



**TOWN OF AMHERSTBURG  
DRAINAGE BOARD  
Thursday, January 16, 2020  
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

## **MINUTES**

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### **PRESENT**

Bob Bezaire, Chair  
Allan Major, Vice-Chair  
Brad Laramie  
Bob Pillon  
Anthony Campigotto  
Shane McVitty, Drainage Superintendent &  
Engineering Coordinator  
Nicole Humber, Recording Secretary  
Kevin Fox, Policy and Committee Coordinator

### **ABSENT**

### **CALL TO ORDER**

Bob Bezaire called the meeting to order at 6:00 p.m.

### **DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

There were none.

### **3. MINUTES OF PREVIOUS MEETING**

Allan Major moved, Brad Laramie seconded;

**That:**

**The minutes of the previous meeting BE ADOPTED:**

#### **1. Drainage Board Meeting Minutes – December 2, 2019**

**Motion Carried**

### **4. OPEN COURT OF REVISION**

The Chair opened the Court at 6:01 p.m. and provided an overview of the proceedings of the Court of Revision with regard to the hearing of all appeals.

#### **4.1 Appeals – Repair and Improvement of Part of the Ouellette Drain West**

Dennis McCready, P.Eng from R.C. Spencer and Associates Inc., provided a brief overview of the project and advised that five appeals to the Court of Revision were received. Mr. McCready also explained that a watershed issue will be brought before the Court relating to four (4) properties draining to the White Drain.

Mr. McCready provided members of the Court with a hand-out which outlined the Assessment Provisions of the Drainage Act and assessment rationalization for each appeal. Mr. McCready went over the information in the hand-out with the Court and audience members and advised that he would address the information for each appeal over the course of the meeting. The hand-out has been attached to these minutes for reference.

##### **Appeal # 1 – Tracey Foreman**

Board Chair Bob Bezaire invited Appellant # 1 – Tracey Foreman to address the Board.

The Board heard from:



- Richard Campbell – 741 Front Road North

Mr. Campbell advised that he would be addressing the appeal to the Court of Revision on behalf of his wife Tracey Foreman as Ms. Foreman was unable to attend the meeting due to medical reasons.

Mr. Campbell addressed the Court and advised that the assessment for 741 Front Road North is too high as his property is downstream of the work. He added that that the work is a “repair” not and “improvement” to the drain. Mr. Campbell stated that the owners of 751 Front Road North were given an option early in the process, describing this as a \$30,000.00 repair under Section 74. He added that now the report calls for a Section 78 improvement and spreads the cost to everyone within the watershed. Mr. Campbell requested that the Court Members focus on “needs” and not the “wants” for this project, and perhaps other alternatives could be implemented. Mr. Campbell further stated that the engineer’s report should show alternative measures of drain repair. Mr. Campbell explained that the proposed work does not increase his property value and that two engineers have advised him that there was no erosion on the banks of his side of the drain. He added that the area of the work is part of the ERCA floodplain and cannot be used for anything else. Mr. Campbell also advised the Court Members that his wife submitted a three page document with their appeal and hoped the members had read it.

Board Chair Bob Bezaire acknowledged the Court of Revision had received the document.

Mr. McCready advised the Court Members that many of the issues presented in Ms. Foreman’s appeal were raised and discussed at the Consideration Meeting. Mr. McCready further explained the difference between a repair and an improvement under the Drainage Act as follows:

Repair –means the restoration of a drainage works back to its original condition.

Improvement – any modification of or addition to the drainage works intended to increase the effectiveness of the system.

Mr. McCready stated that if you were to carry out the work of a repair on a drain, then an engineer’s report would not be required. He added that engineers cannot prepare a report for a repair only on a drain according to OMAFRA.

Mr. McCready explained that the proposed works on the Ouellette Drain is an improvement because they are changing the style of the erosion protection from stacked limestone to a more stable configuration of gabion baskets. Mr.

McCready further explained that when the engineer gets involved in a drainage report, it may be called a repair and improvement because there may be aspects of repair to existing features of the drain. He added that there may be other aspects that would be considered upgrades or improvements to the drain.

Mr. McCready stated that the document submitted by Ms. Foreman suggests that there are no improvements being done at 741 Front Road North. However, the definition of improvement in the Drainage Act refers to the drain as a whole and not a specific property.

Mr. McCready also stated that Ms. Foreman's written appeal infers that the owner on the north side of the drain was influencing the Engineer with regard to the repair. Mr. McCready further stated this was definitely not the case. Mr. McCready explained that under the Drainage Act, there is a section that says the engineer must use independent judgment when deciding how to proceed with recommendations for a project. Mr. McCready added that this particular section in the Drainage Act states that the engineer must perform his duties without fear of, favour to, or prejudice against any other person. Mr. McCready noted that drainage engineers are well aware they are held to that standard. Mr. McCready explained that there have been Tribunal hearings in the past that have addressed this. In particular, Mr. McCready anecdotally referenced a case that went to Tribunal whereby an engineer was influenced by a municipality on a project. He went on to explain that during the hearing, the Tribunal felt that the engineer should have designed the drain as he wanted, and should not have been guided by others. Mr. McCready advised that engineers always have to be careful to make sure they are using their own independent judgment when making their recommendations and completing their assessments. He added that engineers try very hard not to be biased by any one owner or group of owners. Mr. McCready stated that he has learned from a former employer that as an engineer, he should never have a vested interest in any of the properties within the watershed, so there is no reason not to try to be as fair as possible.

Board Chair Bob Bezaire asked if the members of the Court had any questions.

The Court heard from:

Court of Revision Member Anthony Campigotto asked if the drain itself was shifting and questioned whether it needed to be re-aligned. Mr. Campigotto noted that he had been onsite to look at the drain and noticed quite a bit of erosion on the north side of the drain, however the limestone on the south side seemed to be intact. Mr. Campigotto asked if the limestone on the south side of the drain was going to be removed and replaced with gabion basket.

Mr. McCready advised that the drain will be shifted slightly to the south and away from the house of 751 Front Road N by approximately one meter. Mr. McCready stated that when he prodded the south side of the existing stacked limestone, he determined that it had been undermined, adding that a lot of the limestone had been shifted into the middle of the channel. Based on this, he indicated that the south side of the drain should be replaced with gabion stone baskets.

Mr. Campigotto stated that it seemed that there was a greater benefit to 751 Front Road N.

Board Chair Bob Bezaire asked if there were any further questions.

There were none.

### **Appeal # 2 – Marc & Lorri Conte**

Board Chair Bob Bezaire invited Appellant # 2 – Marc and Lori Conte to address the Court.

There was no one in the audience to speak on behalf of the appellants.

Board Chair Bob Bezaire invited Mr. McCready to address the appeal.

Mr. McCready advised the Court Members that the appellant's property is located west of the railway property. Mr. McCready explained that the property is not being assessed for benefit as it is located away from the work area, however the property is being assessed for outlet. Mr. McCready explained his assessment rationale to the Court and referenced the handout that was provided to the Court at the beginning of the meeting. After the explanation, Mr. McCready stated that it would be the most economical for the appellant to keep the property assessed into the Ouellette Drain, rather than pursuing a subsequent connection of the property into another drain.

Court Member Bob Pillon requested clarification on Mr. McCready's explanation. He questioned if the appellant wished for a re-assessment, they could request it, however it would cost them more than what they are assessed into the Ouellette Drain.

Mr. McCready agreed with Mr. Pillon and further stated that it is hard to justify looking into reassessing the property when the costs of the surveying etc. would cost the landowner more than their current assessment for the Ouellette Drain.

Board Chair Bob Bezaire asked if there were any further questions.

There were none.

### **Appeal # 3 – Pointe West Golf Club Corporation**

Board Chair Bob Bezaire invited Appellant # 3 – Pointe West Golf Club to address the Board.

There was no one in the audience to speak on behalf of the appellants.

Board Chair Bob Bezaire invited Mr. McCready to address the appeal.

Mr. McCready explained his assessment rationale to the Court and referenced the handout that was provided to the Court at the beginning of the meeting.

Board Chair Bob Bezaire asked if there were any questions from the Court.

Court Member Anthony Campigotto asked if there were any municipal roads on the Pointe West Golf Course property.

Mr. McCready advised that any roadways within Pointe West are included in the 1.1 hectares of built up area, as referenced in the assessment hand-out.

Board Chair Bob Bezaire asked if there were any further questions.

There were none.

### **Appeal # 4 – Ann Marie Slipchuk**

Board Chair Bob Bezaire invited Appellant # 4 – Ann Marie Slipchuk to address the Board.

There was no one in the audience to speak on behalf of the appellants.

Board Chair Bob Bezaire invited Mr. McCready to address the appeal.

Mr. McCready explained his assessment rationale to the Court and referenced the handout that was provided to the Court at the beginning of the meeting. Mr. McCready added that if there have been no drainage changes to the area, he could not recommend changes to the assessment.

Board Chair Bob Bezaire asked if there were any questions from the Court.

There were none.

### **Appeal # 5 – Jose Dupont & Theresa Whelan**

Board Chair Bob Bezaire invited Appellant # 5 – Jose Dupont and Theresa Whelan to address the Board.

The Board heard from:

- Jose Dupont – 737 Front Road North

Mr. Dupont from 737 Front Road North addressed his appeal. He noted that the County of Essex is paying for most of the assessment on the north and south side of the bridge, and added that he only owns a small, 36 foot length of property adjacent to the drain that will be repaired. Mr. Dupont expressed concern that this small amount of property is being assessed \$2,500.00. Mr. Dupont questioned why the property that he owns at 730 Front Road North, located on the west side of the road, was not included in the Ouellette Drain report. Mr. Dupont stated that he has recently completed extensive repairs to his property at 730 Front Road North, and had to pay out of pocket for the repairs. He noted that this included the installation of a new, steel sheet pile shore wall. Mr. Dupont further stated that the erosion to the property at 730 Front Road North had been there for years, yet it still was not included in the report.

Mr. Dupont explained that while he was completing the work on his property at 730 Front Road North, he was told that gabion stone was not sufficient for the work and at that time ERCA had agreed. Mr. Dupont stated that a steel wall was installed on the property against the banks of the drain.

Dennis McCready advised that he is recommending only a short length of drain improvements along Mr. Dupont's property. However, he added that the work proposed is adjacent to the existing driveway and protection of the driveway will be a benefit from the drain improvement. Mr. McCready stated that the gabion baskets are a greater structure than the limestone stacked wall. Mr. McCready also noted that the existing limestone stacked wall in the Ouellette Drain has lasted 60 years. Mr. McCready explained that previous bylaws for the west side of Front Road North could have been looked into. He added that property would likely see increased wave and ice action due to its direct connection to the River, which may explain the need for the steel sheet piling. Properties east of Front Road North would not be as exposed to these conditions, making the gabion baskets an acceptable method of protecting the drain banks.

Board Chair Bob Bezaire asked if there were any questions from the Court.

Court Member Bob Pillon asked for clarification if Mr. Dupont's property at 730 Front Road North was part of the Ouellette Drain. Mr. Pillon also inquired if an engineer's report was completed for the work on the Dupont property west of Front Road North.

Mr. Dupont advised that he paid out of pocket for an Engineer's report.

