

## Request for Decision

### Joanette Municipal Drain

Presented To:	Hearing Committee
Presented:	Wednesday, Sep 22, 2010
Report Date	Wednesday, Sep 15, 2010
Type:	Public Hearings

### Recommendation

That the Hearing Committee recommend that Council of the City of Greater Sudbury accept the engineer's report dated August 30, 2010 from K. Smart Associates Limited for the Joanette Municipal Drain and give first and second reading to a draft by-law to provide for the Joanette Municipal Drainage works in the City of Greater Sudbury all in accordance with the report from the General Manager of Infrastructure Services, dated September 9, 2010.

### Finance Implications

If approved, the city's portion of the costs associated with the Joanette Municipal Drain will be funded from the Agricultural Drains Reserve Fund.

### BACKGROUND

On February 25, 2009, Council appointed K. Smart Associates Limited as the Drainage Engineer for the Joanette Municipal Drain.

In accordance with the Drainage Act, R.S.O. 1990, K. Smart Associates Limited have conducted three (3) drainage meetings with benefiting landowners and completed an engineer's report to resolve the drainage problems within the subject area. As a result of the three (3) public meetings, we believe a consensus on the implementation of the drain has been achieved. A copy of the report has been submitted under separate cover and has been delivered to each affected property owner. Staff have reviewed the report and recommend the acceptance of the report and cost assessments that it contains. The Joanette Municipal Drain implementation plan is shown as Exhibit 1 attached to this report.

The report provides a permanent engineering solution to the drainage problems which occur on farms within the affected area, Joanette Road, Bradley Road and adjacent lands. The planned work includes the construction of outlet culverts and drainage channels on portions of Joanette Road and Bradley Road and a new outlet to the Whitson River.

The total project estimated cost for the Joanette Municipal Drain is \$186,200.

#### Signed By

**Report Prepared By**

Ron Norton, P. Eng.  
Drainage Engineer  
*Digitally Signed Sep 15, 10*

**Division Review**

Robert Falcioni, P.Eng.  
Director of Roads and Transportation  
Services  
*Digitally Signed Sep 15, 10*

**Recommended by the Department**

Greg Clausen, P.Eng.  
General Manager of Infrastructure  
Services  
*Digitally Signed Sep 15, 10*

**Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Sep 16, 10*

Cost for completion of the work have been assessed by K. Smart Associates Limited to the landowners and the City who benefit from the proposed works. The Province of Ontario will pay an agricultural drain grant of \$20,444.

The City of Greater Sudbury will have a net approximate cost of \$139,885 for its share of the project and said amount has been provided in the Agricultural Drains Reserve allotment for new municipal drains.

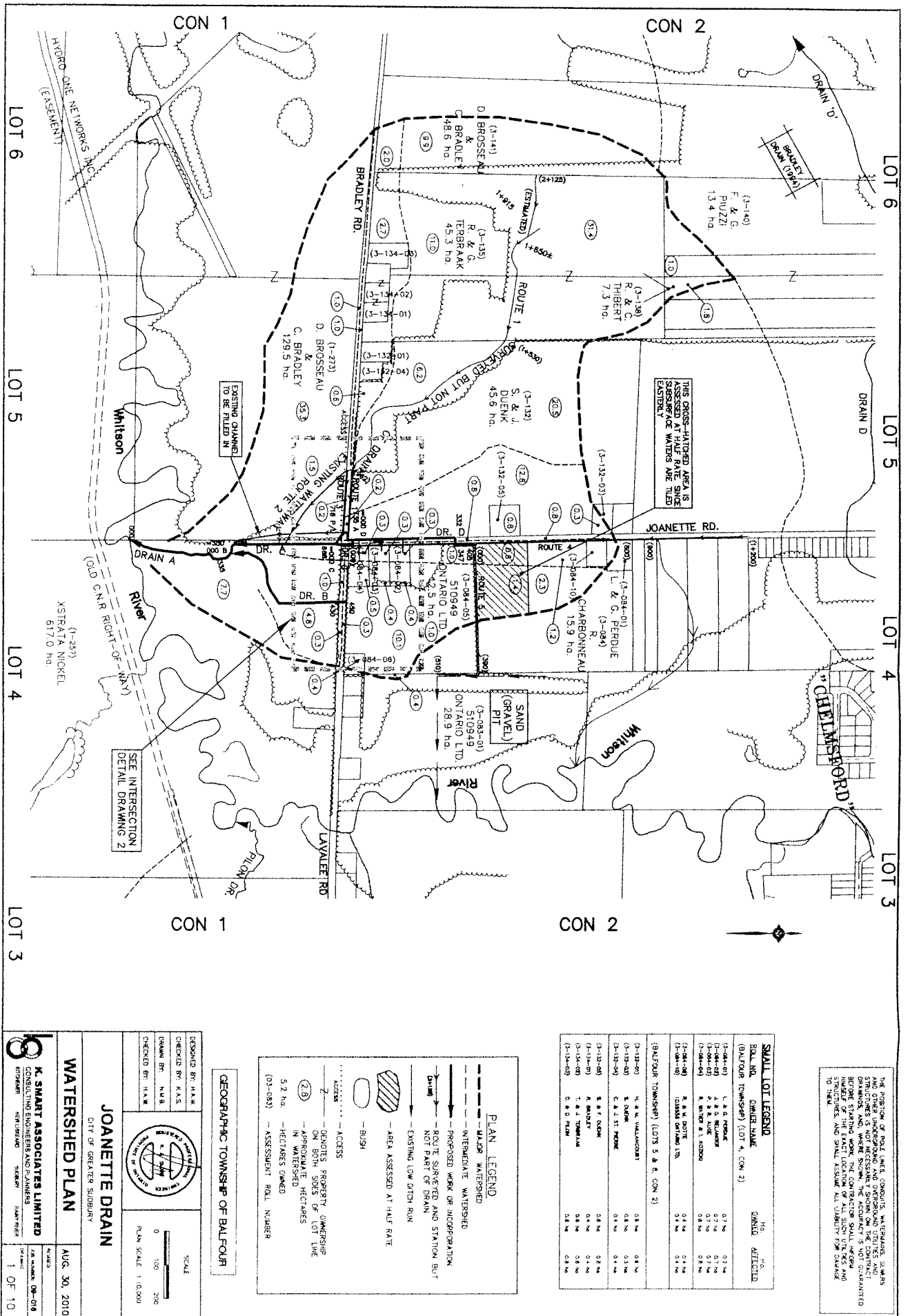
On Wednesday, September 22, 2010, Mr. Kenn Smart, P. Eng. will present his report to the Hearing Committee. All affected property owners have been invited to the meeting. In accordance with the Drainage Act, this is the public's opportunity to participate in the discussion on the proposed drain.

