

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

AGENDA

PUBLIC MEETING

RELOCATION OF 4th CONCESSION DRAIN (Domenic & Rima Mastronardi)

MONDAY, APRIL 11, 2011
COMMENCING AT 7:00 P.M.
IN THE COUNCIL CHAMBERS



ITEMS FOR CONSIDERATION:

1. Notice of Public Meeting
Page 2
 - Engineer's Report prepared by N. J. Peralta Engineering dated March 31, 2011 (previously circulated under separate cover)
2. Report DR 18/11 dated April 5, 2011 re: 4th Concession Road Drain - D. Mastronardi Drain - Relocation
Pages 3-5

Suggested Recommendation:

That the Engineer's Report dated March 31, 2011 as prepared by Gerard Rood, N. J. Peralta Engineering Ltd, re: 4th Concession Road Drain - Relocation for Mastronardi, be adopted;

And that, Council authorize the project be tendered and should the said tenders be higher than the engineer's estimate, \$62,405.00 (plus applicable taxes) and Mr. Domenic Mastronardi agrees, that Mayor and Clerk be authorized to award the tender and enter into necessary agreements;

And that, By-law 122-11 authorizing the work be presented to Council for 1st and 2nd reading. And that the Clerk send by prepaid mail a copy of the By-law and Notice of the Court of Revision to each of the affected parties;

And that a Court of Revision be held on the 16th day of May 2011, and that Gerard Rood, P.Eng., Allan Botham, P.Eng., Manager of Engineering Services and Lu-Ann Barreto, Drainage Superintendent, be appointed as Commissioners to let and superintend the said drainage works (DR 18-10).



THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

38 Erie Street North, Leamington, ON, Canada N8H 2Z3
Telephone (519) 326-5761 • Fax (519) 326-2481

Lu-Ann Barreto, Drainage Superintendent
lbarreto@leamington.ca

NOTICE - PUBLIC MEETING

Leamington, Ontario
April 5, 2011

To: All Affected Owners

Dear Sir or Madam:

**Re: ENGINEER'S REPORT - 4th CONCESSION RD. DRAIN
Relocation of Drain - Domenic & Rima Mastronardi
Part Lot 6, Concession 3
Municipality of Leamington, County of Essex**

This is to notify that you have property affected by the above proposed drainage project, pursuant to the provisions of The Drainage Act, R.S.O. 1990, as amended.

The Engineer's Report as prepared by N.J. Peralta Engineering dated March 31, 2011, a copy of which is attached, was filed with the Clerk of the Municipality of Leamington on March 31, 2011, and **will be considered** at a meeting of the Leamington Council:

Date: Monday, APRIL 11, 2011

Time: 7:00 p.m.

**Location: Council Chambers of the Municipal Building
38 Erie Street North, Leamington**

Yours truly,

Kim Siddall,
Manager of Corporate Services

/cd
Attach.

REPORT

REPORT TO: MAYOR AND MEMBERS OF COUNCIL

FROM: LU-ANN BARRETO
DRAINAGE SUPERINTENDENT

DATE: APRIL 5TH, 2011

SUBJECT: 4TH CONCESSION ROAD DRAIN - D. MASTRONARDI
DRAIN RELOCATION
PART LOT 6, CONCESSION 3, MUNICIPALITY OF LEAMINGTON

AIM:

To obtain a resolution of Council to adopt the Engineer's Report prepared by N.J. Peralta Engineering dated March 31st, 2011 for the relocation of a portion of the 4th Concession Road Drain pursuant to the provisions of Section 78 of *The Drainage Act* R.S.O. 1990.

BACKGROUND:

Council passed the following resolution on December 6, 2010.

No. C-445-10

That Leamington Council appoint N.J. Peralta Engineering for the preparation of a report together with the necessary plans and profile to provide for the relocation of a portion of the 4th Concession Road Drain pursuant to Section 78 of the Drainage Act;

And that all costs be charged to Account number 2-680-8216-7630;

And that the Essex Region Conservation Authority be advised of the proposed drain relocation. (Report DR 27-10).

