

**LEBO CREEK DRAIN –**  
**NORTHWEST BRANCH**  
**MAINTENANCE SCHEDULE**  
**(Geographic Township of Mersea)**  
**MUNICIPALITY OF LEAMINGTON**

***N. J. PERALTA ENGINEERING LTD.***

**Consulting Engineers**

45 Division St. N., Kingsville, Ontario N9Y 1E1

Tel. (519) 733-6587

*Project No. D-09-046*

November 15th, 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 - NORTHWEST BRANCH  
MAINTENANCE SCHEDULE  
(Geographic Township of Mersea)  
Municipality of Leamington, County of Essex  
Project No. D-09-046**

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## **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 - Northwest 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 - Northwest Branch" is located entirely within the Municipality of Leamington. The drainage basin served by the "Lebo Creek Drain - Northwest Branch" consists of approximately 53.531 hectares (132.28 acres). The upper end of the "Lebo Creek Drain - Northwest Branch" commences just west of the midpoint of Lot 5, Concession 7 near the northwest corner of Parcel 760-00300. It extends easterly to the east side of the former railroad, turns south and goes to the north side of Mersea Road 7. From there it extends easterly adjacent to the

**Report** - Maintenance Schedule - Lebo Creek Drain -  
Northwest Branch  
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north side of the roadway to a point near the west side of King's Highway #77. It then turns southerly and proceeds under the road to an outlet in the "Lebo Creek Drain - 7th Concession Road Branch".

A review of the Municipal drainage records indicates that the last major work of repair and improvement of the "Lebo Creek Drain - Northwest Branch" was completed under the Engineer's Report dated September 17th, 1981 prepared by William J. Settingington, P.Eng. This report provided for the repair and improvement of the entire length of the drain. 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 Consolidated Rail 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 - 7th Concession Road Branch" and the "Lebo Creek Drain - Northwest 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 - Northwest 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 September 17th, 1981. 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 - Northwest 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

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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 - Northwest 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 - Northwest 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 September 17th, 1981 by William J. Settington, P.Eng. and the August 25th, 2000 report for the re-alignment of the drain as prepared by our office.

**Report - Maintenance Schedule - Lebo Creek Drain - Northwest Branch**  
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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

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Consulting Engineers  
45 Division Street N.  
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N9Y 1E1

**MAINTENANCE SCHEDULE OF ASSESSMENT**  
**LEBO CREEK DRAIN - NORTHWEST BRANCH**  
**Municipality of Leamington**

**3. MUNICIPAL LANDS:**

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Acres Afft'd	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
760-06800	7	5 & 6	5.17	2.84	1.149	Municipality of Leamington	\$ 27.00	\$ 199.00	\$ -	\$ 226.00
Mersea Road 7				1.49	0.604	Municipality of Leamington	\$ 27.00	\$ 38.00	\$ -	\$ 65.00
<b>Total on Municipal Lands.....</b>							<b>\$ 54.00</b>	<b>\$ 237.00</b>	<b>\$ -</b>	<b>\$ 291.00</b>

**5. PRIVATELY OWNED - AGRICULTURAL LANDS (grantable):**

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Acres Afft'd	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
760-00100	7	5	13.6	13.23	5.353	Leonard & Janet Flaming	\$ 242.00	\$ 463.00	\$ -	\$ 705.00
760-00300	7	5	3.46	2.81	1.136	Leonard & Janet Flaming	\$ 51.00	\$ 103.00	\$ -	\$ 154.00
760-00400	7	5	79.93	63.91	25.864	Paul & Richard Adamson	\$ 780.00	\$ 1,558.00	\$ -	\$ 2,338.00
760-06600	7	6	67.59	8.00	3.238	Tri-B Acres Inc.	\$ 50.00	\$ 170.00	\$ -	\$ 220.00
760-06700	7	6	52.63	40.00	16.188	Tri-B Acres Inc.	\$ 487.00	\$ 805.00	\$ -	\$ 1,292.00
<b>Total on Privately Owned - Agricultural Lands (grantable).....</b>							<b>\$ 1,610.00</b>	<b>\$ 3,099.00</b>	<b>\$ -</b>	<b>\$ 4,709.00</b>

**TOTAL ASSESSMENT**

<b>\$ 1,664.00</b>	<b>\$ 3,336.00</b>	<b>\$ -</b>	<b>\$ 5,000.00</b>
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1 Hectare = 2.471 Acres  
 Project No. D09-046  
 November 15th, 2011

## APPENDIX "A"

PLAN SHOWING THE

# LEBO CREEK DRAIN - NORTHWEST BRANCH

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



*Gerard Rood*  
GERARD ROOD, P.ENG.