If no serious objections arise at the meeting, the Hearing Committee should recommend that Council give first and second reading to the draft by-law "A BY-LAW TO PROVIDE FOR THE JOANETTE MUNICIPAL DRAINAGE WORKS IN THE CITY OF GREATER SUDBURY". A copy of the draft by-law is attached to the report as Exhibit 2.

Said draft by-law allows for the implementation of the Joannette Municipal Drain to service the lands described as Part of Lot 5, Concession 1 and Lots 4 to 6, Concession 2 in the Township of Balfour in the City of Greater Sudbury.

After the first and second reading of the draft by-law, the affected property owners will be advised of the date of the Court of Revision. The Court of Revision is a hearing within which affected property owners can attend to voice their concern with the monetary assessment of the cost of the drain to their property. This hearing will be adjudicated by the three (3) members of Council who have been appointed to the Court of Revision.

Once the Court of Revision is complete and all appeals have been addressed, the by-law will be returned to City Council for third and final reading. At that point, the drain report is officially adopted.



**BY-LAW 2010 -**

**BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO PROVIDE FOR THE  
JOANETTE MUNICIPAL DRAINAGE WORKS  
IN THE CITY OF GREATER SUDBURY**

**WHEREAS** the requisite number of owners have petitioned the Council of the City of Greater Sudbury in accordance with the provisions of the Drainage Act, R.S.O., 1990, Chapter D. 17, requesting that the following lands and roads be drained by a drainage works on Parts of Lots 4 and 5, Concession 1 and Lots 4 to 6, Concession 2, in the geographic Township of Balfour in the City of Greater Sudbury;

**AND WHEREAS** the Council of the City of Greater has procured a report made by K. Smart Associates Ltd. and the said report is attached hereto and forms part of the By-law as Appendix A;

**AND WHEREAS** the estimated total cost of constructing the drainage works is \$ 186,200;

**AND WHEREAS** the Council is of the opinion that the drainage of the area is desirable;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY HEREBY  
ENACTS AS FOLLOWS:**

1. The report dated August 30, 2010 by K. Smart Associates Ltd. attached hereto as Schedule "A" is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized, and shall be completed in accordance herewith.
2. The City of Greater Sudbury may borrow on the credit of the City in the amount of \$ 186,200 being the necessary amount for construction to the drainage works.

3. All gross assessments greater than \$50.00 are payable in the first year in which the assessment is imposed less the total amount of:
  - a. grants received under Section 85 of the Drainage Act, R.S.O. 1990. Chapter D. 17;
  - b. allowances received under Section 29 to 33 of the Drainage Act, R.S.O. 1990, Chapter D. 17.
4. The schedule of Assessments from the report dated August 30, 2010 is set forth in Schedule A, and forms part of this By-law.
5. This By-law comes into force and effect upon the passing thereof and may be cited as "JOANETTE" By-law".

**READ A FIRST AND SECOND TIME IN OPEN COUNCIL** this 29th day of September, 2010.

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Mayor

\_\_\_\_\_  
Clerk

**READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL THIS**  
**DAY OF** \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk