

LEBO CREEK DRAIN –
7TH CONCESSION ROAD BRANCH
MAINTENANCE SCHEDULE
(Geographic Township of Mersea)
MUNICIPALITY OF LEAMINGTON

N. J. PERALTA ENGINEERING LTD.

Consulting Engineers

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Project No. D-09-046

November 14th, 2011

Mayor and Municipal Council
Corporation of the Municipality of Leamington
38 Erie Street North
Leamington, Ontario
N8H 2Z3

Mayor Paterson and Members of Council:

**SUBJECT: LEBO CREEK DRAIN - 7TH CONCESSION ROAD BRANCH
MAINTENANCE SCHEDULE
(Geographic Township of Mersea)
Municipality of Leamington, County of Essex
Project No. D-09-046**

I. INTRODUCTION

Further to instructions from Council at their December 14th, 2009 meeting and as outlined in the letter from your Drainage Superintendent, Lu-Ann Barreto, dated December 21st, 2009 we have proceeded with an engineer's report to review the existing drainage works and the drainage area served by the "Lebo Creek Drain - 7th Concession Road Branch". This investigation was initiated by a request from Leonard Flaming and Ashley Gardens for a subsequent connection to the "Lebo Creek Drain - Northwest Branch". The subsequent connection was approved by Council pursuant to the January 12th, 2010 report prepared by our office under Section 66 of the Drainage Act. 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 requires the updated Maintenance Schedule of Assessment due to the watershed changes caused by the subsequent connection and to address a number of severances and property changes that have occurred over recent years. This report is being prepared as one of the conditions to the subsequent connection requested by Leonard and Janet Flaming for Parcels 760-00100 and 760-00300. This variation in assessment establishes an Assessment Schedule which will provide a basis for levying any future maintenance costs for work to the open drain.

II. DRAINAGE HISTORY

The "Lebo Creek Drain - 7th Concession Road Branch" is located entirely within the Municipality of Leamington. The drainage basin served by the "Lebo Creek Drain - 7th Concession Road Branch" consists of approximately 109.187 hectares (269.80 acres). The upper end of the "Lebo Creek Drain - 7th Concession Road Branch" commences just west of the midpoint of Lot 5, Concession 6 and extends easterly along the south side of Mersea Road 7 to a point near the west side of King's Highway #77. It

Report - Maintenance Schedule - Lebo Creek Drain -
7th Concession Road Branch
Municipality of Leamington - D-09-046

then turns southerly and proceeds in a south direction to an outlet in the "Lebo Creek Drain", just south of Mersea Road 7, at the junction with the "Lebo Creek Drain - South Branch".

A review of the Municipal drainage records indicates that the last major work of repair and improvement of the "Lebo Creek Drain - 7th Concession Road Branch" was completed under the Engineer's Report prepared by William J. Settingington, P.Eng. dated December 14th, 1972. This report provided for the repair and improvement of the entire length of the drain. The report also provided for bridge improvements. The plans accompanying this report also showed different parcel layouts for the affected watershed of the drain. These changes include severances as well as the change of the Canada Southern Railway corridor that crossed through approximately the centre of the watershed to the Leamington Utility Corridor.

III. FINDINGS

Based on our investigations and review of the information provided by the Municipality, and the work done on the subsequent connections for the Leonard and Janet Flaming parcels, we have established the following. Several of the original parcels have been severed into smaller pieces and there have been property line adjustments between original bordering lands and their neighbours, along with greenhouse developments that create increased flow volumes. The limit between the "Lebo Creek Drain - Northwest Branch" and the "Lebo Creek Drain - 7th Concession Road Branch" is adjusted by the subsequent connection report. As a result of these changes, the Municipality has found that the current Schedule of Assessment requires updating to properly assess future maintenance works to the drain.

