

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2018-74

**“BEING A BY-LAW TO ADOPT THE ENGINEER’S REPORT FOR THE SAYEAU
MUNICIPAL DRAIN”**

WHEREAS the Sayeau Municipal Drain by-law, being by-law 974 of the Township of Edwardsburgh was passed on October 6th, 1924, pursuant to the Drainage Act (now R.S.O. 1990); and

WHEREAS the Township of Edwardsburgh and the Town of Cardinal amalgamated to become part of what now is the Township of Edwardsburgh Cardinal, January 1, 2001; and

WHEREAS every by-law of the Township of Edwardsburgh and Town of Cardinal is deemed to be a by-law of the Township of Edwardsburgh Cardinal; and

WHEREAS an engineer’s report is required pursuant to Section 78 of the Drainage Act R.S.O. 1990 to address modifications to the Sayeau Municipal Drain;

WHEREAS Municipal Council deems it desirable to adopt the required Engineer’s Report to form part of the Sayeau Municipal Drain.

NOW THEREFORE the Council of the Township of Edwardsburgh Cardinal enacts as follows:

1. That the Engineer’s Report dated October 2018 and attached hereto is hereby adopted and shall form part of this by-law.
2. That the initiating landowner who performed the work shall pay the entire cost for the drainage work improvements and the Engineer’s Report.
3. That this by-law shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 27th day of November, 2018.

Read a third and final time, passed, signed and sealed in open Council this 27th day of November, 2018.

Mayor

Deputy Clerk



Engineer's Report – Sayeau Municipal Drain
October 2018

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1.0 Objective

Greer Galloway has been retained by the Township of Edwardsburgh/Cardinal, as per Section 78 of the Drainage Act, 1990, to produce a report on the improvements to the Sayeau Municipal Drain. The alterations to the drain are a result of actions taken by local land owners to improve the function of and make “better use” of the drain.

2.0 The Drainage Act, 1990

The Drainage Act requires that the Municipality be responsible for repairing and maintaining municipal drains. As per Section 78 of the Drainage Act, for better use, maintenance, or repair of the drainage works, the Municipality may undertake and complete the project in accordance with the report of an engineer appointed by the municipality. Improvement is defined by the Drainage Act as any modification of or addition to a drainage works intended to increase the effectiveness of the system.

There was no petition initiated by the landowners regarding the alteration to the drain. The work was performed without prior approval by the Municipality. On January 22, 2018 Greer Galloway was appointed as the municipal engineer to complete a report that incorporates the unauthorized alterations made to the Sayeau Drain.

A topographic survey of the municipal drain was completed by GGG, and a preliminary Engineer’s report has been prepared. The next steps regarding the process are the authorization of the drain improvements under a by-law. Although the improvements have already been carried out, the by-law will abandon a section of the drain and accept the new section as legally part of the Sayeau Municipal Drain.

3.0 History

3.1 Original Drain - 1924

The Sayeau Municipal Drain was originally constructed in 1924 (D.H. Weir 1924) under By-Law 974. The original path of the drain ran approximately from Shanly Road in Concession 8, northeast through Concession 9 towards the Municipal Boundary with Matilda Township. The outlet for the Sayeau Drain is the Thorpe-Ellis Municipal Drain located in the adjacent Matilda Township. Matilda Township has since been amalgamated into South Dundas Township. A drainage map outlining the original 1924 path of the drain has been attached to this report as Appendix B (Hazen Meldrum Ltd., 1980) and is shown below in Figure 1. Attached as Appendix A is By-Law 974, which includes a portion of the 1924 Engineer’s Report.

The drain consists of approximately 1500m of open drain and lies generally to the east of Hyndman. The drainage area is bounded by the South Nation River to the north and west, the Crowder Municipal Drain to the south, and drains east to the Thorpe-Ellis Municipal Drain.

