

MUNICIPALITY OF LEAMINGTON

AGENDA



PUBLIC MEETING

**East Side Arterial Road Drain
New Petition Drain
Part of Lot 10-11, Concession 1
Municipality of Leamington**

**MONDAY, NOVEMBER 2, 2009
COMMENCING AT 7:00 P.M.
IN THE COUNCIL CHAMBERS**

ITEMS FOR CONSIDERATION:

1. Notice of Public Meeting
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2. Report DR 14/09 dated October 16, 2009 re: East Side Arterial Road Drain New Petition Drain Part of Lot 10-11 Concession 1, Municipality Of Leamington
Pages 3-6

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THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

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

NOTICE - PUBLIC MEETING

Leamington, Ontario
October 26, 2009

To: All Affected Owners

Dear Sir or Madam:

Re: **ENGINEER'S REPORT - East Side Arterial Road Drain**
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 Stantec Consulting Ltd. dated October 22, 2009, a copy of which is attached, was filed with the Clerk of the Municipality of Leamington on October 23, 2009, and **will be considered** at a meeting of the Leamington Council:

Date: Monday, November 2, 2009

Time: 7:00 p.m.

**Location: Council Chambers of the Municipal Building
38 Erie St. N., Leamington, Ontario**

Yours truly,

Brian R. Sweet
Director of Corporate Services

/cd
Attach.

REPORT

REPORT TO: MAYOR AND MEMBERS OF COUNCIL
FROM: LU-ANN BARRETO
DRAINAGE SUPERINTENDENT
DATE: OCTOBER 16, 2009
SUBJECT: EAST SIDE ARTERIAL ROAD DRAIN
NEW PETITION DRAIN
PART OF LOT 10-11 CONCESSION 1,
MUNICIPALITY OF LEAMINGTON

AIM:

To obtain Leamington Council instructions to ask Stantec Engineering for a final report on the East Side Arterial Road Drain pursuant to the provisions of Section 4 of *The Drainage Act* R.S.O. 1990.

BACKGROUND:

In February 2007 the McCormick Rankin Corporation completed an Environmental Study Report (ESR) regarding the construction of the East Side Arterial Road (ESAR) between Talbot Street East and Seacliff Drive East. This project was approved through the Environmental Assessment process and the report was adopted by Council as the basis for design and construction of the East Side Arterial Road. As identified in section 6.4 Drainage and Stormwater Management of the ESR it is required to construct a new drain outlet between the proposed ESAR and the Sturgeon Creek. This new outlet will drain that portion of the new ESAR between Oak Street East and Seacliff Drive East.

Further to this the Road Authority petitioned, through the Drainage Act, to create a new drain, and Council passed the following resolution December 15, 2008:

No. C-471-08

That Leamington Council receive and proceed with the Petition for New Drainage Works as filed by the Road Authority within lot 9, Concession 1, pursuant to Section 4 of the provisions of the Drainage Act R.S.O. 1990;

And that Council direct Administration to notify the petitioners, landowners affected, Essex Region Conservation Authority, Ministry of Environment and the Ministry of Natural Resources of their intention to proceed with the creation of a new drainage works;

And further that, if no response is received from the notification, Stantec Consulting Engineers be appointed as Engineer to prepare a Preliminary Report for the drainage works for the purpose of determining the extent of the work required, possible alternatives for construction of a drain and approximate cost, all as described in the petition pursuant to Section 8 of the Act;

And further that, this project be a first charge to the 2009 Drainage Capital Budget (DR 10-08).

During the discussion period Council questioned the need to review the development needs of adjacent land owners, i.e. Residential Subdivisions, as part of the preliminary report.

COMMENTS:

Stantec Consulting has completed their preliminary report dated October 22, 2009, as attached.

This report notes two alternatives as taken from the above report:

Alternative No. 1:

This alternative creates a new drain along the rear property lines of the farms from the East Side Arterial Road to the Sturgeon Creek. The drain has been designed to accommodate road drainage from the proposed ESAR as well as adjacent agricultural land to the north based on pre-developed storm water runoff rates for a total area of approximately 66 hectares. The new drain will be 1,060 meters in length and have an average slope of 0.19% with 3:1 side slopes. This alternative has sufficient storage capacity for a 1:100 year storm within the drain, and does not require a retention pond. The water will be released at the flow rate for existing conditions as not to adversely affect the water in the Sturgeon Creek.

