Municipality of West Elgin
Agenda
Court of Revision
Pursuant to the Drainage Act, R.S.O. 1990

June 9, 2022, 9:30 a.m.
West Elgin Community Complex - Hybrid Meeting
160 Main Street
West Lorne
Electronic Hybrid Meeting

Due to Orders under *Reopening Ontario Act*, 2020 this meeting broadcasted electronically. If you wish to view this meeting please contact the Clerk's Department also if you require an alternate format or accessible communication support or wish to receive the link to the meeting, at 519-785-0560 or by email at clerk@westelgin.net.

Pages

1. Call to Order

2. Appoint Chair

   Recommendation:
   That Court of Revision for Axford Drain hereby appoints _____ chair.

3. Disclosure of Pecuniary Interest

4. Axford Drain 1

   4.1. Written Appeals

   4.2. Call for Late Appeals

   4.3. Questions/Comments from Landowners

   4.4. Questions/Comments from Members

5. Deliberations

6. Decision

Recommendation:
That the Court of Revision for the Axford Drain hereby _____ the Schedule of Assessments for the Axford Municipal Drain as outlined in the report prepared by Spriet & Associates Engineering Limited, dated February 28, 2022 .

7. Adjournment

Recommendation:
That the Court of Revision for the Axford Drain now closes at _____ a.m.

AXFORD DRAIN REASSESSMENT

Municipality of West Elgin

SPRIET
ASSOCIATES
ENGINEERS & ARCHITECTS
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London, Ontario N6A 1A8
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Our Job No. 221298

February 28, 2022

London, Ontario
February 28, 2022

AXFORD DRAIN REASSESSMENT

Municipality of West Elgin

To the Mayor and Council of
The Municipality of West Elgin

Mayor and Council:

We are pleased to present our report on the reassessment of the Axford Drain serving parts of Lots 17 to 23, Concessions 3, 4, 7, and 8 in the Municipality of West Elgin. The total watershed area contains approximately 655 hectares.

AUTHORIZATION

This report was prepared pursuant to Section 76 of the Drainage Act. Instructions were received from your Municipality with respect to a motion of Council.

HISTORY

The Axford Drain was last fully reconstructed pursuant to numerous reports submitted by H.H. Todgham, P.Eng. The reports are summarized as follows:

- October 9, 1962 – This report called for the cleanout of the open drain from Argyle Line, upstream to the intersection of Graham Road and Downie Line, for a total length of 8,528 lineal feet

- November 18, 1965 – This report called for the cleanout and deepening of the open drain from the intersection of Graham Road and Downie Line, south-westerly across Highway 401 to its head at Queen Street

A subsequent report was filed by E.P. Elston, P.Eng., dated July 30, 1998 and called for the extension of the drain downstream of Argyle Line to the half-lot line of Lot 18, Concession 3. The report also called for the construction of a low grade crossing.

FINDINGS AND RECOMMENDATIONS

We have reviewed the existing Schedules of Assessment and found them to be out-of-date and unfair due to residential development, property splits, and reconfigurations of highway lands.

Further, we found that the open drain appears to be referred to as the Axford Drain as well as the Axford-Hill Drain. In order to avoid future confusion, we therefore recommend that the drain be referred to as the Axford Drain.

SCHEDULES

Two schedules are attached hereto and form part of this report, being Schedule 'A' - Cost Estimate and Schedule 'B' - Assessment for Maintenance.

Schedule 'A' - Cost Estimate. This schedule provides for a cost estimate for engineering, administrative costs, interest, and net HST.

Schedule 'B' – Assessment for Maintenance. In accordance with Section 76 of the Drainage Act this schedule outlines the distribution of the current administration costs and future repair and/or maintenance costs for portions of, or the entire drainage works, over the road and lands which are involved.

Drawing No. 1, Job No. 221298 forms part of this report. It shows and describes in detail the location and extent of the existing drain and the lands which are affected.

ASSESSMENT DEFINITIONS

In accordance with the Drainage Act, lands that make use of a drainage works are liable for assessment for part of the cost of constructing and maintaining the system. These assessments are known as benefit, outlet liability and special benefit as set out under Sections 22 and 23 of the Act.

SECTION 22

Benefit as defined in the Drainage Act means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface water, or any other advantages relating to the betterment of lands, roads, buildings or other structures.

SECTION 23

Outlet liability is assessed to lands or roads that may make use of a drainage works as an outlet either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek, or watercourse.