Shane McVitty clarified that the report Mr. Dupont paid for was an engineering study and not an engineer's report through the Drainage Act. He added that the Town has never received a request for improvements from Mr. Dupont, nor has he ever brought up this issue at any of the previous drainage meetings relating to this project.

Mr. Dupont stated that he did not want to have an engineer's report under the Drainage Act because he felt that the work was a benefit solely to his property. Mr. Dupont further stated that the repair work was already underway when Mr. McCready started on the Ouellette Drain project. He added that he expected that the whole drain would have been looked at, and not just the 300 feet addressed under Mr. McCready's report.

Court Member Bob Pillon advised that in hindsight, Mr. Dupont should have put in a request to the Town for drainage works.

Mr. Dupont indicated that he did not put in a request as he did not want to have everyone upstream charged for the work that was benefitting his property. Mr. Dupont expressed his surprise that the section that he repaired was not looked at sooner as it has had a history of eroding.

Mr. McVitty offered that the extents of the lower limits of the Ouellette Drain are unclear. He surmised that some reports suggest that the Ouellette Drain stops at the County road and may not extend through Mr. Dupont's property west of the road. Mr. McVitty indicated that the Town was approached with plans for Mr. Dupont's steel sheet pile installation, but a request for a drainage improvement was never submitted. The plans for the sheet piling were prepared by a qualified engineer and were also reviewed by the ERCA. Mr. McVitty indicated that in order to expedite Mr. Dupont's repairs, and given the uncertainty of the drain limits and Mr. Dupont's willingness to pay for the entire cost of the work, the Town was satisfied that he could move forward with the work.

Mr. Dupont advised he would not have an issue paying for the repair if a steel wall would be used rather than the gabion basket.



Board Chair Bob Bezaire asked Mr. McCready if he had any idea of the cost difference between gabion baskets and a new steel wall.

Mr. McCready advised that despite not having numbers in front of him, he offered that generally steel walls are more expensive than gabion baskets.

Court Member Anthony Campigotto stated that steel walls run approximately \$350.00 to \$400.00 a linear foot.

There was discussion regarding the right-of-way limits of the County road and the location of the existing gas mains and services within the project limits.

Rick Campbell asked about the Town's responsibility under Section 93 of the Drainage Act with respect to inspections and errors. Mr. Campbell advised that he looks at the drain daily and does not see a need for repair as the water is flowing. Mr. Campbell further stated that if the Town had been inspecting the drain periodically, the deficiency could have been found sooner and the cost may not be as high.

Board Chair Bob Bezaire explained that the Board and the residents had already discussed this at the previous meeting and that the purpose of the Court of Revision is to deal with assessments. The landowners were advised that if they were not happy with the decision made at the Court of Revision, they could appeal to the Tribunal.

Board Chair Bob Bezaire asked if there were any questions from the Court regarding appeal # 5.

There were none.

Board Chair Bob Bezaire asked if there was anyone in the audience that would like to verbally appeal to the Court of Revision.

There were none.

Mr. McCready advised the Court of an assessment change with regards to two areas affected by the Ouellette Drain. Mr. McCready explained that a reassessment was completed on the White Drain a couple years ago under an engineering report and as a result, he is recommending adjustments to the assessment schedule within his report for the Ouellette Drain. He added that the adjustments amount to a total of \$2,326.00 of reduced outlet assessments, shared amongst four (4) parcels. Mr. McCready explained the breakdown of the assessment changes to the Court, making frequent references to the hand-out that was provided to the Court at the onset of the meeting.

Mr. McCready advised that the assessment changes are entirely outlet-based, and the reductions could be prorated against all outlet assessments within the Schedule of Assessment. Alternatively, Mr. McCready suggested that the Municipality could elect to absorb the total value of the assessment reduction and add it to a roadway assessment or to a property owned by the Town, such as Parcel 39.

Shane McVitty stated that whichever route the Court wished to follow, a motion would have to be made.

Brad Laramie moved; Allan Major seconded;

That:

**The Clerk be instructed to make the following assessment alterations to the Schedule of Assessment and the Provisional Bylaw:**

- 1. The assessment on Roll No. 420-67005 be lowered to \$0.00.**
- 2. The assessment on Roll No. 420-67000 be lowered to \$0.00.**
- 3. The assessment on Roll No. 420-32000 be lowered to \$1,087.00.**
- 4. The assessment on Roll No. 420-32600 be lowered to \$742.00.**
- 5. The total of these reductions, equaling \$2,326.00, be added to the assessment on Roll No. 420-72200 owned by the Town of Amherstburg.**

**Motion Carried**

Roxanne Ouellette from 751 Front Road North asked to address the Board. Ms. Ouellette advised that when they moved into their home several years ago, the drain was in bad condition. She added that over the years, they are unable to walk behind their home because of the condition of the drain. Ms. Ouellette stated that the erosion is affecting their property and she is requesting the drain be repaired for the safety of her family.

There was discussion on how to move forward with the motions on each appeal.



### **Appeal #1 - Tracey Foreman**

Bob Pillon moved; Brad Laramie seconded;

That:

**The appeal submitted by Tracey Foreman be dismissed on the grounds that the Court of Revision concurs with the assessment rational presented by the Engineer.**

**Motion Carried**

### **Appeal # 2 - Marc & Lorri Conte**

Brad Laramie moved; Allan Major seconded;

That:

**The appeal submitted by Marc & Lorri Conte be dismissed on the grounds that the Court of Revision concurs with the assessment rational presented by the Engineer.**

**Motion Carried**

### **Appeal # 3 - Pointe West Golf Club Corporation**

Anthony Campigotto moved; Bob Pillon seconded;

That:

**The appeal submitted by Pointe West Golf Club Corporation be dismissed on the grounds that the Court of Revision concurs with the assessment rational presented by the Engineer.**

**Motion Carried**

#### **Appeal # 4 - Ann Marie Slipchuk**

Bob Pillon moved; Anthony Campigotto seconded;

That:

**The appeal submitted by Ann Marie Slipchuk be dismissed on the grounds that the Court of Revision concurs with the assessment rational presented by the Engineer.**

**Motion Carried**

#### **Appeal # 5 - Jose Dupont and Theresa Whelan**

Allan Major moved; Brad Laramie seconded;

That:

**The appeal submitted by Jose Dupont and Theresa Whelan be dismissed on the grounds that the Court of Revision concurs with the assessment rational presented by the Engineer.**

**Motion Carried**

Board Chair Bob Bezaire advised that all five of the appeals had been dismissed and if any of the parties were unhappy with the results they could appeal to the Tribunal.

Shane McVitty clarified the process of appealing to the Tribunal and advised that a Decision of the Court notice would be mailed to landowners which will include the appeal deadline along with an appeal form.

Recording Secretary Nicole Humber clarified that there is a 21 day appeal period from the date of the decision of the Court of Revision and noted the date would be on the notices, and the appeal form to the Tribunal would be included with the notice.

### **5. CLOSE COURT OF REVISION**

The Chair closed the Court of Revision at 7:25 p.m.

## **6.0 NEW BUSINESS**

### **6.1 Engineering Appointment – 6<sup>th</sup> Concession Drain**

Shane McVitty explained that a request from a landowner was received to improve the 6<sup>th</sup> Concession Drain, and specifically to address a failing access culvert. Mr. McVitty advised he is recommending the appointment of N.J. Peralta Engineering Ltd. to complete a drainage report. Mr. McVitty added that there is a strong likelihood that the report will also address the other bridges on the drain for future replacement.

Board Chair Bob Bezaire asked the Board Members if there were any questions.

There were none.

Bob Pillon moved; Allan Major seconded;

That:

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated December 17, 2019, regarding the 6th Concession Drain– Engineering Appointment BE RECEIVED;**
- 2. The Drainage Board recommend that Council ACCEPT the request from Doug Beaudoin for the replacement of the access culvert over the 6th Concession Drain per Section 78 of the Drainage Act; and,**
- 3. The Drainage Board recommend that the appointment of the firm of N.J. Peralta Engineering Ltd. for the repair and improvement to the 6th Concession Drain BE APPROVED by Council.**

**Motion Carried**

### **6.2 Drainage Apportionments**

Mr. McVitty advised the Board members that the subject drainage apportionments are due to land severances or mergers. Mr. McVitty noted that the Town has performed the necessary review and completed the drainage apportionment calculations. He added that all affected property owners involved have signed the agreement letters produced by the Town.

The Chair asked if any of the Board members had any questions.

There were none.

Anthony Campigotto moved, Allan Major seconded;

That:

1. **The report from the Drainage Superintendent and Engineering Coordinator dated December 19, 2019, regarding Various Drainage Apportionments BE RECEIVED;**
2. **The drainage apportionments BE APPROVED as listed:**
  - **Consent B/14/19 – Drainage Apportionments for the Whelan Drain – Mailloux**
  - **Consent B/21/19 – Drainage Apportionments for the Long Marsh Drain and Ouellette Drain East – Guarnaccia**
  - **Consent B/23/19 – Drainage Apportionments for the Long Marsh Drain – Shaw**
3. **Administration BRING FORWARD the Drainage Board's recommendation to approve the drainage apportionments at a future Regular Council Meeting.**

**Motion Carried**

### **6.3 Drainage Board Discussion**

Registration for 2020 Drainage Courses.

Shane McVitty advised that the annual Drainage courses offered by OMAFRA are scheduled to take place in London on April 16<sup>th</sup> & 17<sup>th</sup>. He suggested that all members of the Board would benefit from attending the course and encouraged all members to attend if their schedules allowed for it. He indicated that the Town has budgeted funds for the Board to attend, and added that he would also be attending this year. Mr. McVitty requested that the Board Members notify him as soon as possible with their availability as registration for the courses is presently open and will likely fill up quickly.

**7. NEXT MEETING DATE**

Thursday, February 6, 2020 @ 6:00 p.m.

**8. ADJOURNMENT**

Bob Pillon moved, Allan Major seconded;

That:

**The meeting of the Drainage Board be ADJOURNED;**

**Motion Carried**

The meeting adjourned at 7:30 p.m.

\_\_\_\_\_  
Chair – Bob Bezaire

\_\_\_\_\_  
Staff Liaison – Shane McVitty

# **Assessment Provisions of the Drainage Act**

## **Section 21 - Engineer to Distinguish Assessments**

The engineer in the report shall assess for **Benefit, Outlet Liability and Injuring Liability**, and shall insert in an assessment schedule, in separate columns, the sums assessed for each opposite each parcel of land and road liable therefor.

## **Section 22 - Assessment for Benefit**

Lands, roads, buildings, utilities or other structures that are increased in value or are more easily maintained as a result of the construction, improvement, maintenance or repair of a drainage works may be assessed for benefit.

## **Section 23 (1) - Assessment for Outlet Liability**

Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek or watercourse, may be assessed for outlet liability.

## **Section 23 (3) - Basis for assessing Outlet Liability**

The assessment for outlet liability and injuring liability provided for in subsections (1) and (2) shall be based upon the **volume and rate of flow of the water artificially caused to flow** upon the injured land or road or into the drainage works from the lands and roads liable for such assessments.

## **DEFINITIONS**

**Benefit** means any advantages provided to lands, roads, building and other structures by the proposed work. The advantages can be a higher market value or increased crop production or better appearance or better control of water or any other advantages provided to the lands, roads, buildings or other structures.

