

ALMANSON HILLMAN DRAIN

Maintenance Schedule

Geographic Township of Mersea



**111 Erie Street North
Leamington, Ontario N8H 2Z9
519-326-5761**

Rood Engineering Inc.

Consulting Engineers

9 Wilkinson Drive

Leamington, Ontario N8H 1A1

519-322-1621

REI Project 2011D020

September 7th, 2011

Mayor and Municipal Council
Corporation of the Municipality of Leamington
111 Erie Street North
Leamington, Ontario
N8H 2Z9

Mayor Paterson and Members of Council:

ALMANSON HILLMAN DRAIN (MAINTENANCE SCHEDULE)
(Geographic Township of Mersea)
Project No. REI2011D020
Municipality of Leamington, County of Essex

I. INTRODUCTION

Further to instructions from Council at their April 4th, 2011 meeting and as outlined in the email letter from your Drainage Superintendent, Lu-Ann Barreto, dated April 13th, 2011, we have proceeded with an Engineer's Report to review the existing drainage works and the drainage area served by the Almanson Hillman Drain. This investigation was initiated by a resolution passed by Council to prepare a report for the variation of the assessment on the Almanson Hillman Drain so that the cost of future maintenance works on this drain may be more fairly assessed. This investigation, our instructions, and this assessment report are in accordance with Section 76 of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended 2010".

The Municipality of Leamington is proposing to undertake maintenance works on the Almanson Hillman Drain later this year. Land boundary changes, new owners, and updated provisions for bridge maintenance cost sharing have arisen, such that a variation of the current Schedule of Assessment is necessary in order to properly distribute the cost of maintenance on this drain to all affected landowners. This variation in assessment establishes a Maintenance Schedule of Assessment which shall provide a basis for levying any future maintenance costs for work to both the open and covered drain and the bridges.

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II. DRAINAGE HISTORY

The Almanson Hillman Drain is located entirely within the Municipality of Leamington. The drainage basin served by the Almanson Hillman Drain consists of approximately 63.14 hectares (156.00 acres). The upper end of the Almanson Hillman Drain commences east of Mersea Road 19 and extends easterly and downstream along the middle of Concession A (Blind Line) to an outlet in the East Marsh Drain at the west side of East Beach Road.

A review of the Municipal drainage records indicates that the last major work of repair and improvement to the Almanson Hillman Drain was completed under the Engineer's Report prepared by William J. Settingington, P.Eng., dated April 24th, 1981. This report provided allowances to the affected Owners for damages and land taken to widen the existing open drain and included provisions for improvements to the drain, including excavation and widening of the open portions, upgrades and extensions to the existing bridge culverts, including provision for repair of the clay tile drain along the north side of the open drain and ancillary work. No further works of repair and improvement of the drain by way of an Engineer's Report have been completed since the report prepared by William J. Settingington, P.Eng., dated April 24th, 1981.

An on-site meeting with the affected Owners was scheduled for May 19th, 2011. This meeting was attended by the following people: John Landschoot, Bill Enns, Tom Dick, Kevin Geddes (for Andrasik), Don Huber (County of Essex), Lu-Ann Barreto (Drainage Superintendent), and Gerard Rood (Rood Engineering Inc.).

Ms. Barreto outlined the purpose of the meeting, explaining that the Municipality needs to carry out maintenance of the drain later this year. From the Municipal review of the existing drainage report it appears that the necessary work to improve the drain would unfairly assess the affected lands due to severances, lot changes and missing lots, and accordingly the Municipality has appointed the Engineer to prepare an updated Maintenance Schedule prior to the work being completed. Mr. Rood outlined some of the property changes that have occurred since the 1981 report and provided an explanation of how bridge assessments are currently carried out and the basis for same. The owners were asked about any changes to the drainage in the area and no new information was provided. It was discussed that the report will address any subdividing of lands that have occurred pursuant to Section 65, and the report will proceed

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with variation of assessments as per Section 76 of the of the "Drainage Act R.S.O. 1990, Chapter D.17, as amended 2010".