ASSESSMENT

A modified "Todgham Method" was used to calculate the assessments shown on Schedule 'B'- Assessment for Maintenance. This entailed breaking down the costs of the drain benefit and outlet assessments.

The Benefit assessments are distributed to those properties receiving benefit as defined under "Assessment Definitions", with such properties usually being located along or close to the route of the drain. The Outlet assessments are distributed to all properties within the watershed area of that section on an adjusted basis. The areas are adjusted for location along that section, and relative run-off rates. Due to their different relative run-off rates, roads and residential properties have been assessed for outlet at higher rates than cleared farmlands.

The actual cost of the work involving this report is to be assessed on a pro-rata basis against the lands and roads liable for assessment benefit and outlet as shown in detail on Schedule 'B' – Assessment for Maintenance.

MAINTENANCE

The Axford Drain shall be maintained by the Municipality of West Elgin at the expense of all upstream lands and roads assessed in Schedule 'B' - Assessment for Maintenance and in the same relative proportions until such time as the assessment is changed under the Drainage Act.

The Axford Drain shall continue to be maintained in accordance with the grades and dimensions set out in the plans and specifications in the reports submitted by H.H. Todgham, P.Eng., dated October 9, 1962 and November 18, 1965, and the report submitted by E.P. Elston, P.Eng., dated July 30, 1998.

Respectfully submitted,

SPRIET ASSOCIATES LONDON LIMITED



J.M. Spriet, P.Eng.

JMS:

SCHEDULE 'A' - COST ESTIMATE

AXFORD DRAIN REASSESSMENT

Municipality of West Elgin

We have made an estimate of the cost of the proposed work which is outlined in detail as follows:

ADMINISTRATION

Interest and Net Harmonized Sales Tax	$	210.00
Plan, Schedules and Final Report	$	7,200.00
Expenses	$	590.00
TOTAL ESTIMATED COST	**$**	**8,000.00**

SCHEDULE 'B' - ASSESSMENT FOR MAINTENANCE

AXFORD DRAIN REASSESSMENT

Municipality of West Elgin

Job No. 221298 Februrary 28, 2022

* = *Non-agricultural*

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	BENEFIT	OUTLET	TOTAL
MAIN DRAIN						
3	Pt. 18	10.10	70-028 (Bonnefield Farmland Ontario IV Inc.)	$ 235.00	$ 5.00	$ 240.00
3	Pt. 19	20.30	70-031 (Bonnefield Farmland Ontario IV Inc.)		11.00	11.00
3	Pt. 19	0.80	70-031-02 (A. Vanoverbeke & D. Teeuven)		1.00	1.00
3	Pt. 19	0.80	70-035-10 (P. & E. Edwards)		1.00	1.00
3	Pt. 20	14.20	70-033 (A. & T. Veldman)		8.00	8.00
3	Pt. 21	4.00	70-035 (J. & J. Buis)		2.00	2.00
4	Pt. 18	1.45	70-053 (M. & S. Serle)		2.00	2.00
4	Pt. 18 & 19	23.00	70-053-01 (R. Kozarac)	448.00	43.00	491.00
4	Pt. 19	10.20	70-055 (K. & J. Ford-Whittington)		16.00	16.00
4	Pt. 19	39.70	70-056 (H. & A. Dieker)	401.00	114.00	515.00
4	Pt. 19	0.80	70-056-10 (P. & K. Soos)		4.00	4.00
4	Pt. 20	20.20	70-057 (B. Brzozowski)		10.00	10.00
4	Pt. 20	19.80	70-059 (Bonnefield Farmland Ontario IV Inc.)	289.00	82.00	371.00
4	Pt. 20	20.20	70-058 (J. Okolisan & L. Campbell)		10.00	10.00
4	Pt. 20 & 21	48.60	70-060 (M. Voll)		257.00	257.00
4	Pt. 21	0.84	70-060-02 (Skylinc Systems Inc.)		6.00	6.00
4	Pt. 21	10.10	70-060-03 (W. Hauser)		53.00	53.00
4	Pt. 21	20.20	70-061 (M. & A. Dias)		9.00	9.00
4	Pt. 21	9.60	70-061-01 (Velkenrose Ltd.)		3.00	3.00
4	Pt. 22	20.00	70-062 (D. & Y. Skipper)		178.00	178.00
7	Pt. 16	7.90	70-083 (J. & C. Forstner)		12.00	12.00
7	Pt. 16	19.20	70-084 (K. & C. Neil)		74.00	74.00
7	Pt. 17	19.10	70-085 (R. & B. Morrison)	20.00	78.00	98.00
7	Pt. 17	19.00	70-086 (W. & C. McColl)	97.00	117.00	214.00
7	Pt. 17	0.20	70-086-01 (C. & S. Lacombe)	12.00	1.00	13.00
7	Pt. 17	10.30	70-087 (W. Dick)		52.00	52.00
7	Pt. 17	0.40	70-088-01 (A. Hawken)		4.00	4.00
7	Pt. 17	0.81	70-088 (B. Harleib)		6.00	6.00
7	Pt. 17	15.80	70-089 (G. Jamieson)		98.00	98.00
7	Pt. 17	0.47	70-090-10 (S. Nephin)		4.00	4.00
7	Pt. 17 & 18	12.10	70-090 (G. & A. Jamieson)		69.00	69.00
7	Pt. 18	0.24	70-091 (S. Gilbert)		2.00	2.00
7	Pt. 18	29.00	70-092 (M. Gartner)		211.00	211.00
7	Pt. 18	0.56	70-092-01 (T. Kalita)		6.00	6.00
7	Pt. 18	0.20	70-092-10 (A. & D. Rigby)		2.00	2.00
7	Pt. 18	0.40	70-093 (L. Armstrong)		4.00	4.00
7	Pt. 18	0.72	70-093-01 (B. Anderson)		7.00	7.00
7	Pt. 18	30.00	70-094 (Sanden Acres Ltd.)	212.00	203.00	415.00
7	Pt. 19	0.40	70-095 (G. Adams)	14.00	4.00	18.00
7	Pt. 19	25.40	70-096 (H. & A. Dieker)	64.00	245.00	309.00
7	Pt. 19	10.10	70-097 (H. Noga)	86.00	132.00	218.00
7	Pt. 19	7.90	70-098 (E. Jensen & L. Veldman)		103.00	103.00
8	Pt. 16	2.50	60-010-10 (Thames Talbot Land Trust)		8.00	8.00