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**Outlet Liability** means the part of the cost of the proposed work that is required to provide an improved outlet or sufficient outlet.

**Sufficient Outlet** means a point at which water can be discharged safely so that it will do no damage to lands and roads. Under Section 15, every drainage works must be taken to a Sufficient Outlet.

## **ASSESSMENT SPLIT**

**BENEFIT = \$ 24,400 10%**

**OUTLET = \$ 219,600 90%**

**TOTAL PROJECT COST = \$244,000**

**Note:** Under the 1952 report, the existing stacked limestone retaining walls were assessed 22% Benefit and 78% Outlet.

## **OUTLET CALCULATIONS**

The watershed has an actual area of **216.81 Hectares**. Roads and residential lands produce more runoff than farmland. To assess the outlet assessments fairly, we determined the equivalent agricultural hectarage for each property. There are **453.72 equivalent agricultural hectares** in the watershed.

<b><u>Land Use</u></b>	<b><u>Factor</u></b>
<b>Agricultural Land =</b>	<b>1.0</b>
<b>Paved Roads =</b>	<b>5.0</b>
<b>Residential Land =</b>	<b>Varies from 1.0 to 3.0</b>

**\$ 219,600 ÷ 453.72 Eq. Ag. Ha. = \$ 484.00 per Eq. Ag. Ac.**

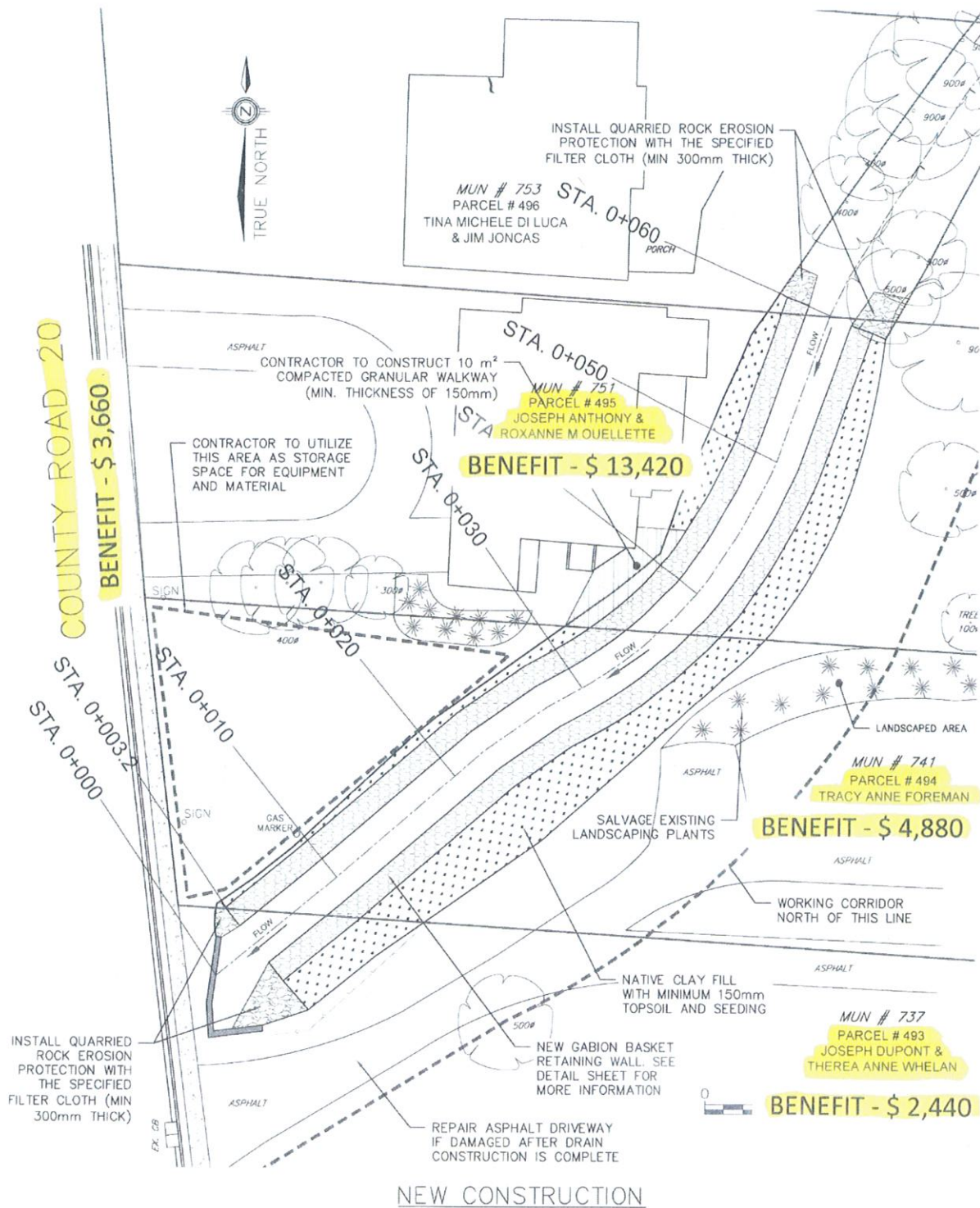


## **BENEFIT ASSESSMENTS**

**\$24,400** is allocated to Benefit Assessments against County Road 20 and the three residential properties adjacent to the proposed work.

The Benefit assessments were apportioned as follows:

Parcel			Benefit	
<u>No.</u>	<u>Roll No.</u>	<u>Owner</u>	<u>Assessed</u>	<u>%</u>
1A		County Rd 20	\$ 3,660	15 %
493		J. Dupont & T. Whelan	\$ 2,440	10 %
494		T. Foreman	\$ 4,880	20%
495		J. & R. Ouellette	\$ 13,420	55%
Total Benefit -			\$ 24,400	100 %



## Distribution of Benefit

**Total = \$ 24,400**

## **Tracey Foreman Appeal**

**Parcel No. 494**

**Roll No. [REDACTED]**

**0.334 Hectares assessed**

### **ASSESSMENTS**

Benefit	\$ 4,880	(20% of Benefit Assessed)
Outlet Liability	<u>\$ 137</u>	
Total	\$ 5,017	

### **Outlet Liability Assessment Calculation**

	<u>Actual</u> <u>Area</u> <u>(Ha.)</u>		<u>Runoff</u> <u>Factor</u>		<u>%</u> <u>Length</u> <u>Used</u>		<u>Equivalent</u> <u>Agricultural</u> <u>Area (in Ha.)</u>
Residential Area	0.334	X	2.358	X	36%	=	0.284

0.284 Equiv. Agricultural Hectares X \$484.00 / Hectare = **\$ 137**

## **Marc & Lorri Conte**

**Parcel No. 510**

**Roll No. [REDACTED]**

**1.079 Hectares assessed**

### **ASSESSMENTS**

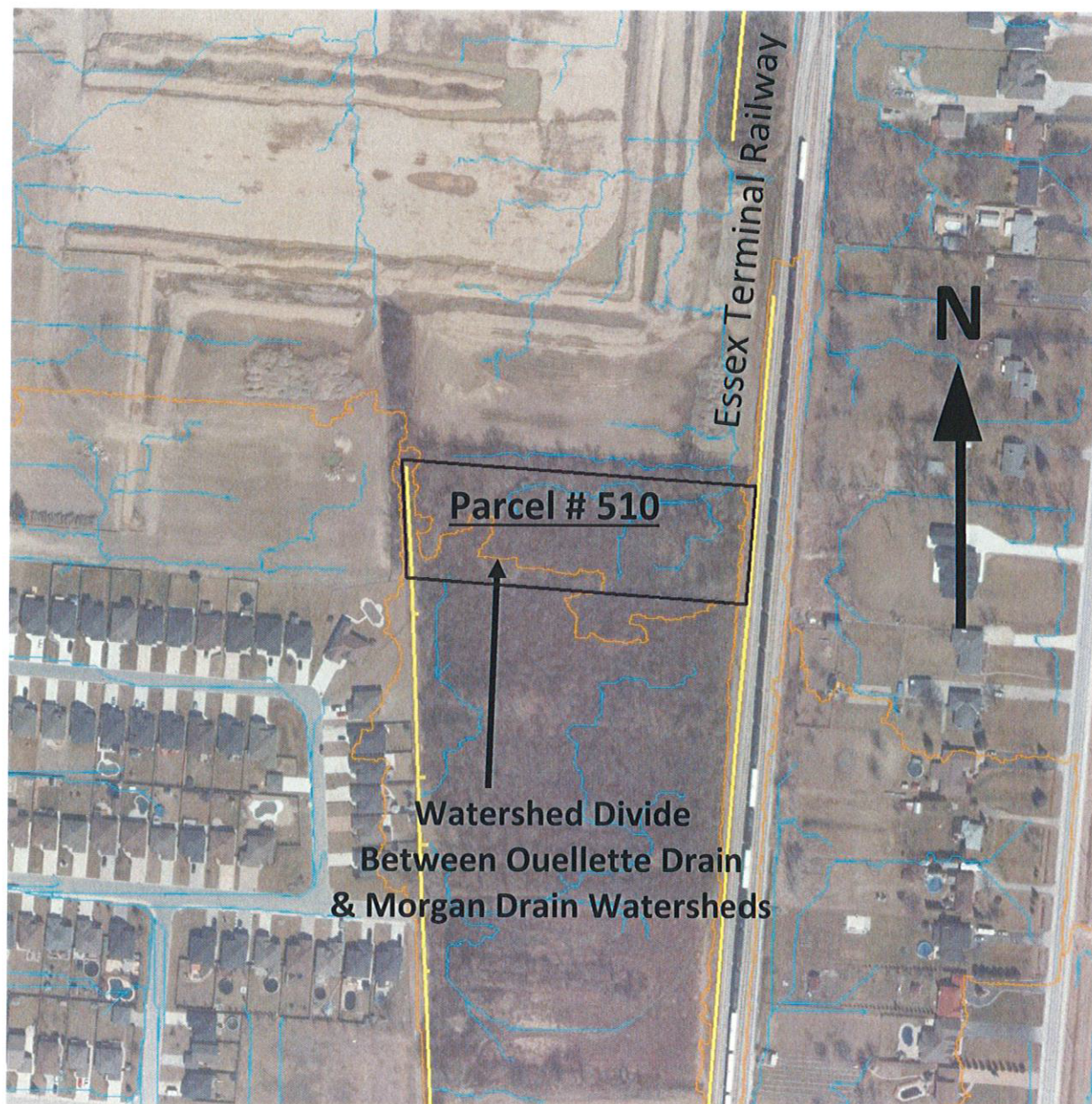
Benefit	\$ 0
Outlet Liability	<u>\$ 522</u>
Total	\$ 522

### **Outlet Liability Assessment Calculation**

	<u>Actual Area (Ha.)</u>		<u>Runoff Factor</u>		<u>% Length Used</u>		<u>Equivalent Agricultural Area (in Ha.)</u>
Built up area	1.079	X	1.00	X	100%	=	1.079

1.079 Equiv. Agricultural Hectares X \$484.00 / Hectare = **\$ 522**





## Conte Property

Parcel No. 510

Roll No. [REDACTED]

1.079 Hectares assessed

## Pointe West Golf Club Appeal

Parcel No. 463

Roll No. [REDACTED]