The report will provide an updated Maintenance Schedule along with provisions for sharing cost of work to bridge pipes along the course of the drainage system. The procedure under the Drainage Act was also reviewed with the Owners. Ms. Barreto explained that assessment for maintenance work depends on where the work is done and who is involved, generally being the adjacent and upstream landowners.

Ms. Barreto summed up that the Municipality would not do any work until the updated Maintenance Schedule had been completed. The required work will be carried out as a maintenance project and not a capital project. She went on to advise that a public meeting would be scheduled and notices for same will be sent out along with a copy of the Drainage Report and updated Maintenance Schedule of Assessment. The Owners were advised that they may contact either the Drainage Superintendent or the Engineer, if any questions arise in the interim.

III. FINDINGS

Based on our investigations and the information provided at the on-site meeting, we have established the following. From the 1981 report for the drainage work, it was established that the Almanson Hillman Drain extends from approximately the midpoint of Lot 19 easterly along the Blind Line of Concession A to an outlet in the East Marsh Drain in Lot 22. The 1981 report also notes that the drain comprises the open channel along with a covered drain along the north side together with catch basins and appurtenances.

The assessment for access bridges in the old report does not follow the current practice of cost sharing. The report provided for a one-time Special Benefit charge, whereas the current practice is that work to bridges would be a recurring cost for the upkeep and maintenance of each of the structures shared between the bridge owner and upstream lands including roads where affected.

IV. RECOMMENDATIONS

In order to properly assess any maintenance works to the Almanson Hillman Drain it will be necessary to vary the Schedule

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of Assessment within the current governing Engineer's Report prepared by William J. Settington, P.Eng., dated April 24th, 1981. We recommend that the current Maintenance Schedule of Assessment be varied and same has been prepared and provided within this report.

In order to establish the new Schedule of Assessment for the Almanson Hillman Drain, a value of \$5,000.00 has been utilized as a basis for the future cost sharing of maintenance works. This amount was distributed amongst the lands affected within the watershed. The amount utilized in the Maintenance Schedule of Assessment does not authorize expenditure of this amount but only provides an arbitrary value for the purpose of establishing a relative distribution of cost amongst the property owners affected by the maintenance work.

Furthermore, in order that a mechanism exists by which the Municipality can undertake maintenance works on the existing private access bridges, we recommend that said existing bridge structures as identified herein, be maintained in the future as part of the drainage works. We would also recommend that the legal private access bridges presently found or newly constructed in the drain, for which the maintenance costs are to be shared with the upstream lands and roads within the watershed, be maintained by the Municipality and that said maintenance would include works to the bridge culvert, bedding, backfill and end treatment. When concrete or asphalt driveway surfaces over these bridge culverts require removal as part of the maintenance works, these surfaces shall be repaired or replaced as part of the work. Likewise, if any fencing, gate, decorative walls, guard rails or special features exist that will be impacted by the maintenance work, they are also to be removed and restored or replaced as part of the bridge maintenance work. However, the cost of the supply and installation of any surface material other than granular "A" material, and the cost of the removal and restoration or replacement if necessary of any special features, shall be totally assessed to the benefiting adjoining owner served by said private access bridge.

We would also recommend that all engineering costs and expenses related to the preparation, distribution, and consideration of this report be included as an expense to the drainage works and that same be assessed in the same proportions as set out in the new Maintenance Schedule of Assessment for the Almanson Hillman Drain, attached herein.

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V. DRAWINGS

Also attached to this report and included in **Appendix "A"**, is a drawing which consists of a plan showing the Almanson Hillman Drain. It illustrates the watershed area, the location of the drain, the location of all existing access bridge structures, the names of the affected landowners, as well as the approximate limit of the watershed.

VI. ASSESSMENT SCHEDULE AND MAINTENANCE WORKS

We have prepared a Maintenance Schedule of Assessment to be utilized for assessing costs against the affected lands for any future maintenance works conducted to the Almanson Hillman Drain and same has been attached herein. As previously mentioned, the assessment proportions as outlined within the Maintenance Schedule of Assessment has been established on the basis of an assumed future maintenance cost of \$5,000.00, and it should be understood that the maintenance charges outlined in the attached Maintenance Schedule of Assessment should not be made until such time that maintenance works have been conducted and expended. Therefore, for the purposes of future maintenance on the entire length of the drain including the open portion and tile drain along the north side, all costs shall be levied against the lands within the watershed in accordance with the attached Maintenance Schedule of Assessment. The physical dimensions which control the extent of maintenance works permitted on this drain shall be limited to that which has been set out in the April 24th, 1981 Engineer's Report by William J. Settingington, P.Eng.