A cost summary for Alternative No. 1 is outlined below:

Construction	\$401,286.00
Contingency 10%	\$40,129.00
Allowances (Land & Damages)	\$124,004.00
Engineering	\$50,000.00
Total	\$616,419.00

Alternative No. 2:

This alternative would be located on the south side of the rear property lines of the farms from the East Side Arterial Road to the Sturgeon Creek. Alternative No. 2 has been designed to accommodate road drainage from the ESAR and be deep enough to accommodate adjacent agricultural land to the north at post-developed storm water runoff rates for a total area of approximately 66 hectares. The drain will be 1,060 meters in length and have an average slope of 0.24%, with 3:1 side slopes. Alternative No. 2 has sufficient storage capacity for the 1:100 year storm within the drain. The water will be released at the flow rate for existing conditions so water levels in the Sturgeon Creek are not adversely affected.

Any new development requires treatment of the storm water runoff before disposing of it in local streams and creeks. A single, regional quality control pond is recommended at the downstream end of the proposed drain to eliminate numerous, smaller quality/quantity control ponds in multiple developments. The pond will require a Certificate of Approval (CofA) from the Ministry of the Environment and should be planned under the Environmental Assessment process (Schedule B or Master Plan). This process would increase the engineering costs and could take approximately three or four months to complete a Schedule "B" Environmental Assessment (EA). An EA is required because the Ministry of Environment (MOE) considers the pond to be a communal sewage treatment facility when more than one property owner is involved.

An access culvert will be provided to the Ingratta properties which will be divided by the new drain.

During the review of this alternative it was noted that an access for the Saad development would also be required. (Note: this access isn't in the calculations but would have to be added once the final report is completed.)

A cost summary for Alternative No. 2 is outlined below:

Construction	\$612,683.00
Contingency 10%	\$61,268.00
Allowances (Land & Damages)	\$125,802.00
Engineering	\$100,000.00
Total	\$899,753.00

The Municipality of Leamington would be assessed the costs for Alternative No. 1 of \$615,419.00. The cost difference between Alternative No. 1 & 2, of \$284,334.00, would be assessed to the major stakeholders: Saad, Ingratta, and Woodsit in the percentages as outlined in the report.

Following a review by Municipal staff Alternative No. 2 is recommended as the preferred alternative.

Landowners would like the Municipality to take over the ownership of the drain and pond. And that all legal costs are paid by the Town. (Ultimately when each property is developed - under subdivision agreements this portion of land would be deeded to the Municipality - so instead of waiting they would like to deed the property to the Municipality now).

We are also looking to Council to recommend a name for this drain. Once the road is created it will become County Rd 33 and the name "East Side Arterial Road" will not be used. Staff have looked into a few different options and recommend - Colonel Elliott Drain. The Colonel Matthew Elliott was the first to receive the crown patent in 1801 for 400 acres in Lots 10 & 11, Concession 1.

FINANCIAL IMPACT:

As noted in the Engineers report the cost for Alternative No. 1, being \$615,419.00 was noted in the 2009 Capital Drainage budget as follows:

Eastside Arterial Road Drain \$500,000 Budget with 50% cost sharing with the County of Essex as follows.

	Budgeted	Latest Engineers Estimate
Leamington	\$250,000.00	\$307,709.50
County of Essex	\$250,000.00	\$307,709.50
Totals:	\$500,000.00	\$615,419.00

It is not possible to begin construction of the drain in 2009, therefore staff is requesting an additional \$57,709.50 to be a first charge to the 2010 Capital Drainage Budget.

The remaining owner's portion of \$284,334.00 would be assessed to the landowners and financed through a five (5) year debenture.

As directed, this project will be charged to Account # 2-680-8863-7630.

RECOMMENDATION:

THAT the Preliminary Engineer's Report dated October 14, 2009 as prepared by Stantec Consulting Ltd. Re: East Side Arterial Road Drain be received.

AND THAT Leamington Council authorizes Stantec Consulting to prepare a final report based on Alternative No. 2 and to also include an access for the Saad parcels over the new drain.

AND THAT the name of the new Drain be the Colonel Elliott Drain.

AND THAT the Essex Region Conservation Authority be notified of the proposed drain.

AND THAT this project will be charged to Account # 2-680-8863-7630.

AND THAT such recommendation be in accordance with Report DR 14-09.

Respectfully submitted,

Lu-Ann Barreto
Drainage Superintendent

Allan Botham, P.Eng.
Manager of Engineering
Services

John Tofflemire, P.Eng.
Director of Community
Services