63.621 Hectares assessed

### ASSESSMENTS

Benefit	\$	0
Outlet Liability	\$	<u>31,857</u>
Total	\$	31,857

### Outlet Liability Assessment Calculation

	Actual Area (Ha.)		Runoff Factor		% Length Used		Equivalent Agricultural Area (in Ha.)
Built up area	1.100	X	3.00	X	100%	=	3.300
Grassed areas	<u>62.521</u>	X	1.00	X	100%	=	<u>62.521</u>
Total area (in Ha.)	63.621						65.821

65.821 Equiv. Agricultural Hectares X \$484.00 / Hectare = **\$ 31,857**

## Ann Marie Slipchuk Appeal

Parcel No. 379

Roll No. [REDACTED]

0.155 Hectares assessed

### ASSESSMENTS

Benefit	\$ 0
Outlet Liability	<u>\$ 225</u>
Total	\$ 225

### Outlet Liability Assessment Calculation

	Actual Area (Ha.)		Runoff Factor		% Length Used		Equivalent Agricultural Area (in Ha.)
Built up area	0.155	X	3.00	X	100%	=	0.465

0.465 Equiv. Agricultural Hectares X \$484.00 / Hectare = \$ 225

## **Jose Dupont & Theresa Whelan Appeal**

Parcel No. 493

Roll No. [REDACTED]

0.302 Hectares assessed

### **ASSESSMENTS**

Benefit	\$ 2,440	(10% of Benefit Assessed)
Outlet Liability	\$ 19	
Total	\$ 2,459	

### **Outlet Liability Assessment Calculation**

	Actual Area (Ha.)		Runoff Factor		% Length Used		Equivalent Agricultural Area (in Ha.)
Residential Area	0.302	X	2.46	X	5.4%	=	0.040

0.040 Equiv. Agricultural Hectares X \$484.00 / Hectare = **\$ 19**



## Recommended Assessment Changes & Watershed Revisions

(as a result of White Drain Reassessment Report April 25, 2017  
and Phase 9 Subdivision)

The following properties are no longer in the Ouellette Drain West watershed and can be removed from Schedule "A":

<u>Parcel No.</u>	<u>Roll No.</u>	<u>Area (in Ha.)</u>	<u>Owner</u>	<u>Benefit</u>	<u>Outlet Liability</u>	<u>Total</u>
92		0.072	D. & C. Taylor	\$ 0	\$ 105	\$ 105
93		0.072	W. & E. Seagris	\$ 0	\$ 105	\$ 105

The following properties have been partially removed from the Ouellette Drain West watershed and Schedule "A" can be modified as follows:

### a) Current Assessments

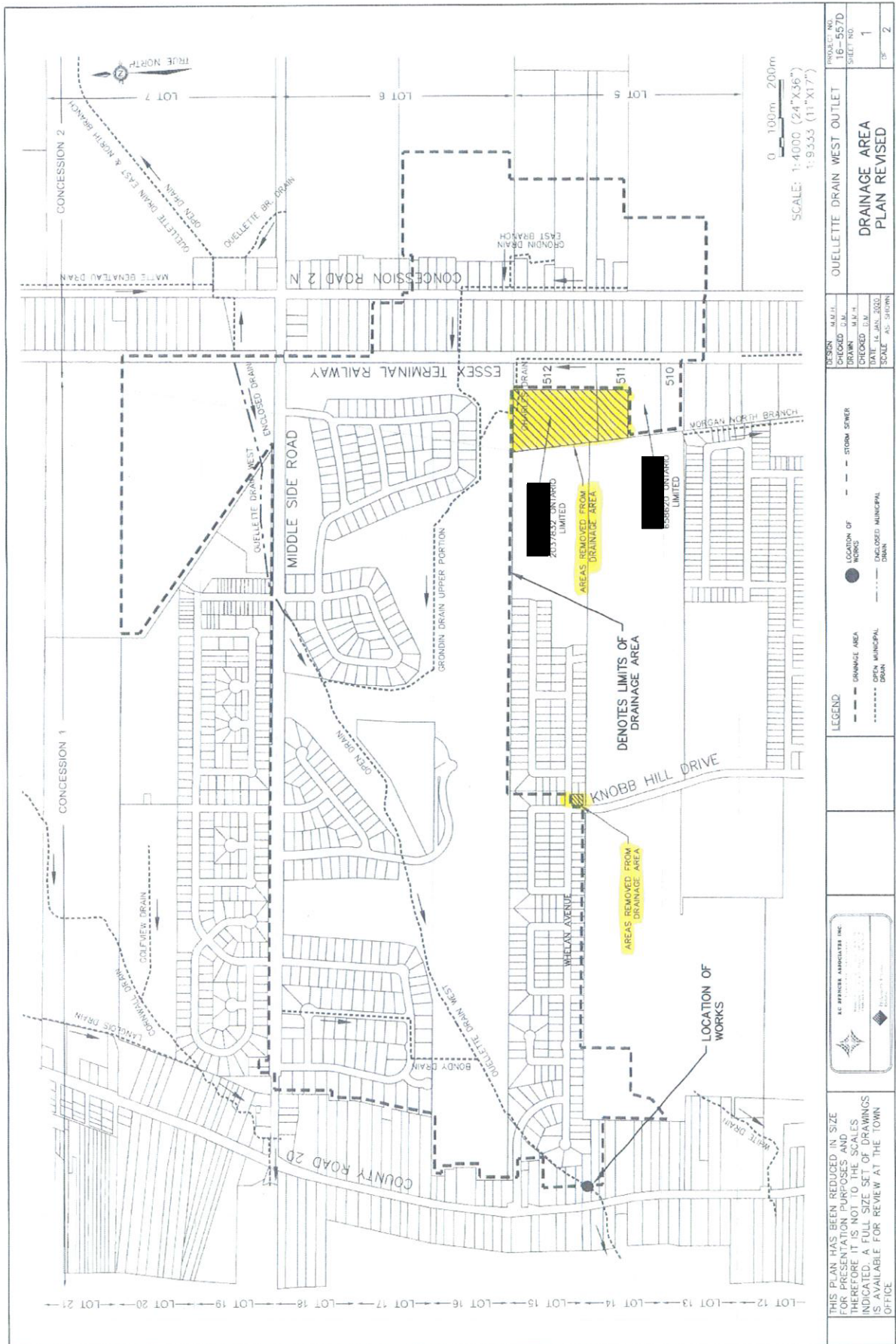
<u>Parcel No.</u>	<u>Roll No.</u>	<u>Area (in Ha.)</u>	<u>Owner</u>	<u>Benefit</u>	<u>Outlet Liability</u>	<u>Total</u>
511		3.302	658620 Ont. Ltd.	\$ 0	\$ 1,598	\$ 1,598
512		4.850	2037832 Ont. Ltd.	\$ 0	\$ 2,347	\$ 2,347


### b) Recommended Assessments

<u>Parcel No.</u>	<u>Roll No.</u>	<u>Area (in Ha.)</u>	<u>Owner</u>	<u>Benefit</u>	<u>Outlet Liability</u>	<u>Total</u>
511		2.246	658620 Ont. Ltd.	\$ 0	\$ 1,087	\$ 1,087
512		1.533	2037832 Ont. Ltd.	\$ 0	\$ 742	\$ 742

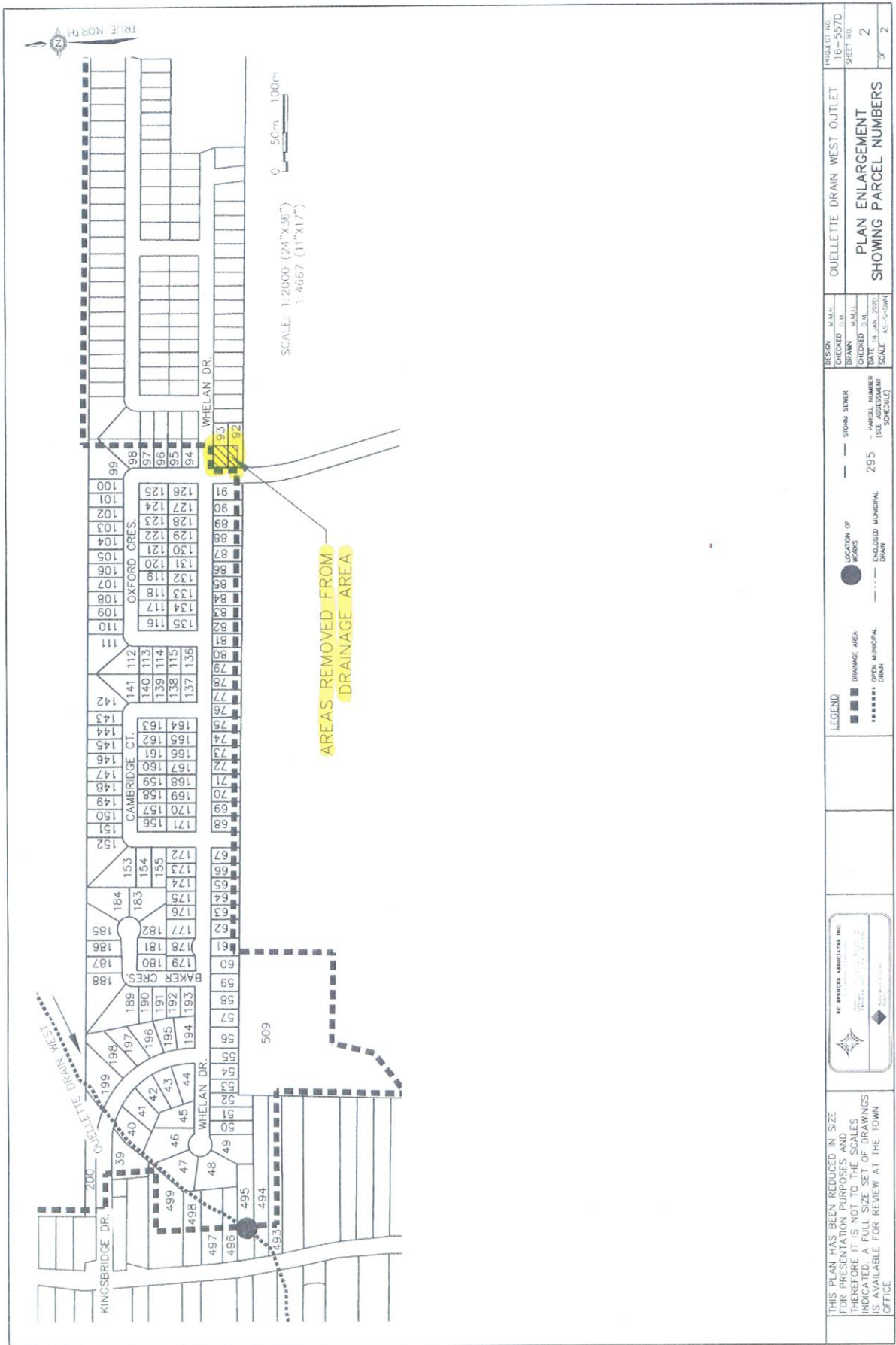
The recommended changes to the four properties would result in a total reduction in Outlet assessments of **\$2,326.00**