When any works of maintenance are required to the existing access bridges, the following provisions with respect to cost sharing shall apply:

Almanson Hillman Drain Bridge Sharing

<u>Bridge/ Enclosure</u>	<u>Roll No.</u>	<u>Owners</u>	<u>Owners' Share</u>	<u>Upstream Share</u>
1	460-04700	John & Katherine Andrasik	76.0%	24.0%
2	460-04500	John Andrasik	70.0%	30.0%
3	460-05800	John & Katherine Andrasik	23.5%	53.0%
	460-06000	John & Katherine Andrasik	23.5%	

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Should any works or maintenance be required to the existing access bridges, the cost will be shared as noted in the above table. The share indicated for the Owner shall be assessed as a Benefit to the bridge user and Owner and the remaining cost share shall be assessed as an Outlet Liability against the lands within the watershed lying upstream of said access bridge, and shall be assessed in the same proportions as the Outlet assessments shown in the Maintenance Schedule of Assessment established and included herein.

The Maintenance Schedule of Assessment included herein has been developed on the basis of an estimated cost of \$5,000.00. The actual cost of maintenance work on the drain shall be assessed against the lands and roads in the same relative proportions as shown therein, subject to any future variations that may be made under the authority of the "Drainage Act R.S.O. 1990, Chapter D.17, as amended 2010".

VI. GRANTS

On September 22nd, 2005, the Ontario Ministry of Agriculture, Food, and Rural Affairs (O.M.A.F.R.A.) issued Administrative Policies for the Agricultural Drainage Infrastructure Program (A.D.I.P.). This program has re-instated financial assistance for eligible costs and assessed lands pursuant to the Drainage Act. Sections 85 to 90 of the Drainage Act allow the Minister to provide grants for various activities under said Act. Sections 85 to 87 make it very clear that grants are provided at the discretion of the Minister. Based on the current A.D.I.P., "lands used for agricultural purposes" may be eligible for a grant in the amount of 1/3 of their total assessment. The new policies define "lands used for agricultural purposes" as those lands eligible for the "Farm Property Class Tax Rate", the "Managed Forest Tax Incentive Program", or the "Conservation Land Tax Incentive Program". The Municipal Clerk has provided this information to the Engineer from the current property tax roll. Properties that meet the criteria for "lands used for agricultural purposes" are shown in the attached assessment schedule under the heading "**5. PRIVATELY OWNED AGRICULTURAL LANDS (grantable)**" and are expected to be eligible for the 1/3 grant from O.M.A.F.R.A.


We recommend that an application be made by the Municipality of Leamington, on completion of the maintenance work, to the Ontario Ministry of Agriculture, Food and Rural Affairs

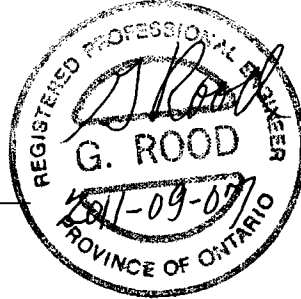
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(O.M.A.F.R.A.) in accordance with Section 88 of the "Drainage Act R.S.O. 1990, Chapter D.17, as amended 2010" for this grant.

All of which is respectfully submitted,

ROOD ENGINEERING INC.


Gerard Rood, P.Eng.



att.

ROOD ENGINEERING INC.

Consulting Engineers
9 Wilkinson Drive
LEAMINGTON, Ontario N8H 1A1

APPENDIX "A"

PLAN SHOWING THE

ALMANSON HILLMAN DRAIN

(Geographic Township of Mersea)

IN THE

MUNICIPALITY OF LEAMINGTON

IN THE

COUNTY OF ESSEX, ONTARIO

Gerard Rood
GERARD ROOD, P.ENG.