IV. RECOMMENDATIONS

In order to properly assess the costs for any maintenance works to the "Lebo Creek Drain - 7th Concession Road Branch" in the future, it will be necessary to vary the Schedule of Assessment within the current governing Engineer's Report prepared by William J. Settingington, P.Eng. dated December 14th, 1972. We recommend that the current Maintenance Schedule of Assessment be varied and same has been prepared and provided within this report.

To establish the new Maintenance Schedule of Assessment for the "Lebo Creek Drain - 7th Concession Road Branch", 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 and roads affected within the watershed. The amount utilized in the 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

**Report - Maintenance Schedule - Lebo Creek Drain -
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Municipality of Leamington - D-09-046**

amongst the property owners affected by the future maintenance work.

The updated Maintenance Schedule accounts for changes in the property sizes and usage, and reflects changes in runoff coefficients that result from same. In accordance with the instructions provided from Council, we recommend that all engineering costs and expenses related to the preparation, distribution, and consideration of this report be charged against Parcels 760-00100 owned by Leonard and Janet Flaming and Parcel 760-00300 owned by Leonard and Janet Flaming, with the cost to be equally shared between the two (2) parcels that initiated the preparation of this report. We further recommend that when any maintenance works are carried out to the open drain in the future, that the costs for same be assessed to all of the affected lands and roads as set out in the attached Maintenance Schedule of Assessment on a pro-rata basis with the values shown therein.

V. DRAWINGS

Attached to this report and labelled D09-046, is a drawing which consists of a plan showing the "Lebo Creek Drain - 7th Concession Road Branch" watershed, the location of the drain, a listing of the affected landowners, as well as the location of the approximate limits 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 and roads for any future maintenance works conducted to the "Lebo Creek Drain - 7th Concession Road Branch" and same has been attached herein. As previously mentioned, the assessment proportions as outlined within the Maintenance Schedule of Assessment have 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 costs expended.

Therefore, for the purposes of future maintenance on the entire length of the open channel, all costs shall be levied against the lands and roads 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 open channel shall be limited to that which had been set out in the previous report dated December 14th, 1972 by William J. Settingington, P.Eng.

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The Maintenance Schedule of Assessment included herein has been developed on the basis of an assessed cost of \$5,000.00. The actual cost of maintenance work on the open drain shall be assessed against the lands and roads in the same relative proportions as shown herein, 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 future maintenance work, to the Ontario Ministry of Agriculture, Food and Rural Affairs (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,

N. J. PERALTA ENGINEERING LTD.

Gerard Rood

Gerard Rood, P.Eng.



GR/sa

N. J. PERALTA ENGINEERING LTD.

Consulting Engineers
45 Division Street N.
KINGSVILLE, Ontario
N9Y 1E1

MAINTENANCE SCHEDULE OF ASSESSMENT
LEBO CREEK DRAIN - 7TH CONCESSION ROAD BRANCH
Municipality of Leamington

2. ONTARIO LANDS:

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Acres Afftd	Hectares Afftd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
King's Highway 77			2.01	0.815	0.815	Ministry of Transportation	\$ 1.00	\$ 36.00	\$ -	\$ 37.00
Total on Ontario Lands.....							\$ 1.00	\$ 36.00	\$ -	\$ 37.00

3. MUNICIPAL LANDS:

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Acres Afftd	Hectares Afftd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
720-04800	6	5 & 6	5.17	1.70	0.688	Municipality of Leamington	\$ 11.00	\$ 70.00	\$ -	\$ 81.00
760-06800	7	5 & 6	5.17	2.84	1.149	Municipality of Leamington	\$ 18.00	\$ 117.00	\$ -	\$ 135.00
Mersea Road 7			5.37	2.173	2.173	Municipality of Leamington	\$ 192.00	\$ 287.00	\$ -	\$ 479.00
Total on Municipal Lands.....							\$ 221.00	\$ 474.00	\$ -	\$ 695.00

