



The Corporation of the Town of Tecumseh

Public Works & Environmental Services

To: Mayor and Members of Council

From: Sam Paglia, Drainage Superintendent/Engineering Technologist

Date to Council: March 12, 2019

Report Number: PWES-2019-11

Subject: Appointment of Drainage Engineer for Variation of Assessment – CYR Drain and Extension Outlet.

Recommendations

It is recommended:

That Dillon Consulting Limited (Dillon) **be appointed** Drainage Engineer to:

- (i) make a variation of the assessment schedule for maintenance and repair on the drainage works required to maintain the CYR Drain and Extension Outlet Drain; and
- (ii) prepare a Report in accordance with Section 76 of the *Drainage Act*.

Background

The Town's Drainage Superintendent visited the site for a drain inspection following the recent flushing of an existing enclosure on the CYR Drain related to a commercial development located immediately south of County Road No. 22. During this site inspection, a significant amount of sediment was observed in the downstream open portion of the CYR Drain. The Town also completed a desktop review of any conditions or circumstances that may have changed or arisen to justify the need for a variation of the assessment for maintenance and repair of the drainage works. The last Engineer's Report authored by Bruce D. Crozier Engineering is appended and governs the current By-Law No. 92-16.

The results of the inspection confirmed that the drain has accumulated substantial sediment, and is in need of repair. The desktop study revealed that the drain's watershed was reduced at the upstream reach as a result of the stormwater management design for the development

of Deslippe Road. The infrastructure for stormwater beneath the road facilitated the removal of an area of the watershed that now conveys stormwater to the Baillargeon Drain.

Land use changes have also occurred within the watershed due to the subdivision of industrial lands and roads along the eastern and northern limits of the watershed. In addition, the development of the north/south portion of Sylvestre Drive appears to have removed area from the CYR Drain watershed and redirected it easterly to the East Townline Drain.

If the watershed boundary was unaffected, the Town could maintain the assessment schedule of the current By-Law by completing apportionment agreements in accordance with Section 65 of the *Drainage Act*. Due to various changes and circumstances indicated above, these apportionments cannot be completed with the current schedule for cost recovery.

Council may appoint an Engineer to revise the assessment schedule for the variation in assessment affecting ALL lands by following the process under Section 76 of the *Drainage Act* to allow all landowners with the same appeal rights as an improvement project under Section 78.

Comments

Legislation

Section 76(1) - *Varying original assessments for maintenance*

The Council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance and repair of the drainage works may make an application to the Tribunal, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission.

Section 76(2) – *Proceedings on report of engineer*

The proceedings upon such report, excepting appeals, shall be the same, as nearly as may be, as upon the report for construction of the drainage works.

Section 76(3) – *Appeal from report of engineer*

Any council served with a copy of such report may, within 45 days of such service, appeal to the Tribunal from the finding of the engineer as to the portion of the cost of the drainage works for which the municipality is liable.

Section 76(4) – *Appeal from assessment*

Any owner of land assessed for maintenance or repair may appeal from the assessment in the report on the grounds and in the manner provided by Section 52 in the case of the construction of the drainage works.

Section 76(5) – Basis of future assessments

An assessment determined under this section shall thereafter, until it is further varied, form the basis of any assessment for maintenance or repair of the drainage works affected thereby.

Appointment of Engineer

It is recommended that Dillon Consulting Ltd. be appointed Drainage Engineer for this project as Dillon has already examined the watershed areas surrounding the CYR Drain and are in a situation to efficiently produce a report to benefit all of the affected landowners due to their extensive work recently within the area of County Road 22 (i.e. Stormwater Environmental Assessment and Functional Servicing Report for the Manning Road Secondary Plan Area).

In addition, Dillon recently prepared a drainage report for the East Townline Drain (St. Clair Outlet) which involved defining the limits of the watershed boundary of the adjacent CYR Drain watershed and therefore has a clear knowledge and understanding of its drainage area. The appointment of Dillon would likely decrease costs and time necessary to produce a report, and the affected landowners will ultimately benefit by this appointment.

Administration recommends that the Town appoint a Drainage Engineer under Section 76 of the *Drainage Act* to vary the assessments for maintenance and repair for the benefit and conveyance of the water received by all affected lands within the watershed and who depend on the Drains as a legal outlet for the water that they receive, and therefore, it is recommended:

That Dillon Consulting Limited **be appointed** Drainage Engineer to:

- (i) make a variation of the assessment schedule for maintenance and repair on the drainage works required to maintain the CYR Drain and Extension Outlet Drain; and
- (ii) prepare a Report in accordance with Section 76 of the *Drainage Act*.

Consultations

Financial Services
Corporate Services & Clerk
Dillon Consulting Limited

Financial Implications

The Engineer's Report for variation of assessment will provide a means of cost distribution for maintenance and repair on the CYR Drain and Extension Outlet Drain. This report shall include an assessment schedule which assesses for Special Benefit, Benefit, and Outlet liabilities in separate columns for each parcel of land and road affected but will not include construction recommendations since the current By-Law No. 92-16 can be used for the necessary maintenance works. The Town of Tecumseh will be responsible for the amount assessed for the benefit of both Westlake Road and a portion of Sylvestre Drive. The costs to produce the variation of assessment shall be placed back onto the drain to be distributed as set out in the adopted schedule.

Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
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- Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
- Ensure that the Town of Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
- Integrate the principles of health and wellness into all of the Town of Tecumseh’s plans and priorities.
- Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
- 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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Drainage Superintendent/Engineering Technologist

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

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

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Deputy Treasurer & Tax Collector

Recommended by:

Tony Haddad, MSA, CMO, CPFA
Chief Administrative Officer

**Attachment
Number**

**Attachment
Name**

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CYR Drain Map
CYR Drain By-Law No. 92-16