PROJECT NO. 16-557D SHEET NO. 1 OF 2	OUELLETTE DRAIN WEST OUTLET DRAINAGE AREA PLAN REVISED	DESIGN - M.J.H. CHECKED - J.M. DRAWN - M.H. CHECKED - J.M. DATE - 14 JUL 2002 SCALE - AS SHOWN	LEGEND: - - - - - DRAINAGE AREA - - - - - OPEN MUNICIPAL DRAIN - - - - - ENCLOSED MUNICIPAL DRAIN - - - - - STORM SEWER - - - - - LOCATION OF WORKS	 AC APPLIED ANALYTICS INC. 10000 14th Ave. S.E. Suite 100 Bellevue, WA 98006 Phone: (206) 453-1234 Fax: (206) 453-1235 Email: info@ac-applied.com	THIS PLAN HAS BEEN REDUCED IN SIZE FOR PRESENTATION PURPOSES AND THEREFORE IT IS NOT TO THE SCALES INDICATED. A FULL SIZE SET OF DRAWINGS IS AVAILABLE FOR REVIEW AT THE TOWN OFFICE
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## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF ENGINEERING AND PUBLIC WORKS

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Shane McVitty	Report Date: December 17, 2019
Author's Phone: 519 736-3664 ext. 2318	Date to Drainage Board: January 16, 2020
Author's E-mail: <a href="mailto:smcvitty@amherstburg.ca">smcvitty@amherstburg.ca</a>	Resolution #: N/A

**To:** Members of the Drainage Board

**Subject:** 6<sup>th</sup> Concession Drain – Engineering Appointment

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#### 1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated December 17, 2019, regarding the 6th Concession Drain– Engineering Appointment **BE RECEIVED**;
2. The Drainage Board recommend that Council **ACCEPT** the request from Doug Beaudoin for the replacement of the access culvert over the 6th Concession Drain per Section 78 of the Drainage Act; and,
3. The Drainage Board recommend that the appointment of the firm of N.J. Peralta Engineering Ltd. for the repair and improvement to the 6th Concession Drain **BE APPROVED** by Council.

#### 2. **BACKGROUND:**

On November 18<sup>th</sup>, 2019, Doug Beaudoin submitted a request for the repair and improvement of the 6th Concession Drain.

### **3. DISCUSSION:**

The 6<sup>th</sup> Concession Drain is a Municipal Drain that was last improved under a report authored by D. Joudrey, P. Eng. August 11, 1997. The 1997 Joudrey report provided for the improvement of the entire length of the drain. The assessment schedule for maintenance was later updated under an engineering report by S.R. McVitty, P.Eng., dated April 16, 2014. Most recently, an engineering report was completed by Tony Peralta, P.Eng. This report provided for a single new access bridge, as well as an extension and new headwalls on a second bridge to accommodate a recent lot severance.

Although the assessment schedule included within the 2014 report provides a means of assessing the cost of future maintenance of the drain itself, the report does not make any distinction between the cost to repair or replace existing access bridges. This makes it difficult for the municipality to accurately assess the costs of bridge repair and replacement in a fair and equitable manner. This will be addressed in a new engineering report, along with the necessary engineering provisions to ensure that all prevalent design criteria are satisfied.

A recent inspection of the Beaudoin culvert in the 6th Concession Drain by the Drainage Superintendent and Engineering Coordinator revealed that the existing C.S.P. pipe was in poor shape and showing signs of deterioration. In fact, a sink hole in the gravel driveway has developed, prompting Public Works staff to temporarily repair the culvert and install steel plates across the surface of the driveway in the area of the failure. Following the inspection of the culvert and discussions with the owner, the Drainage Superintendent and Engineering Coordinator provided Mr. Beaudoin with the process of replacing the access culvert under the Drainage Act. Given the age of many of the existing culverts within the drain, and based on discussions with other landowners, it is likely that the engineering report will be expanded to address improvements or repair of additional culverts. The condition of all culverts will be discussed at the on-site meeting, which will take place shortly following the appointment of the engineer by Council.

A motion was passed at the January 15, 2018 Council Meeting to authorize administration to utilize a roster for drainage services under the Drainage Act. Among others, N.J. Peralta Engineering Ltd. was selected to be included as part of this roster and is thereby eligible to prepare a drainage report pursuant to Section 78 of the Drainage Act for repair and improvement to the 6th Concession Drain.

### **4. RISK ANALYSIS:**

The Beaudoin bridge within the 6th Concession Drain has been identified as needing replacement and is in poor condition. This existing bridge is approximately 58 metres long and provides access to two separate homes. Replacement of this bridge and enclosure has been requested by Mr. Beaudoin. Failing to appoint an engineer to evaluate this bridge and subsequently complete a report under the provisions of the Drainage Act in an expedient manner could place bridge users in jeopardy should the condition of the bridge continue to deteriorate. Also, the deterioration of culvert piping may permit gravel and earthen backfill to migrate into the drain. This can cause flow

blockages, thereby decreasing the ability of the drain to efficiently convey water, resulting in an increased risk of water overtopping driveways and upstream flooding.

Under the Drainage Act, the municipality can be held responsible for damages due to flooding and bridge failures if the improvements are not completed.

**5. FINANCIAL MATTERS:**

The financial implications will be determined by the appointed engineer and will be provided in the schedule of assessment within the engineer's drainage report for the improvements to the 6th Concession Drain.

**6. CONSULTATIONS:**

N/A

**7. CONCLUSION:**

Administration is recommending that the appointment of the firm of N.J. Peralta Engineering Ltd. for the repair and improvement to the 6th Concession Drain be brought to the next Regular Council meeting for Council's consideration pursuant to the provisions of the Drainage Act.



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Shane McVitty  
**Drainage Superintendent and  
Engineering Coordinator**

sm

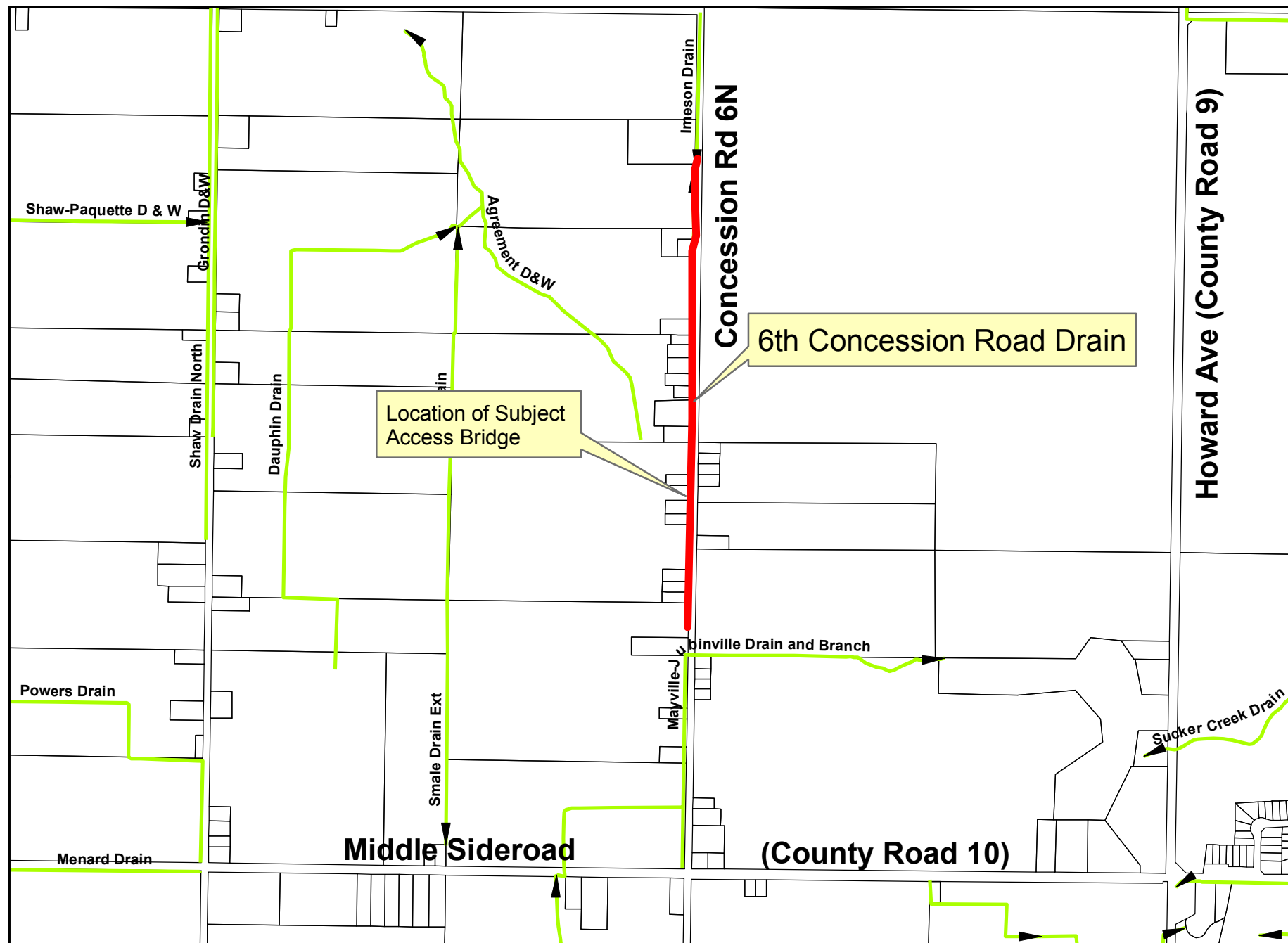
**Attachment(s):**

- Request for Improvement submitted by Doug Beaudoin
- Map of 6th Concession Drain



The Corporation of The  
Town of Amherstburg

## 6th Concession Road Drain







# The Corporation of The Town of Amherstburg

## REPAIR/IMPROVEMENT of a MUNICIPAL DRAIN

(Section 65, 76 and 78 Drainage Act)

FROM: Rita Beaudoin Doug Beaudoin

DRAIN: 6 con. Drain

I/We are the owner of the following land(s): Yes

Roll Number(s): [REDACTED]

And I/We request the following work on the above drain:

- a) ☐ Subsequent Connections (Section 65(1))
- b) ☐ New Schedule of Assessment (Section 76)
- c) ☐ Improvements upon Examination and Report of Engineer (Section 78)
- d) ☐ New Access Bridge (Section 78)

☒ Residential Bridge

☒ Agricultural Bridge

I request that if necessary, an Engineer be appointed and that he will determine a time and place at which he will attend an on-site meeting and examine the drainage area with all assessed ratepayers to be invited.

In signing this form, the owner is advised that they may be charged for work performed by the appointed Engineer should the works not proceed as requested.

Dated this 18 day of Nov., 2019.