4. PRIVATELY OWNED - NON-AGRICULTURAL LANDS:

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Acres Afftd	Hectares Afftd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
720-03801	6	5	0.43	0.43	0.174	Terry Simpson & Brittaney Moir	\$ 9.00	\$ 27.00	\$ -	\$ 36.00
760-00105	7	5	0.98	0.98	0.397	Brandon Flaming	\$ 4.00	\$ 45.00	\$ -	\$ 49.00
760-00110	7	5	1.27	1.27	0.514	Janet Flaming	\$ 6.00	\$ 56.00	\$ -	\$ 62.00
760-00350	7	5	0.46	0.46	0.186	Ian & Kimberly Russell	\$ 2.00	\$ 27.00	\$ -	\$ 29.00
760-00410	7	5	0.3	0.30	0.121	Jason Adamson	\$ 2.00	\$ 19.00	\$ -	\$ 21.00
Total on Privately Owned - Non-Agricultural Lands.....							\$ 23.00	\$ 174.00	\$ -	\$ 197.00

5. PRIVATELY OWNED - AGRICULTURAL LANDS (grantable):

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Acres Aff'd	Hectares Aff'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
720-03900	6	5	25.98	25.98	10.514	George Willms	\$ 276.00	\$ 498.00	\$ -	\$ 774.00
720-04000	6	5	49.69	49.69	20.109	Clement Windsor	\$ 528.00	\$ 916.00	\$ -	\$ 1,444.00
720-04100	6	6	26.69	23.85	9.652	1486049 Ontario Inc.	\$ 440.00	\$ 607.00	\$ -	\$ 1,047.00
720-04150	6	6	27.64	5.26	2.129	1403558 Ontario Inc.	\$ 96.00	\$ 122.00	\$ -	\$ 218.00
760-00100	7	5	13.6	13.60	5.504	Leonard & Janet Flaming	\$ 30.00	\$ 60.00	\$ -	\$ 90.00
760-00300	7	5	3.46	3.46	1.400	Leonard & Janet Flaming	\$ 8.00	\$ 15.00	\$ -	\$ 23.00
760-00400	7	5	79.93	63.91	25.864	Paul & Richard Adamson	\$ 56.00	\$ 188.00	\$ -	\$ 244.00
760-06600	7	6	67.59	16.06	6.499	Tri-B Acres Inc.	\$ 7.00	\$ 47.00	\$ -	\$ 54.00
760-06700	7	6	52.63	52.63	21.299	Tri-B Acres Inc.	\$ 22.00	\$ 155.00	\$ -	\$ 177.00
Total on Privately Owned - Agricultural Lands (grantable)							\$ 1,463.00	\$ 2,608.00	\$ -	\$ 4,071.00

TOTAL ASSESSMENT

\$ 1,708.00	\$ 3,292.00	\$ -	\$ 5,000.00
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1 Hectare = 2.471 Acres
 Project No. D09-046
 November 14th, 2011

APPENDIX "A"

PLAN SHOWING THE

LEBO CREEK DRAIN - 7TH CONCESSION ROAD BRANCH

IN THE
MUNICIPALITY OF LEAMINGTON
IN THE
COUNTY OF ESSEX, ONTARIO



Gerard Rood
GERARD ROOD, P.ENG.

