



## 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 26, 2019

**Report Number:** PWES-2019-12

**Subject:** Consider Engineer's Report – South Talbot Drain

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### Recommendations

It is recommended:

1. **That** the Drainage Report and Specifications for the South Talbot Drain as prepared by Mr. Mark Hernandez, P. Eng., of Dillon Consulting Ltd., dated March 11, 2019 (Drainage Report) **be received**;
2. **And that** consideration **be given** to the first and second readings of a provisional by-law to adopt the Drainage Report;
3. **And further that** notice **be given** to all affected landowners of the Court of Revision to be held on Tuesday, April 23, 2019 at 6:30 p.m. in accordance with Section 46(1) of the Drainage Act (Act), subject to adoption of the provisional by-law.

### Background

The Town received a Notice of Request for Drain Improvements on March 6, 2017, in accordance with Section 78 of *The Drainage Act*, for condition of severance for severance consent application B18/16.

On April 25, 2017, Council accepted the recommendation under Public Works and Environmental Services Report No. 21/17 dated April 3, 2017 and passed resolution (RCM-139/17) as follows:

**THAT** Dillon Consulting Ltd. be appointed Drainage Engineer to:

- (i) make an examination of the drainage area as submitted by 1185604 Ontario Inc. of Part of Lot 303, Con STR of 470000007000000.
- (ii) prepare a Drainage Report for the South Talbot & Holden Outlet Drain (Drain) in accordance with Section 78 of the Drainage Act, including provisions for future maintenance of the Drain.

As recommended by the Drainage Superintendent, under Report No. 21/17.

During the process of preparing the Drainage Report, there was a request from the Essex Region Conservation Authority (ERCA) for a culvert that was required for the Chrysler Greenway Trail System. This culvert request enabled the Greenway path to cross over the South Talbot Drain. The appointed Engineer provided a temporary design for the required bridge, and indicated that the bridge would form part of the recommended works in the Drainage Report.

The Town ensures that the early installation of such a bridge does not cause any adverse effects to upstream landowners. Landowners were informed that should the culvert installation require any changes that would alter the temporary design recommendations, ERCA would be assessed 100% of those costs since the culvert is being installed before the final adoption of the By-Law to approve the Engineer's Report.

During the process of completing this examination, the Town was also concurrently planning the 2019 South Talbot Road reconstruction project. In order to obtain a better price for 1185604 Ontario Inc.'s private access culvert, the construction of this private access culvert was included in the tender for the 2019 South Talbot Road reconstruction project. The engineering and construction costs related to the private access culvert will be transferred from the South Talbot Road reconstruction project and assessed to the benefiting land owner as identified in the March 11, 2019 Drainage Report, attached as Appendix 2.

In addition, the replacement of road Culvert No. 46 on the South Talbot Drain was included as part of the 2019 South Talbot Road reconstruction project. To legalize the replacement of Culvert No. 46 under the provisions of the Act, this work has been included as Bridge No. 8 in the Drainage Report. The costs related to this culvert replacement have been included in the South Talbot Road reconstruction project and will be paid for from the Bridges Lifecycle Reserve fund.

Notice of a Site Meeting was sent to all affected landowners and agencies and an on-site meeting was held on June 12, 2017. A record of this meeting is provided in Schedule A of the Drainage Report.

The Drainage Engineer submitted a draft report to the Town, dated February 13, 2019. Respectively, a Public Information Centre (PIC) was held with affected landowners on March 5, 2019.

The Town received a final copy of the Engineer's Final Report dated March 11, 2019 for consideration. Notice of Consideration of the Drainage Report, at the March 26, 2019 Public Meeting of Council, was sent to all affected landowners on March 12, 2019.