[Signature]  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF ENGINEERING AND PUBLIC WORKS

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Shane McVitty	Report Date: December 19, 2019
Author's Phone: 519 736-3664 ext. 2318	Date to Drainage Board: January 16, 2020
Author's E-mail: <a href="mailto:smcvitty@amherstburg.ca">smcvitty@amherstburg.ca</a>	Resolution #: N/A

**To:** Members of the Drainage Board

**Subject:** Various Drainage Apportionments

#### 1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated December 19, 2019, regarding Various Drainage Apportionments **BE RECEIVED**;
2. The drainage apportionments **BE APPROVED** as listed:
  - **Consent B/14/19** – Drainage Apportionments for the Whelan Drain – Mailloux
  - **Consent B/21/19** – Drainage Apportionments for the Long Marsh Drain and Ouellette Drain East – Guarnaccia
  - **Consent B/23/19** – Drainage Apportionments for the Long Marsh Drain – Shaw
3. Administration **BRING FORWARD** the Drainage Board's recommendation to approve the drainage apportionments at a future Regular Council Meeting

#### 2. **BACKGROUND:**

Under the provisions of the Drainage Act, when lands that are assessed for drainage are subsequently divided by a change of ownership of any part, the Municipality must take steps to apportion the assessments to reflect the division of the lands. Over the course of a year, the Municipality will receive a number of severance applications that

require apportionments of existing drainage assessments. This report deals with three (3) drainage apportionments, each of which are associated with separate, individual severance consents, that have been completed by the Town Engineering and Public Works Department.

### **3. DISCUSSION:**

Section 65 of the Drainage Act discusses the obligation of a Municipality to apportion existing drainage assessments when lands are subsequently sub-divided. Section 65(2) provides a Municipality with the necessary provisions to complete assessment apportionments when landowners of the subdivided lands agree on the shares of the assessments. Specifically, the procedures by which landowner agreement apportionments are to be administered are outlined under Section 65(2) of the Act, which stipulates that:

#### **Agreement on share of assessment**

*65. (2) If the owners of the subdivided land mutually agree on the share of the drainage assessment that each should pay, they may enter into a written agreement and file it with the clerk of the local municipality and, if the agreement is approved by the council by resolution, no engineer need be instructed under subsection (1). 2010, c. 16, Sched. 1, s. 2 (26).*

Section 65(1) of the Drainage Act provides the Municipality with the option of instructing an engineer to complete the drainage apportionments:

#### **Subsequent subdivision of land**

*65. (1) If, after the final revision of an engineer's assessment of land for a drainage works, the land is divided by a change in ownership of any part, the clerk of the local municipality in which the land is situate shall instruct an engineer in writing to apportion the assessment among the parts into which the land was divided, taking into account the part of the land affected by the drainage works. 2010, c. 16, Sched. 1, s. 2 (26).*

An engineer was not instructed under Section 65(1) of the Act. In the case of the land divisions and severances being considered under this report, apportionments were completed by the Drainage Superintendent. Assessment schedules for drains that were affected by each land severance were analysed by the Drainage Superintendent and an appropriate apportionment of the assessments were completed. Specifically, assessments for the retained parcels and the severed parcels were divided to accurately reflect the change in the land boundaries and ownership. Once completed, all affected landowners were contacted and provided a letter that described the apportionments. If the landowners were in agreement with the apportionments, an “*Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale*” was signed by the affected property owners in accordance with Section 65(2) of the Act. In the case of the following severances, agreement letters were signed by all affected property owners and are attached:

- **Consent B/14/19** – Drainage Apportionments for the Whelan Drain – Mailloux
- **Consent B/21/19** – Drainage Apportionments for the Long Marsh Drain and Ouellette Drain East – Guarnaccia
- **Consent B/23/19** – Drainage Apportionments for the Long Marsh Drain – Shaw

Apportionment agreements, once accepted by the Drainage Board and approved by Council through resolution, will be reflected in the assessments of all future works of maintenance on any of the affected drains listed in the subject Consents.

#### **4. RISK ANALYSIS:**

Under the provisions of the Drainage Act, when lands that are assessed for drainage are subsequently divided by a change of ownership of any part, it is the Municipality's obligation to take steps to apportion the assessments to reflect the division of the lands. Failing to do so could lead to unfair assessments of drain maintenance costs that do not accurately reflect the prevalent ownership and subdivisions of lands within drainage watersheds. This could lead to conflicts between the Municipality and landowners over drainage assessments and the possible denial of agricultural grants from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

#### **5. FINANCIAL MATTERS:**

An administration fee of \$500.00 is charged by the Planning Department to an owner of a land that wishes to sever a portion of his or her lands.

#### **6. CONSULTATIONS:**

N/A

## 7. **CONCLUSION:**

Administration is recommending that the drainage apportionments be approved as listed and that said apportionments be approved by Council resolution:

- **Consent B/14/19** – Drainage Apportionments for the Whelan Drain – Mailloux
- **Consent B/21/19** – Drainage Apportionments for the Long Marsh Drain and Ouellette Drain East – Guarnaccia
- **Consent B/23/19** – Drainage Apportionments for the Long Marsh Drain – Shaw



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Shane McVitty  
**Drainage Superintendent and Engineering Coordinator**  
sm

### **Attachment(s):**

- **Consent B/14/19** – Letter and Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale
- **Consent B/21/19** – Letter and Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale
- **Consent B/23/19** – Letter and Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale



# The Corporation of The Town of Amherstburg

August 29, 2019

**RE: Section 65 Drainage Apportionment – Consent B/14/19**

Dear Homeowner:

This letter is to advise you of changes to the drainage assessment for your property for the parcel located at 4380 Concession Road 4 South, Malden Concession 3, Part Lot 28, in the former Geographic Township of Malden. This is in relation to the Application for Consent B/14/19, which proposes to sever a 2.183 acre (0.883 hectare) parcel of land from the existing parcel having Roll No. [REDACTED] the retained 16.547 acre (6.696 hectare) parcel shall remain as agricultural lands whose Roll No. will be determined at a later time. The attached plan depicts the boundaries of the affected parcels.

The re-apportionment of the drainage assessments for the lands described above proposed under this letter is in accordance with Section 65(2) of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended in 2010."

Administration for the Town of Amherstburg has performed all of the necessary investigations to complete the re-apportionments of drainage assessments for the subject lands. Said lands are located in the watersheds of the following municipal drains constructed by bylaw under the Drainage Act:

1. **Whelan Drain** – Report by N.J. Peralta, P.Eng., dated May 3<sup>rd</sup>, 1985, by-law 85-19, and further amended through S.65 drainage apportionment completed by Crozier, dated March 13, 2019.

If you are in agreement with the new breakdown of your property listed in the attached chart(s), please have all registered owners of your property sign the attached form and return to the Public Works Department at 512 Sandwich St South. Under Section 65(2) of the Drainage Act, if the agreement is approved by Council by resolution, no engineer will need to be instructed to complete a re-apportionment.

Should you have any questions or require further clarification, please feel free to contact myself at (519) 736-3664 ext 2318.

Sincerely,

Shane McVitty, P.Eng.  
Drainage Superintendent and Engineering Coordinator  
Attach.



Administration has created the following new breakdown for the affected properties:

1. Whelan Drain

<u>Whelan Drain</u>							
Existing Assessment – N.J Peralta, P.Eng., May 3, 1985 & Crozier, P.Eng., March 13, 2009							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
3	28	7.579		D & C Mailloux	\$ 112.00	\$ 78.00	\$190.00

<u>Whelan Drain</u>							
Reapportionment – Application for Consent B/14/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
3	28	0.883		D & C Mailloux	\$ 14.00	\$ 10.00	\$ 24.00
3	28	6.696		D & C Mailloux	\$ 98.00	\$ 68.00	\$ 166.00

CORPORATION OF THE TOWN OF AMHERSTBURG

Agreement between Property Owners for Drain Apportionment  
due to Land Severance or Sale

WHELAN DRAIN

Agreement between \_\_\_\_\_ and \_\_\_\_\_ for cost apportionment due to  
severance or sale of land in the Whelan Drain drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated  
for our property, and hereby petition the Council of the Town of Amherstburg to fix these new  
apportionments by resolution.

<u>Whelan Drain</u>							
Reapportionment – Application for Consent B/14/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
3	28	0.883		D & C Mailloux	\$ 14.00	\$ 10.00	\$ 24.00
3	28	6.696		D & C Mailloux	\$ 98.00	\$ 68.00	\$ 166.00

DAVID MAILLOUX  
Retained Property Owner 1 (printed)

Dec 10/19  
Date

David Mailloux  
Retained Property Owner 1 (signature)

CAROL MAILLOUX  
Retained Property Owner 2 (printed)

Dec 10/19  
Date

Carol Mailloux  
Retained Property Owner 2 (signature)

DAVID MAILLOUX  
Severed Property Owner 1 (printed)

Dec 10/19  
Date

David Mailloux  
Severed Property Owner 1 (signature)

CAROL MAILLOUX  
Severed Property Owner 2 (printed)

Dec 10/19  
Date

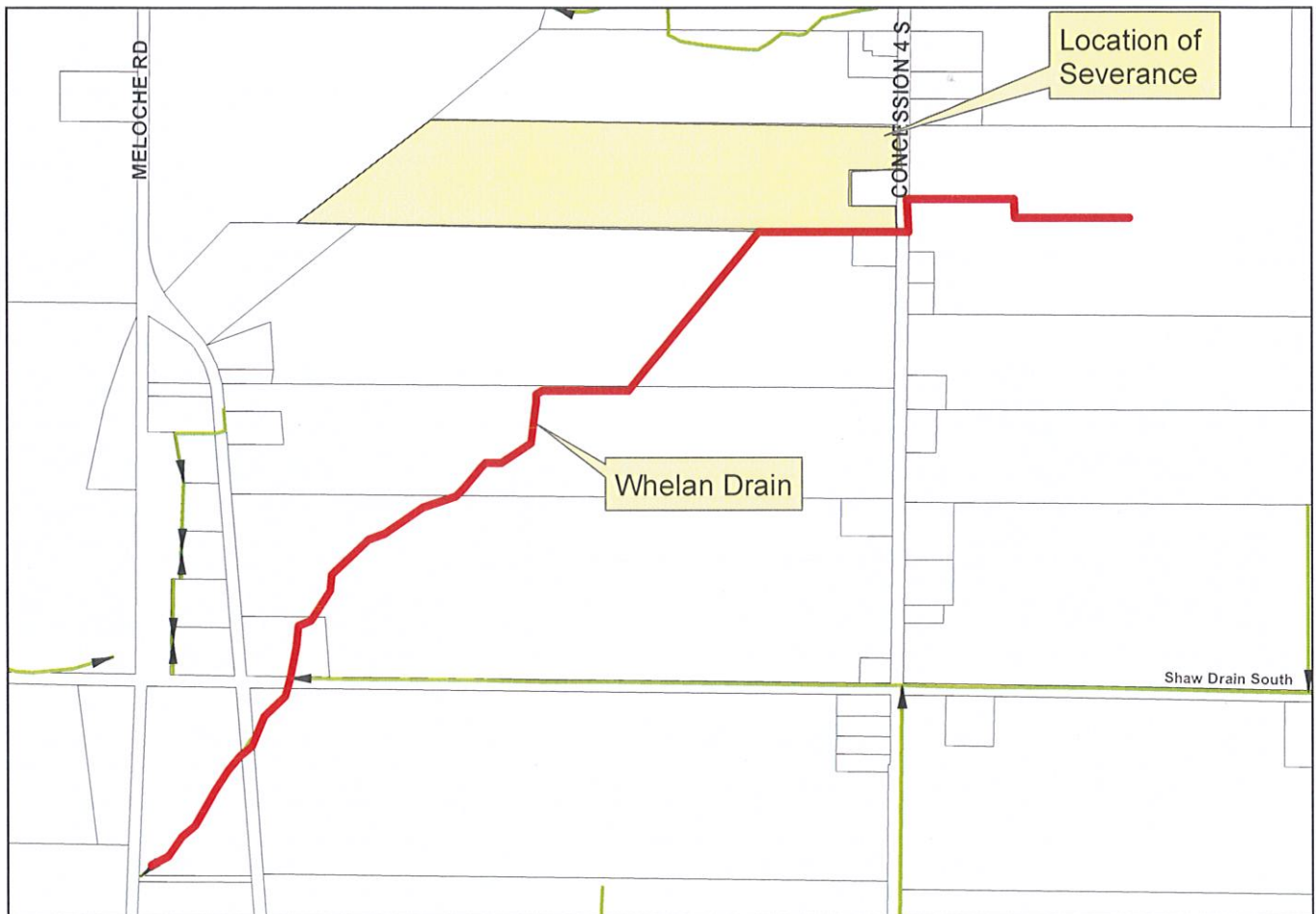
Carol Mailloux  
Severed Property Owner 2 (signature)