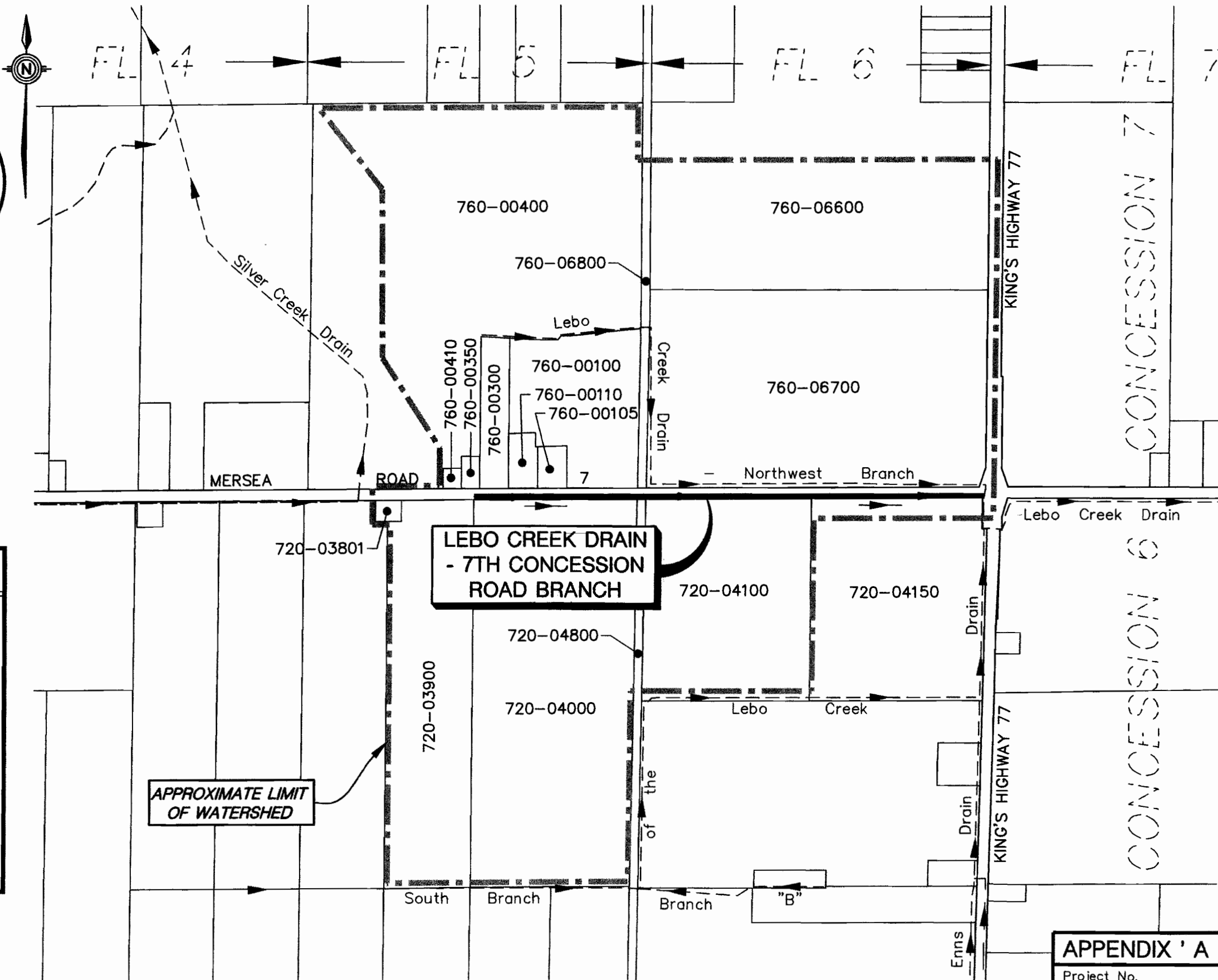
N. J. PERALTA ENGINEERING LTD.

45 DIVISION STREET NORTH
KINGSVILLE, ONTARIO
N9Y 1E1

DATE: NOVEMBER 14th, 2011

MUNICIPALITY OF LEAMINGTON

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



ROLL INFORMATION	
720-03801	Terry Simpson & Brittaney Moir
720-03900	George Willms
720-04000	Clement Windsor
720-04100	1486049 Ontario Inc.
720-04150	1403558 Ontario Inc.
720-04800	Municipality of Leamington
760-00100	Leonard & Janet Flaming
760-00105	Brandon Flaming
760-00110	Janet Flaming
760-00300	Leonard & Janet Flaming
760-00350	Ian & Kimberly Russell
760-00400	Paul & Richard Adamson
760-00410	Jason Adamson
760-06600	Tri-B Acres Inc.
760-06700	Tri-B Acres Inc.
760-06800	Municipality of Leamington

APPENDIX 'A'
Project No.
D09-046

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