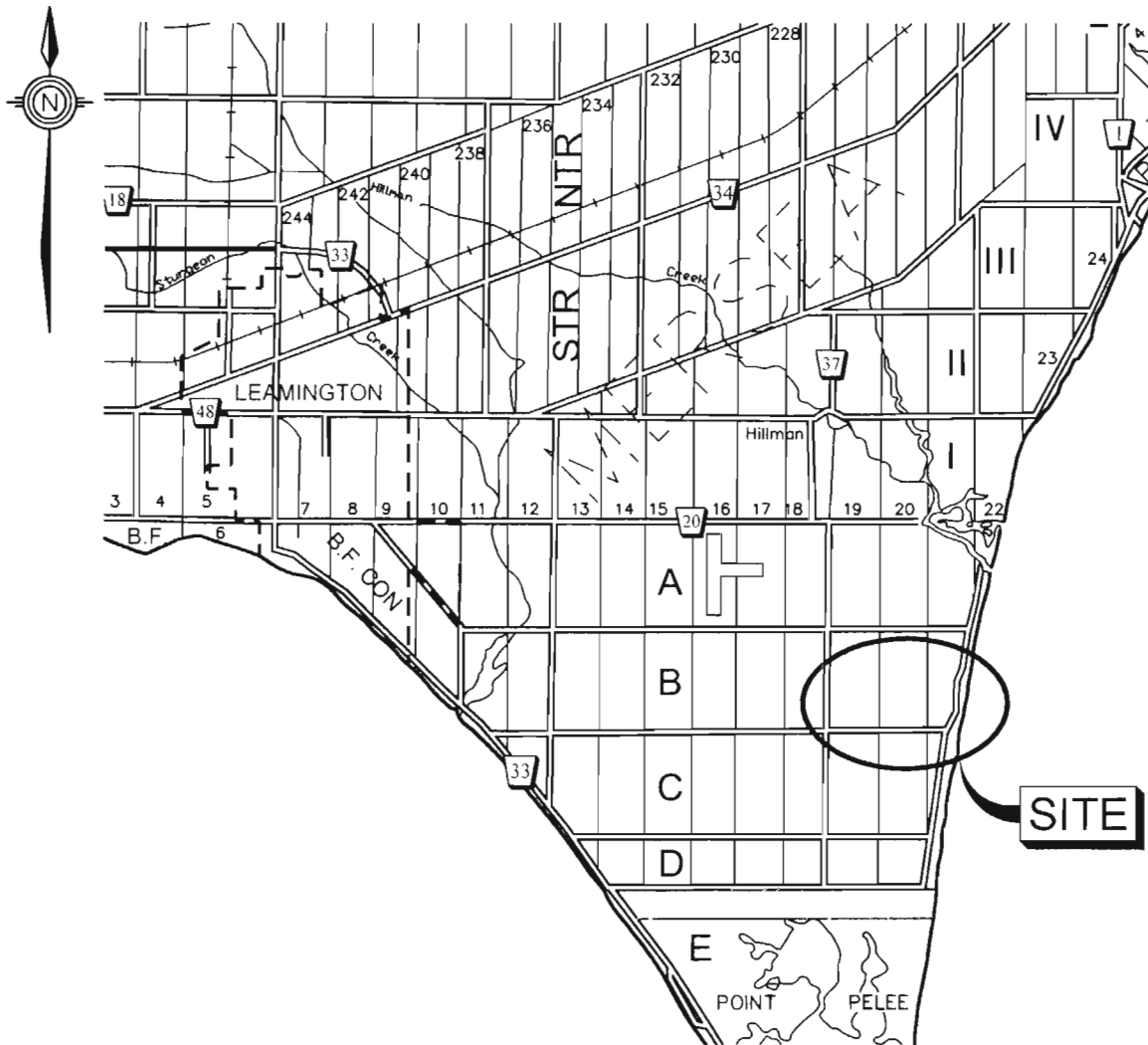
**ROOD
ENGINEERING
INC.**

CONSULTING ENGINEERS
Leamington, Ontario
N8H 1A1

DATE: September 7th, 2011

MUNICIPALITY OF LEAMINGTON

MAYOR: JOHN PATERSON
CLERK: BRIAN SWEET
DRAINAGE