The Corporation of The  
Town of Amherstburg

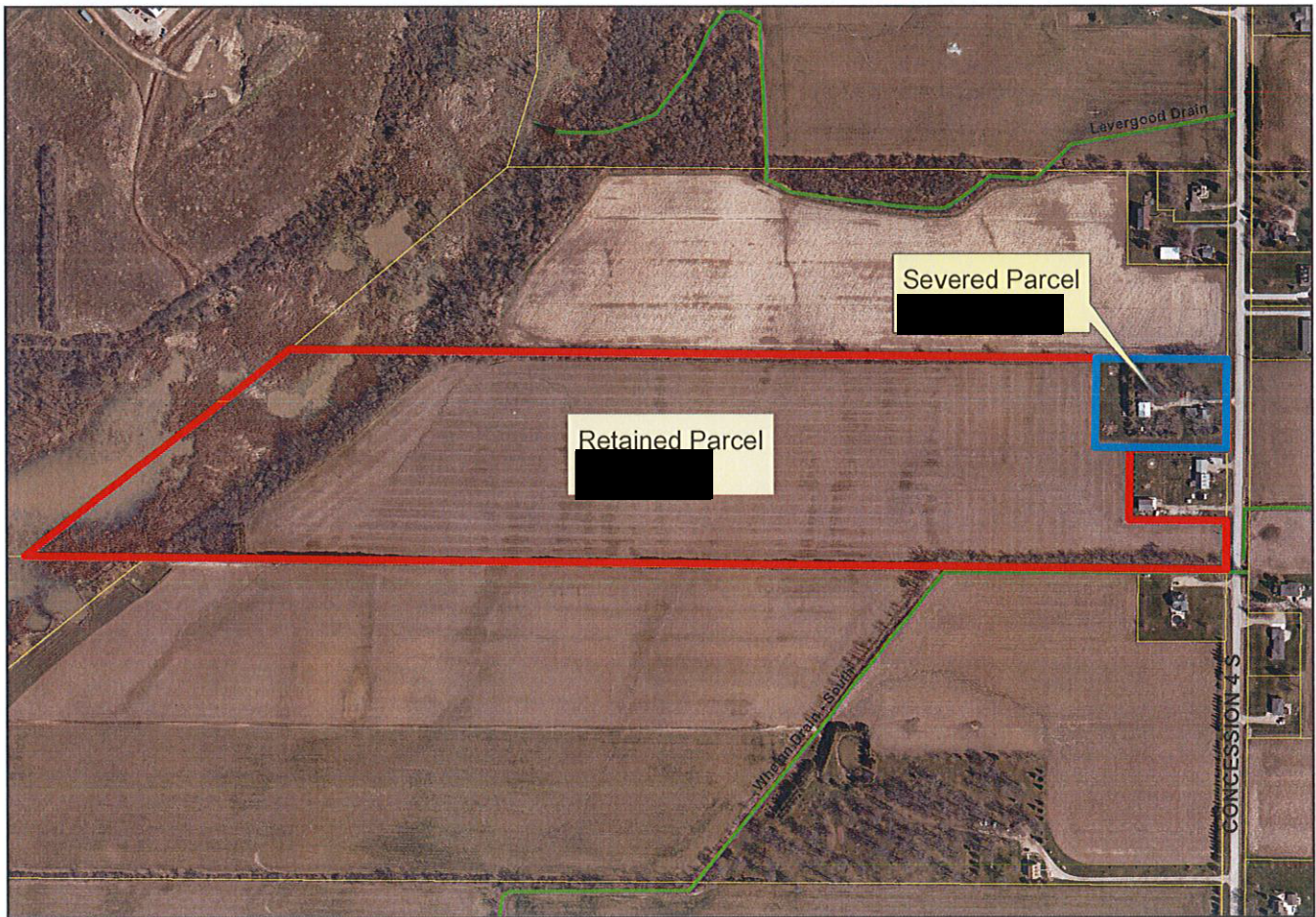
**Section 65 Drainage Apportionment  
Consent B/14/19 - Mailloux**





The Corporation of The  
Town of Amherstburg

**Section 65 Drainage Apportionment  
Consent B/14/19 - Mailloux**







# The Corporation of The Town of Amherstburg

November 21, 2019

**RE: Section 65 Drainage Apportionment – Consent B/21/19**

Dear Homeowner:

This letter is to advise you of changes to the drainage assessment for your property for the parcel located at E/S Concession Road 2 North, Concession 2, Part Lot 6, in the former Geographic Township of Anderdon. This is in relation to the Application for Consent B/21/19, which proposes to sever a 0.473acre (0.191 hectare) parcel of land from the existing parcel having Roll No. [REDACTED]; the retained 0.485 acre (0.196 hectare) parcel shall remain as residential lands whose Roll No. will be determined at a later time. The attached plan depicts the boundaries of the affected parcels.

The re-apportionment of the drainage assessments for the lands described above proposed under this letter is in accordance with Section 65(2) of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended in 2010."

Administration for the Town of Amherstburg has performed all of the necessary investigations to complete the re-apportionments of drainage assessments for the subject lands. Said lands are located in the watersheds of the following municipal drains constructed by bylaw under the Drainage Act:

1. **Long Marsh Drain** – Report by N.J. Peralta, P.Eng., dated January 27<sup>th</sup>, 1993, by-law 2917.
2. **Ouellette Drain East** – Report by D. Joudrey, P.Eng., dated February 19<sup>th</sup>, 2016, by-law 2016-78.

If you are in agreement with the new breakdown of your property listed in the attached chart(s), please have all registered owners of your property sign the attached form and return to the Public Works Department at 512 Sandwich St South. Under Section 65(2) of the Drainage Act, if the agreement is approved by Council by resolution, no engineer will need to be instructed to complete a re-apportionment.

Should you have any questions or require further clarification, please feel free to contact myself at (519) 736-3664 ext 2318.

Sincerely,

Shane McVitty, P.Eng.  
Drainage Superintendent and Engineering Coordinator  
Attach.

Administration has created the following new breakdown for the affected properties:

1. Long Marsh Drain

<u>Long Marsh Drain</u>							
Existing Assessment – N.J Peralta, P.Eng., January 27, 1993							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.95		Percy Renaud	\$ 0.00	\$ 45.00	\$ 45.00

<u>Long Marsh Drain</u>							
Reapportionment – Application for Consent B/21/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.473		S&S Guarnaccia	\$ 0.00	\$ 22.50	\$ 22.50
2	6	0.485		S&S Guarnaccia	\$ 0.00	\$ 22.50	\$ 22.50

2. Ouellette Drain East

<u>Ouellette Drain East</u>							
Existing Assessment – D. Joudrey, P.Eng., February 19, 2016							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.94		Underwood	\$ 0.00	\$ 60.00	\$ 60.00

<u>Ouellette Drain East</u>							
Reapportionment – Application for Consent B/21/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.473		S&S Guarnaccia	\$ 0.00	\$ 30.00	\$ 30.00
2	6	0.485		S&S Guarnaccia	\$ 0.00	\$ 30.00	\$ 30.00



CORPORATION OF THE TOWN OF AMHERSTBURG

Agreement between Property Owners for Drain Apportionment  
due to Land Severance or Sale

LONG MARSH DRAIN

Agreement between \_\_\_\_\_ and \_\_\_\_\_ for cost apportionment due to  
severance or sale of land in the Long Marsh Drain drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated  
for our property, and hereby petition the Council of the Town of Amherstburg to fix these new  
apportionments by resolution.

<u>Long Marsh Drain</u>							
Reapportionment – Application for Consent B/21/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.473		S&S Guarnaccia	\$ 0.00	\$ 22.50	\$ 22.50
2	6	0.485		S&S Guarnaccia	\$ 0.00	\$ 22.50	\$ 22.50

Sebastian Guarnaccia

Retained Property Owner 1 (printed)

Nov 22-19

Date



Retained Property Owner 1 (signature)

Retained Property Owner 2 (printed)

Date

Retained Property Owner 2 (signature)

Sebastian Guarnaccia

Severed Property Owner 1 (printed)

Nov 22-19

Date



Severed Property Owner 1 (signature)

Severed Property Owner 2 (printed)

Date

Severed Property Owner 2 (signature)

**CORPORATION OF THE TOWN OF AMHERSTBURG**

**Agreement between Property Owners for Drain Apportionment  
due to Land Severance or Sale**

**OUELLETTE DRAIN EAST**

Agreement between \_\_\_\_\_ and \_\_\_\_\_ for cost apportionment due to severance or sale of land in the Ouellette Drain East drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated for our property, and hereby petition the Council of the Town of Amherstburg to fix these new apportionments by resolution.