COMMENTS:

As noted in the DR 27-10 the landowner wishes to re-locate the Municipal Drain off the residential property and onto the abutting farm parcel.

The owner would like the project to proceed as quickly as possible. The Drainage Superintendent advised Mr. Mastronardi that since the project is not grantable under the provision of the Ontario Ministry of Agriculture Food and Rural Affairs - ADIP's Program a waiver to appeal his rights to the Court of Revision can be completed and therefore construction could move forward.

The writer advises at this time that if Council chooses to allow the project to proceed with construction immediately that there is a chance that an upstream landowner could appeal the project. However staff feel it is a low risk since the project is simply moving an existing drain to the property line and not making any major changes to it.

The writer also notes at this time that the normal steps under the Drainage Act will still be followed. (Court of Revision, Passing of the Bylaw, etc).

FINANCIAL IMPACT:

Since Mr. Mastronardi is the only landowner benefiting from the relocation of the drain the engineer has determined that the entire cost of the project would be assessed to him.

Therefore the Report dated March 31, 2011, prepared by N.J. Peralta Engineering, indicated the project estimate as follows:

Task (2-680-8940-8940)	2010 Budget	Estimated Final Cost (Incl. Net Tax)	\$ to complete
Engineering Design	\$14,690	\$14,043	N/A
Allowances	\$0	\$2	N/A
Construction Estimate	\$50,850	\$48,360	N/A
Total	\$65,540	\$62,405	N/A
Funding 1/3 grant	\$0	\$0	N/A
Leamington Share	\$0	\$0	N/A
Landowner/Other	\$65,540	\$62,405	N/A

Mr. Mastronardi has provided the Municipality with a \$14,690.00 deposit for engineering and will submit a cheque for the difference after the adoption of the report and prior to awarding the tender with the actual amount.

Staff note that this amount is the engineer's estimate only, the tender price may come in higher or lower, at which time staff will either credit or charge the owner the difference.

It should be noted that the future maintenance of this drain doesn't change the existing assessment schedule under the current bylaw 3659.

RECOMMENDATION:

That the Engineer's Report dated March 31, 2011 as prepared by Gerard Rood, N. J. Peralta Engineering Ltd, re: 4th Concession Road Drain - Relocation for Mastronardi, be adopted;

AND THAT, Council authorize the project be tendered and should the said tenders be higher than the engineer's estimate, \$62,405.00 (plus applicable taxes) and Mr. Domenic Mastronardi agrees, that Mayor and Clerk be authorized to award the tender and enter into necessary agreements;

AND THAT By-law 122-11 authorizing the work be presented to Council for 1st and 2nd reading. And that the Clerk send by prepaid mail a copy of the By-law and Notice of the Court of Revision to each of the affected parties;

AND THAT a Court of Revision be held on the 16th day of May 2011, and that Gerard Rood, P.Eng., Allan Botham, P.Eng., Manager of Engineering Services and Lu-Ann Barreto, Drainage Superintendent, be appointed as Commissioners to let and superintend the said drainage works (DR 19-10);