SUPERINTENDANT: LU-ANN BARRETO

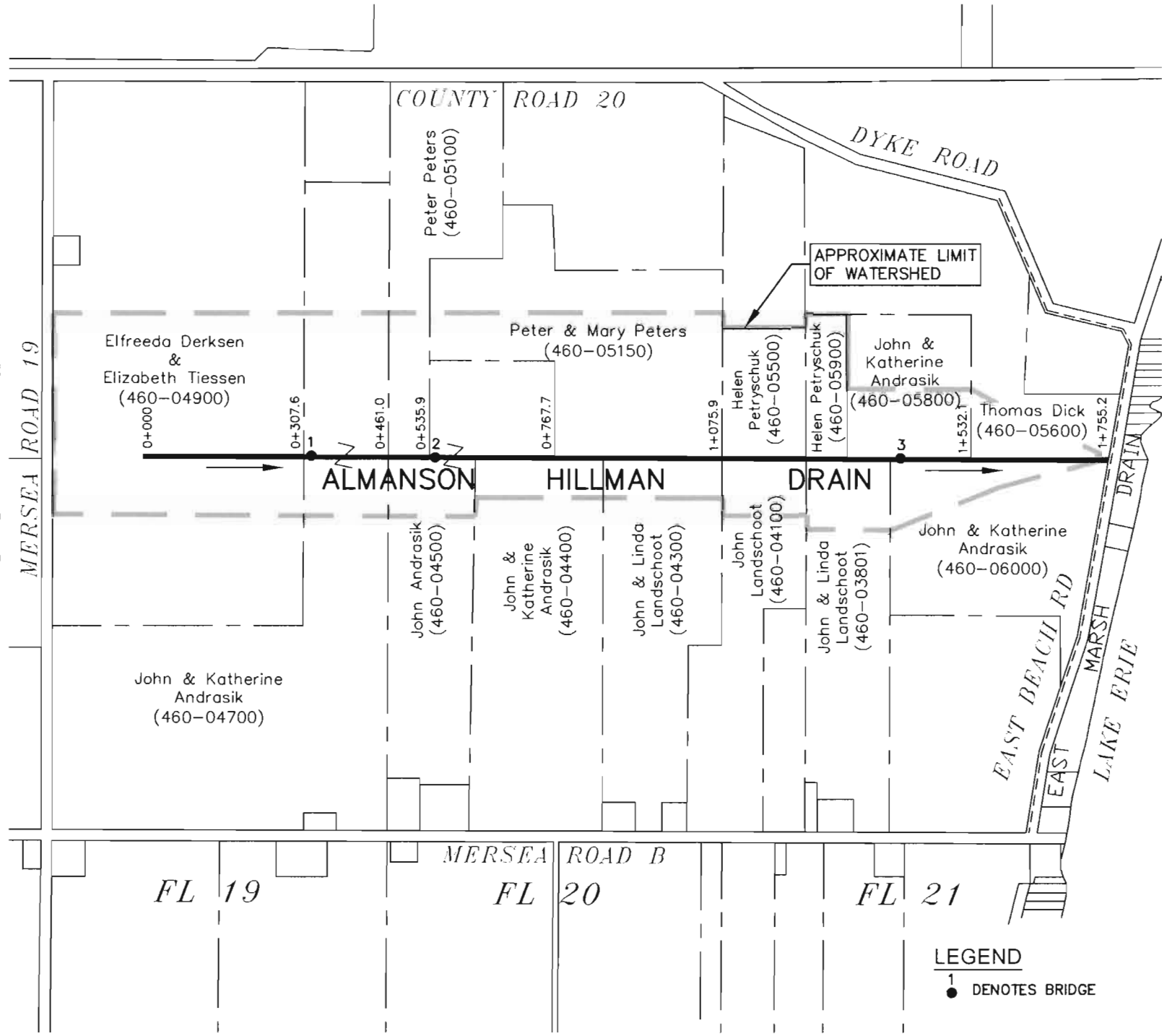


KEY PLAN

SCALE = 1:100000



CON. A



LEGEND
1 DENOTES BRIDGE

PLAN
SCALE = 1:100000

SHEET 1 OF 1

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