

THE MUNICIPALITY OF LAMBTON SHORES

Report DCS 27-2021

Council Meeting Date: June 15, 2021

TO: Mayor Weber and Members of Council

FROM: Steve McAuley, Director of Community Services

RE: Appointment of an Engineer for the Elliott East Drain

RECOMMENDATION:

THAT Report DCS 27-2021 regarding the appointment of an Engineer for the Elliott East Drain be received; and

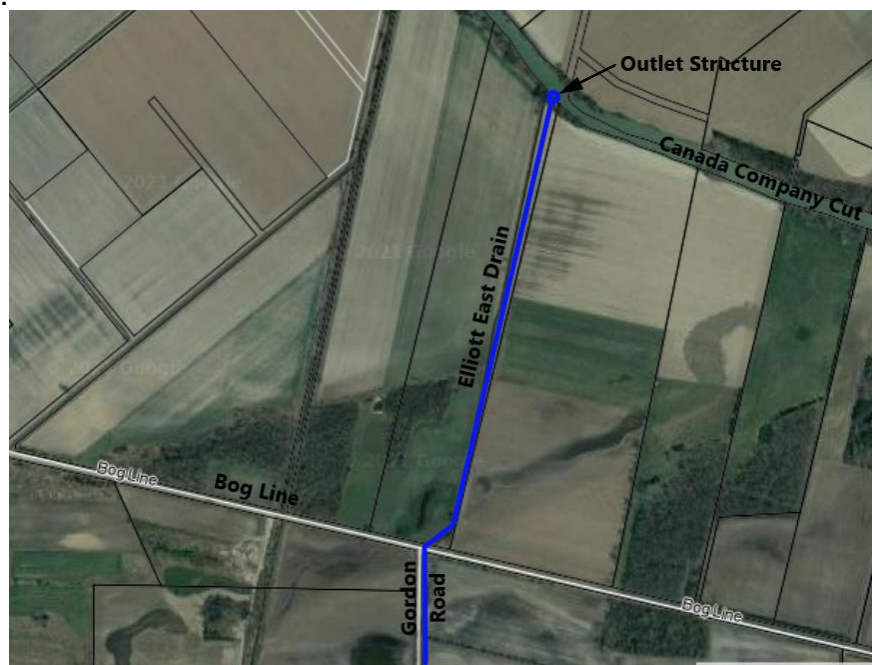
THAT R. Dobbin Engineering Inc. be appointed to complete the required Engineer's Report for the Section 78 request made under the Drainage Act for the Elliott East Drain.

SUMMARY

This report presents a request under Section 78 of the Drainage Act for municipal drain improvements to the outlet of the Elliott East Drain.

BACKGROUND

The Elliott Drain East outlets to the Canada Company Cut between Lots 29 Conc. B and 30, Conc. C. The drain services a large watershed, however the request for improvement only pertains to the outlet structure of the drain. The location of the drain is show below:



Elliott East Drain

The Drainage Superintendent has received a request submitted under Section 78 of the Drainage Act to improve the outlet structure at the Canada Company Cut. Specifically the applicant is asking of erosion protection on the end berm and that the existing control gate (flap gate) be replaced or modified such that it can be maintained through some type of winch system that will allow it to be opened for cleaning.

Section 78 of the *Drainage Act* reads as follows:

78 (1) If a drainage works has been constructed under a by-law passed under this Act or any predecessor of this Act, and the council of the municipality that is responsible for maintaining and repairing the drainage works considers it appropriate to undertake one or more of the projects listed in subsection (1.1) for the better use, maintenance or repair of the drainage works or of lands or roads, the municipality may undertake and complete the project in accordance with the report of an engineer appointed by it and without the petition required by section 4.

Projects

(1.1) The projects referred to in subsection (1) are:

- 1. Changing the course of the drainage works.*
- 2. Making a new outlet for the whole or any part of the drainage works.*
- 3. Constructing a tile drain under the bed of the whole or any part of the drainage works.*
- 4. Constructing, reconstructing or extending embankments, walls, dykes, dams, reservoirs, bridges, pumping stations or other protective works in connection with the drainage works.*
- 5. Otherwise improving, extending to an outlet or altering the drainage works.*
- 6. Covering all or part of the drainage works.*
- 7. Consolidating two or more drainage works.*

In this particular case a new Engineer's Report is required to make the requested improvements. Council is being asked to appoint an Engineer to this file.

ALTERNATIVES TO CONSIDER

None are being presented. The *Drainage Act* establishes the local municipality as the steward of the process and as such the municipality is obligated to research and establish the need to alter a drain. As a result, the municipality is obligated to complete this request.

RECOMMENDED ACTIONS

Staff is recommending that Council accept the request for the improvements to the outlet structure of the Elliott East Drain as per the requested submitted and appoint a drainage engineer to the file.

FINANCIAL IMPACT

The Drainage Act establishes that all costs associated with municipal drains are shared proportionately amongst the assessed landowners based on the current assessment schedule or as determined by the Engineer.

CONSULTATION

Staff has received the request for this alteration from a landowner assessed to the drain. The request is attached to this report.