## Comments

### Section 41 Notice of Drainage Works

(1) Upon the filing the Engineer's Drainage Report with the Clerk, and within 30 days of the filing, a copy of the Drainage Report was sent together with a notice of the date of the Council meeting at which the Drainage Report will be considered, to:

1. Affected property owners, within the initiating municipality, according to the last revised assessment roll to be the owners of lands and roads assessed for the drainage works or for which compensation or other allowances have been provided in the report;
2. The Clerk of every other municipality in which any land or road is assessed for drainage works or compensation, or other allowances provided in the Report;
3. The Secretary-Treasurer of the Essex Region Conservation Authority (ERCA);
4. Any railway, public utility or road authority affected by the report; and
5. The Minister of Agriculture, Food and Rural Affairs.
6. The Director appointed for the purposes of the *Drainage Act*.

### 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 use of land.

### Section 41

(3) Despite subsections (1) and (2), where a block assessment is made, the notice to the owners of the lands so assessed need not be accompanied by a copy of the report.

(3.1) Despite subsections (1) and (2), the council of a local municipality is not required to send a copy of the report to owners of lands and roads assessed for a sum of less than \$100.

Based on the comments above, it is recommended:

1. That the Drainage Report and Specifications for the South Talbot Drain as prepared by Mr. Mark Hernandez, P. Eng., of Dillon Consulting Ltd., dated March 11, 2019 be received; and that
2. Consideration be given to the first and second readings of a provisional by-law to adopt the Drainage Report; and further that
3. The Clerk give notice to all affected landowners of the Court of Revision to be held on Tuesday, April 23, 2019 at 6:30 p.m. in accordance with Section 46(1) of the Drainage Act subject to adoption of the provisional by-law.

## Consultations

Financial Services  
Corporate Services & Clerk  
Public Works & Environmental Services  
Dillon Consulting

## Financial Implications

The Town of Tecumseh is a landowner on this project and has been assessed for South Talbot Road.

There are currently three roads and one trail that use the South Talbot Drain for stormwater conveyance. Bridge No. 8, located over South Talbot Road, has been recommended to be replaced as part of the South Talbot Road Reconstruction. The Town is assessed a Non-Pro-ratable Special Benefit of \$350,000 relating to the construction and cost of the report for this Bridge. Bridge No. 1, which is utilized by the Chrysler Canada Greenway Oldcastle Extension, is assessed a Special Benefit of \$1,500.

As outlined in the table below, this equates to a total assessment of \$351,500 to the Town, of which \$1,500 will be recoverable from ERCA for the Chrysler Canada Greenway Oldcastle Extension Trail.

## Engineer's Estimates and Assessment Summary

Detail	Estimate
Town of Tecumseh Road Authority – Bridges Lifecycle Fund	\$350,000
1185604 Ontario Inc. (Agricultural Lands)**	\$24,500
Chrysler Canada Greenway	\$1,500
Total Engineer's Estimate & Assessment Summary	\$376,000

\*\*As shown in the table above, a portion of a Section 78 assessment for drainage works to agricultural lands described in an engineer's report is eligible for grants by the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) through the provisions set out in Sections 85, 86, and 87 of the *Drainage Act*. Upon Completion of the application form, the Minister may pay to the treasurer of the Town 33 per cent of the assessments eligible for grant in accordance with the Agricultural Drainage Infrastructure Program.

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

Other than costs to administer the project, the cost of constructing the project is 100% recoverable by affected lands including the Town's portion of land mentioned above and detailed in the Assessment Schedule included in the engineer's report dated, March 11, 2019. The Town will utilize the Bridges Lifecycle Reserve to pay for the Road's drainage assessment on this project and will utilize the Drain Lifecycle fund to temporarily fund the Greenway's assessment until all amounts relating to the Greenway are recovered. A copy of the Municipal Drain Lifecycle Reserve Fund is appended to this report.

The engineer's report also includes an Assessment Schedule for future maintenance as "Schedule E".

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
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|-------------------------------------|---|
| <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 the Town of 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 the Town 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:

Sam Paglia, P.Eng.  
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

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Drain Lifecycle Reserve
2	2019-03-11-South Talbot Drain Report