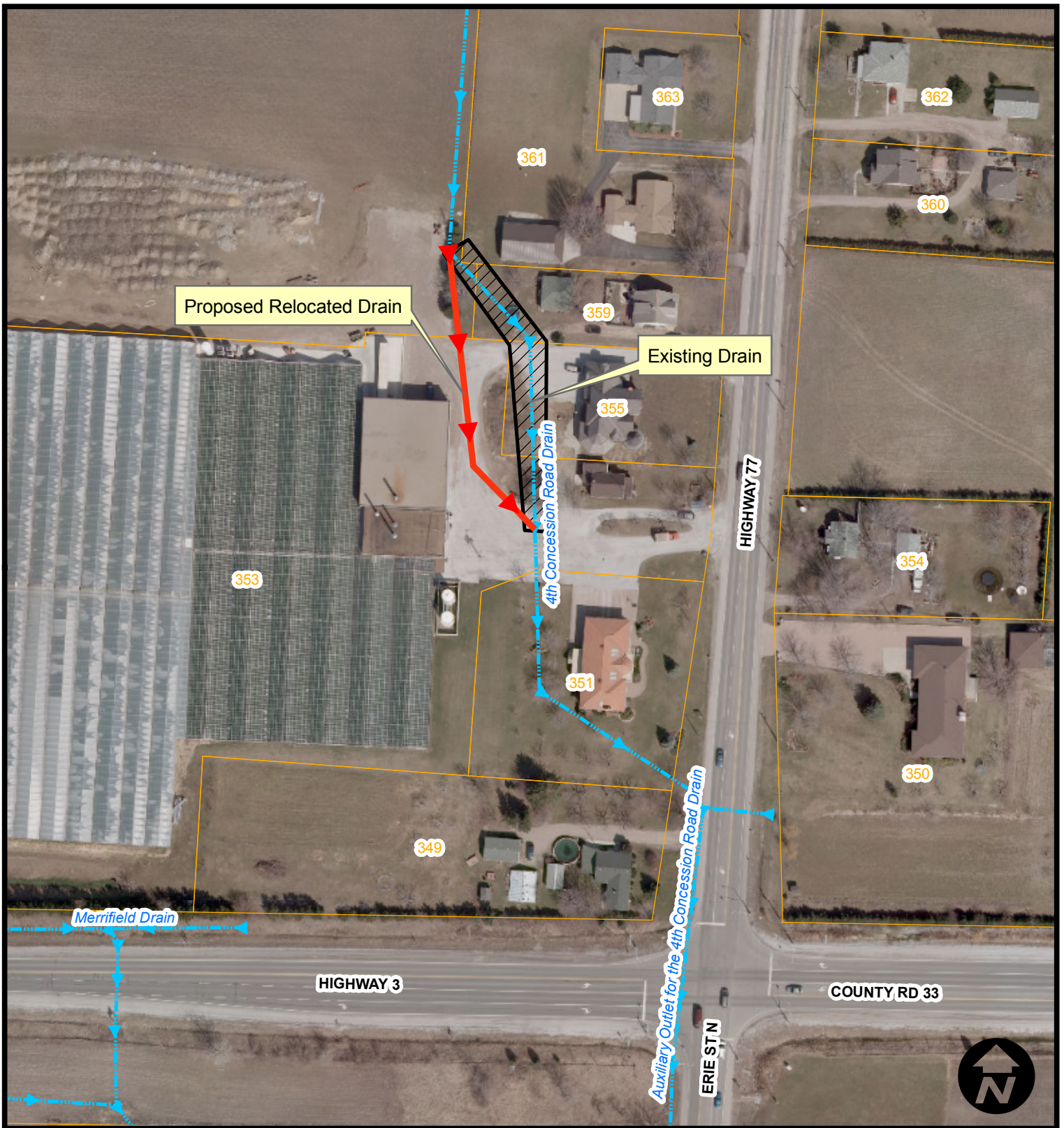
Respectfully submitted,

Lu-Ann Barreto
Drainage Superintendent




Allan Botham, P.Eng.
Manager of Engineering
Services

John Tofflemire, P.Eng.
Director of Community
Services

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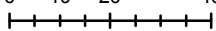


Legend

-  Municipal Drains
-  Proposed Relocation of the 4th Concession Rd Drain
-  Existing portion of the 4th Concession Rd Drain to be relocated

Title: 4th Concession Rd Drain - Re-locate portion of drain for Domenic Mastronardi



Scale: 1:1,500	0 10 20 40 Meters 	
Prepared For: Drainage Dept.	Date: November 25, 2010	
Prepared By: Eng. Dept - GIS Services	File No: DR-27-10	

Notes: This document is not a Legal Plan of Survey.