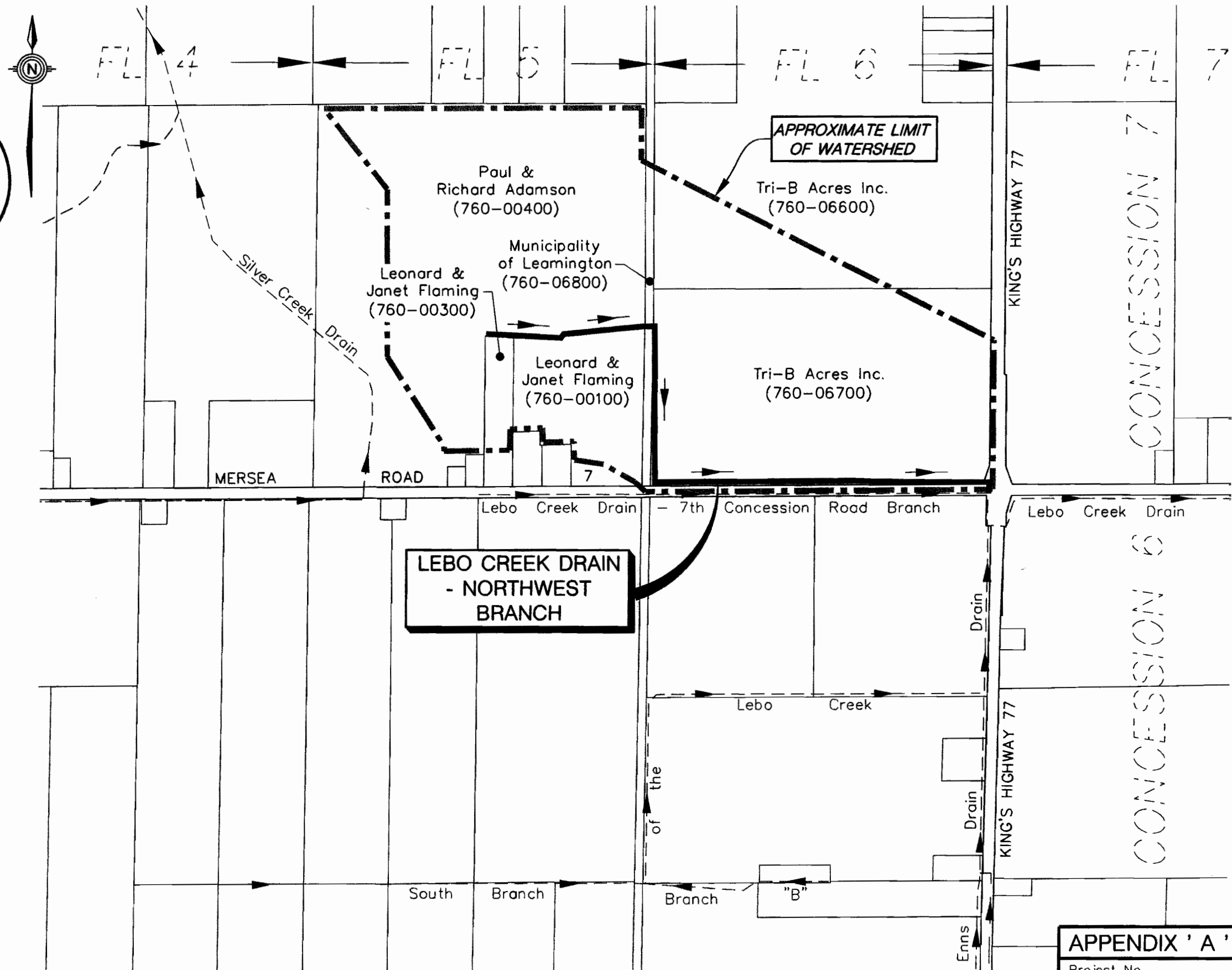
### N. J. PERALTA ENGINEERING LTD.

45 DIVISION STREET NORTH  
KINGSVILLE, ONTARIO  
N9Y 1E1

DATE: NOVEMBER 15th, 2011

### MUNICIPALITY OF LEAMINGTON

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



**LEBO CREEK DRAIN  
- NORTHWEST  
BRANCH**

**APPENDIX 'A'**

Project No.  
**D09-046**

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