and the Director Public Works & Engineering Services to execute an agreement, satisfactory in form to the Town Solicitor, with Dillon Consulting Limited.

An on-site meeting was held on September 20, 2024. A summary of this meeting is included in the Schedule 'A-1' of the Drainage Report included as Attachment No. 1.

The Town received a draft report dated December 5, 2024, for discussion at a Public Information Centre (PIC). Invitations were sent to landowners and a PIC was held on Monday, December 9, 2024, at Town Hall to discuss the content of the draft report.

On December 10, 2024, Oliver Moir, P. Eng., filed a report dated December 10, 2024 for the repair and improvement to the Drain in accordance with Section 41 of the Act. On January 6, 2025, invitations were sent to all affected landowners and agencies that the Public Council Meeting to consider the Engineer's Report would be held on Tuesday, January 28, 2025 at 6:30 pm.

This Drainage Report provides for the construction of a new access as outlined within the conditions of a recent consent application for a severance.

Comments

The sections of the Act referenced within this report are included in Schedule A which is attached to this Council Report as Attachment No. 2.

Consideration by Council

Subject to the discretion of Council, the Drainage Report may be:

- a. Referred back to the Drainage Engineer for reconsideration if it appears that there are, or may be errors in the report or for any other reason the report should be reconsidered; or
- b. Provisionally approve by giving first and second readings to a Provisional By-law.

Following provisional adoption of the By-law, a meeting of the Court of Revision shall be scheduled to allow any affected owner of land assessed for the drainage works to appeal their assessed costs subject to the following:

- a. Any land or road has been assessed too high or too low; or
- b. Any land or road that should have been assessed has not been assessed; or
- c. Due consideration has not been given as to type of land use.

Regulatory Approvals

Regulatory Approvals have been reviewed for the 11th Concession Drain (Balkwill Culvert) and consist of:

1) Essex Region Conservation Authority (ERCA) – *Conservation Authorities Act*

- a. A permit from ERCA will be required prior to construction.

2) Department of Fisheries & Oceans (DFO) – *Fisheries Act*

- a. A self-assessment has been completed and determined that this project does not require a formal review by DFO and the Drain should not contain any aquatic species at risk or critical habitat. Best management practices will be implemented during construction to minimize any potential for adverse impacts to fish and/or fish habitat.

3) Ministry of Environment, Conservation & Parks (MECP) – *Endangered Species Act*

- a. The Town's Species-At-Risk Mitigation Plan continues to comply with the *Endangered Species Act*. The recommendations of the Mitigation Plan will be implemented, and the Town and Contractor will gather information on encountered species and/or mitigation plans implemented prior to and throughout construction.

Consultations

Financial Services
Dillon Consulting Ltd.

Financial Implications

Per the Drainage Report, the total estimated cost for the access bridge is \$16,800 (excluding HST), which is assessed to the requesting landowner's 0.13 hectares (0.32 acres) property as Special Benefit Liability. The subject property is shown on the Watershed Plan (page 1 of 2) in the Drainage Report.

Other than costs to administer the project, the cost of constructing the project is 100% recoverable from the assessed lands in the Assessment Schedule included in the Drainage Report dated December 10, 2024. Additionally, the Drainage Report includes an Assessment Schedule for future maintenance. There are no affected Town owned lands/roads within the watershed that would receive an assessment.

For assessments in excess of \$5,000, the Town offers landowners the option of paying the balance plus interest over a five (5) year period; the annual payments are added as a special charge on their taxes.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

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:

Matthew Shiha, 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

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
1	Drainage Report dated December 10, 2024 by Oliver Moir, P.Eng., of Dillon Consulting Ltd.
2	Schedule A – Drainage Act Excerpts