SCHEDULE ' B ' - ASSESSMENT FOR MAINTENANCE (cont'd)

AXFORD DRAIN REASSESSMENT
Municipality of West Elgin

** = Non-agricultural*

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	BENEFIT	OUTLET	TOTAL
8	Pt. 16	22.00	60-010-15 (M. & S. Nicodemo)		79.00	79.00
8	Pt. 17	10.10	60-016 (J. & E. Pilotte)		33.00	33.00
8	Pt. 17	10.10	60-015 (J. Kovacs)		32.00	32.00
8	Pt. 17	4.80	60-017 (M. & R. Steltenpool)		22.00	22.00
8	Pt. 17	1.54	60-018 (J. & B. Campbell)		6.00	6.00
8	Pt. 17	0.08	60-024 (B. Campbell)		1.00	1.00
8	Pt. 17	0.08	60-020 (J. & S. Blain)		1.00	1.00
8	Pt. 17	0.08	60-023 (B. Campbell)		1.00	1.00
8	Pt. 17	0.08	60-019 (J. & B. Campbell)		1.00	1.00
8	Pt. 17	0.08	60-021 (J. Campbell)		1.00	1.00
8	Pt. 17	0.07	60-022 (R. & D. Bogart)		1.00	1.00
8	Pt. 17	0.20	60-017-01 (W. & M. Hoglund)		2.00	2.00
8	Pt. 18	17.60	60-033 (I. & A. Almeida)		89.00	89.00
8	Pt. 18	0.60	60-033-01 (T. & M. Howse)		6.00	6.00
8	Pt. 18	1.58	60-034 (M. & K. Stanley)		8.00	8.00
8	Pt. 18	10.10	60-035 (D. & L. Hawken)		43.00	43.00
8	Pt. 19	15.10	60-036 (J. Watterworth)		204.00	204.00
			TOTAL ASSESSMENT ON LANDS	$ 1,878.00	$ 2,787.00	$ 4,665.00
Argyle Line		3.54	Municipality of West Elgin	$ 21.00	$ 11.00	$ 32.00
Downie Line		4.56	Municipality of West Elgin	370.00	80.00	450.00
Highway 401		34.92	M.T.O.	766.00	1,570.00	2,336.00
Queens Line		2.94	Municipality of West Elgin		119.00	119.00
Graham Road		7.05	County of Elgin	165.00	233.00	398.00
			TOTAL ASSESSMENT ON ROADS	$ 1,322.00	$ 2,013.00	$ 3,335.00

TOTAL ASSESSMENT ON THE AXFORD DRAIN REASSESSMENT **$ 8,000.00**