<u>Ouellette Drain East</u>							
Reapportionment – Application for Consent B/21/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.473		S&S Guarnaccia	\$ 0.00	\$ 30.00	\$ 30.00
2	6	0.485		S&S Guarnaccia	\$ 0.00	\$ 30.00	\$ 30.00

Sebastian Guarnaccia

Retained Property Owner 1 (printed)

Nov 22/19

Date

Seb Guarnaccia

Retained Property Owner 1 (signature)

\_\_\_\_\_  
Retained Property Owner 2 (printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Retained Property Owner 2 (signature)

Sebastian Guarnaccia

Severed Property Owner 1 (printed)

Nov 22/19

Date

Seb Guarnaccia

Severed Property Owner 1 (signature)

\_\_\_\_\_  
Severed Property Owner 2 (printed)

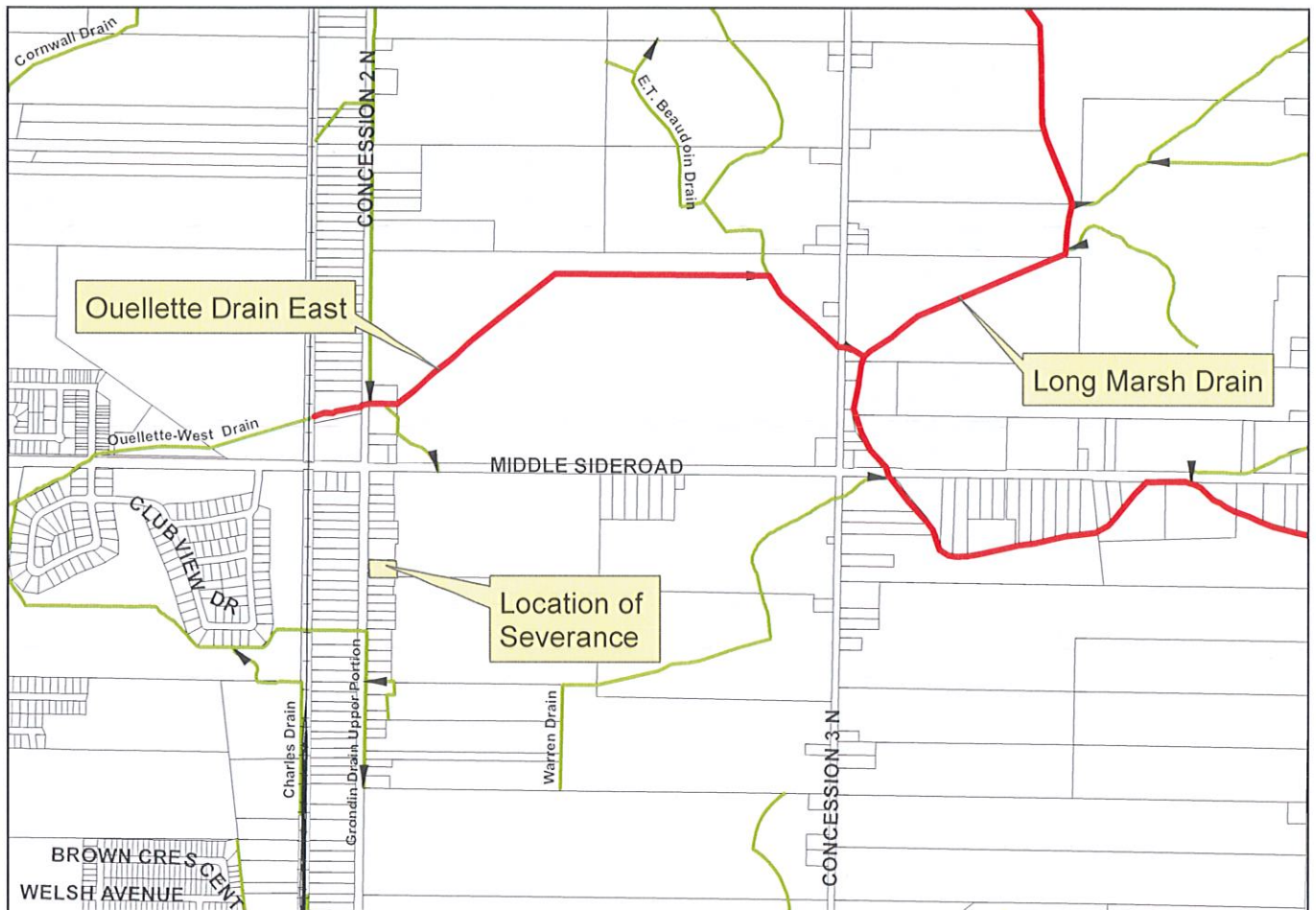
\_\_\_\_\_  
Date

\_\_\_\_\_  
Severed Property Owner 2 (signature)



The Corporation of The  
Town of Amherstburg

**Section 65 Drainage Apportionment  
Consent B/21/19 - Guarnaccia**

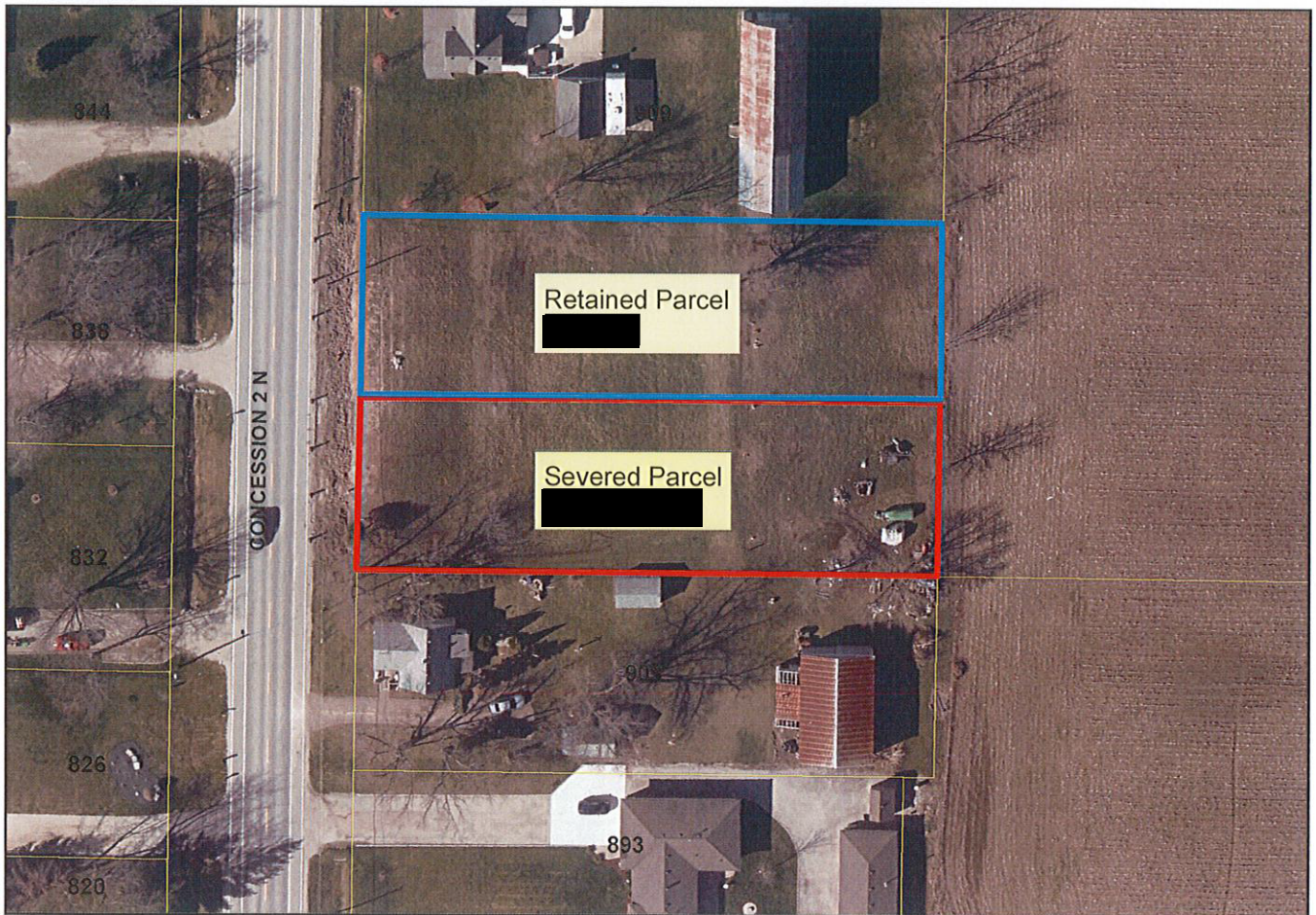






The Corporation of The  
Town of Amherstburg

**Section 65 Drainage Apportionment  
Consent B/21/19 - Guarnaccia**







# The Corporation of The Town of Amherstburg

November 27, 2019

**RE: Section 65 Drainage Apportionment – Consent B/23/19**

Dear Homeowner:

This letter is to advise you of changes to the drainage assessment for your property for the parcel located at E/S Concession Road 4 North, Concession 4, Part Lot 5, in the former Geographic Township of Anderdon. This is in relation to the Application for Consent B/23/19, which proposes to sever a 0.451 acre (0.183 hectare) parcel of land from the existing agricultural parcel having Roll No. [REDACTED]. This parcel is being severed for the purposes of a lot addition with 4361 Concession Road 4 North, having Roll No. [REDACTED]. The remaining parcel will have an area of 56.23 acre (22.76 hectare) of agricultural land. The attached plan depicts the boundaries of the affected parcels.

The re-apportionment of the drainage assessments for the lands described above proposed under this letter is in accordance with Section 65(2) of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended in 2010."

Administration for the Town of Amherstburg has performed all of the necessary investigations to complete the re-apportionments of drainage assessments for the subject lands. Said lands are located in the watersheds of the following municipal drains constructed by bylaw under the Drainage Act:

1. **Long Marsh Drain** – Report by N.J. Peralta, P.Eng., dated January 27<sup>th</sup>, 1993, by-law 2917

If you are in agreement with the new breakdown of your property listed in the attached chart(s), please have all registered owners of your property sign the attached form and return to the Public Works Department at 512 Sandwich St South. Under Section 65(2) of the Drainage Act, if the agreement is approved by Council by resolution, no engineer will need to be instructed to complete a re-apportionment.

Should you have any questions or require further clarification, please feel free to contact myself at (519) 736-3664 ext 2318.

Sincerely,

Shane McVitty, P.Eng.  
Drainage Superintendent and Engineering Coordinator  
Attach.

Administration has created the following new breakdown for the affected properties:

1. Long Marsh Drain

<u>Long Marsh Drain</u>							
Existing Assessment – N.J Peralta, P.Eng., January 27, 1993, apportionment on Agreement between Property Owners, May 29, 1997 (Resolution # 36-09-97C)							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
4	5	22.94		R. Anderson	\$ 417.00	\$ 1041.00	\$ 1548.00
4	5	0.3		T&E Pillon	\$ 0.00	\$ 45.00	\$ 45.00

<u>Long Marsh Drain</u>							
Reapportionment – Application for Consent B/23/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
4	5	22.76			\$ 417.00	\$ 1014.00	\$ 1431.00
4	5	0.483			\$ 0.00	\$ 72.00	\$ 72.00

CORPORATION OF THE TOWN OF AMHERSTBURG

Agreement between Property Owners for Drain Apportionment  
due to Land Severance or Sale

LONG MARSH DRAIN

Agreement between Don Shaw and Don Shaw for cost apportionment due to  
severance or sale of land in the Long Marsh Drain drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated  
for our property, and hereby petition the Council of the Town of Amherstburg to fix these new  
apportionments by resolution.

Long Marsh Drain							
Reapportionment – Application for Consent B/23/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
4	5	22.76		806574 Ont. Inc.	\$ 417.00	\$ 1014.00	\$ 1431.00
4	5	0.483		806574 Ont. Inc.	\$ 0.00	\$ 72.00	\$ 72.00

DONALD SHAW  
Retained Property Owner 1 (printed)

Nov 28-19  
Date

Donald Shaw  
Retained Property Owner 1 (signature)

\_\_\_\_\_  
Retained Property Owner 2 (printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Retained Property Owner 2 (signature)

DONALD SHAW  
Severed Property Owner 1 (printed)

Nov 28-19  
Date

Donald Shaw  
Severed Property Owner 1 (signature)

\_\_\_\_\_  
Severed Property Owner 2 (printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Severed Property Owner 2 (signature)





The Corporation of The  
**Town of Amherstburg**

**Section 65 Drainage Apportionment  
Consent B/23/19 - 806574 Ontario Inc.**





The Corporation of The  
Town of Amherstburg

**Section 65 Drainage Apportionment  
Consent B/23/19 - 806574 Ontario Inc.**

