



Union Avenue Drain Extension Section 40 Report

The Town of Kingsville

April 10, 2024

Project No. 15-033



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Mayor and Municipal Council
2021 Division Road North
Kingsville ON N9Y 2Y9

Mayor and Members of Council,

Subject: Union Avenue Drain Extension
Town of Kingsville
Our File Reference 15-033

1.0 Introduction

A request for drainage improvements has been initiated by the Town of Kingsville under Section 78 of the Drainage Act. Crozier Baird, now known as Baird AE, was appointed on February 23, 2015, to prepare a Report and Assessment Schedule to extend the Union Avenue Drain, the Bert Mucci Drain and the Fuller Drive drain to a sufficient outlet.

2.0 Drainage History

The Union Avenue Drain is located east of County Road (CR) 45 and extends from 2nd Concession Road south to approximately 105 metres north of County Road 20 (Seacliff Drive). The enclosed drain was established under a report dated November 9, 1987, by Bruce D. Crozier Engineering. The drain outlets into a natural channel.

3.0 Findings and Recommendations

This natural channel has experienced significant erosion. The Town of Kingsville initiated the request for a sufficient outlet at the request of parcel 290-15800 through whose lands the natural watercourse flows. The landowner intended to construct a residence on the parcel and could not do so until the erosion was stabilized. The owner of parcel 290-15800 has been involved in the design process since the project started in 2015.

Extensive environmental and geotechnical studies were undertaken to design a solution to prevent further erosion to the buildable lot. The final design, cost estimate and assessment rationale were presented to the landowner in August 2022. At this time, the landowner determined that the project was cost-prohibitive and did not wish to proceed with the works.

During the design process, no issues were raised by upstream landowners about the condition of the Union Avenue Drain or its ability to convey water.

Based on our discussions with the Drainage Superintendent and the fact that the design and Engineer's report were substantially complete, we determined that the report should be finalized and proceed in accordance with the requirements of Section 40 of the Drainage Act, which states:

40 Where the engineer finds that a drainage works is not required or is impractical, or cannot be constructed under this Act, the engineer shall forthwith file with the clerk of the initiating municipality a report to that effect,

stating the reasons therefor, the amount of the engineer's fees and other charges and by whom they shall be paid, and the clerk shall forthwith send a notice of the filing of such report to all persons who signed the petition and matter shall not be further proceeded with unless the decision of the engineer is reversed on appeal. R.S.O. 1990, c. D. 17, s. 40; 2010, c. 16, Sched. 1, s.2 (8).

As a result of the landowners' request and discussions with the Town's Drainage Superintendent, we find that the drainage works under our appointment "is not required" pursuant to Section 40 of the Act.

We find that the Engineer's fees and other charges related to this project total \$100,187.21 plus HST. As this work was initiated by the Town for the benefit of parcel 290-15800, we would recommend that the cost be shared by the Town of Kingsville and parcel 290-15800.

This would be in general accordance with Section 40, as above.


4.0 Assessment

We would recommend that all the costs associated with the work completed on this report, which is no longer required, be assessed to the Town of Kingsville and parcel 290-15800 as follows pursuant to Section 40 of the Drainage Act, R.S.O. 1990, Chapter D.17, as amended in 2010:

Owner/ Roll Number	Assessment Value (\$)
290-15800	83,155.38
Town of Kingsville	17,031.83
Total	

All of which is respectfully submitted,

BAIRD AE
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Halliday Pearson, P.Eng.