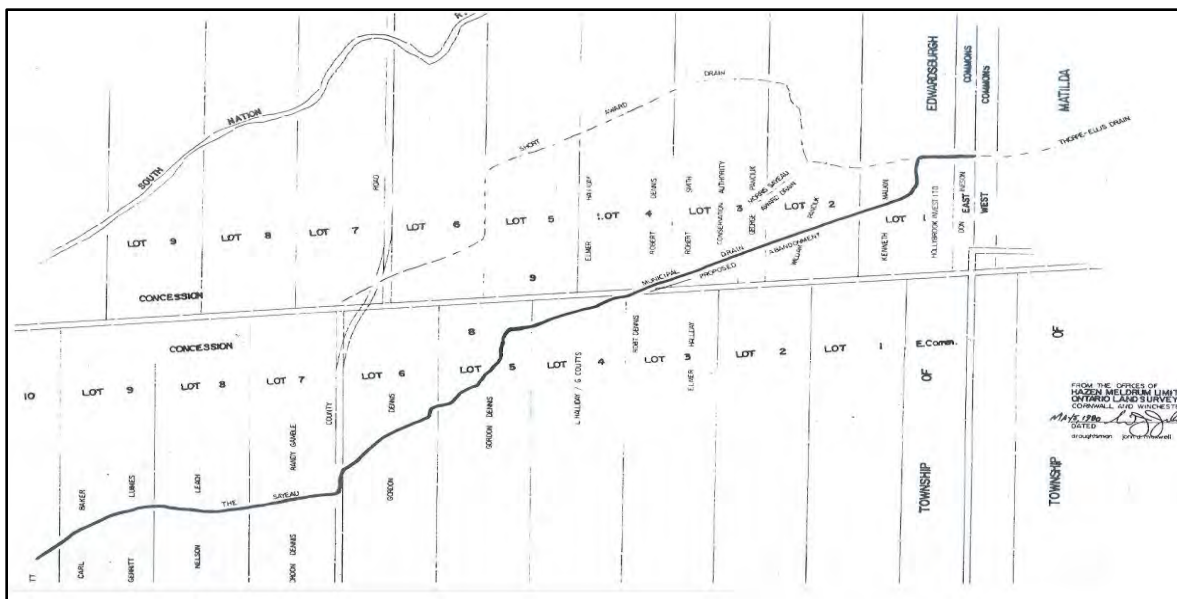


Figure 1: Sayeau Municipal Drain, Engineer's Report Hazen Meldrum Ltd., 1980

3.2 Abandonment of Section of Drain - 1980

In 1980, the Township commissioned an additional report by W.J. Johnston (Hazen Meldrum Ltd.). This report was written in response to landowners petitioning the Township under Section 84 (2) of the Drainage Act to abandon a section of the drain. The report reviewed the current and historical drainage issues and the reasons for the construction of the original drain. After review of the landowner's concerns and the 1924 Engineer's Report, it was recommended that the section of the Sayeau Municipal Drain through Concession 8 should be abandoned as per the request of the landowners. However, the portion of the drain through Concession 9 was still providing drainage and, due to the concerns of landowners in that concession regarding drainage, was not abandoned.

By adoption of By-Law 1754 "A by-law to declare the abandonment of part of the petition drain known as "The Sayeau Drain" constructed pursuant to By-law 924", Council proceeded with abandonment of a section of the Sayeau Drain (attached as Appendix F). The approved abandonment differed from the recommendation of the Engineer's Report, resulting in a larger section of the drain being abandoned than was recommended. This section that was abandoned encompassed the entirety of the drain from the point of intersection with "the western limit of the east one third of the south half of Lot Three in the Ninth Concession westerly the entire extent of said drain to its terminus in Lot Eleven in the Eighth Concession."

The section of the drain abandoned as per by-law 1754 is shown in Figure 2 below.

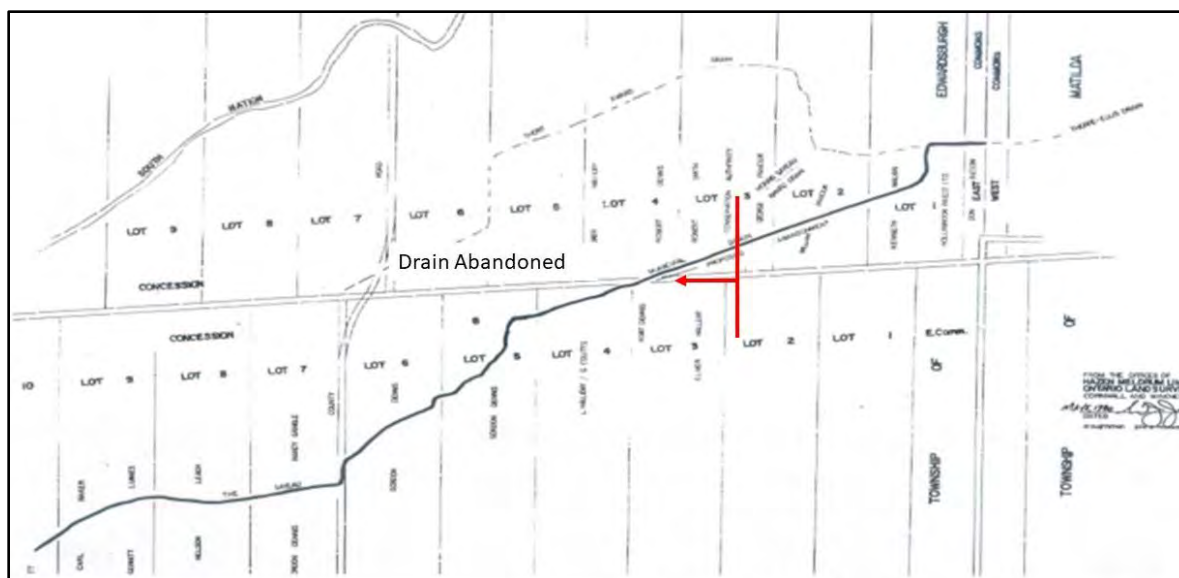


Figure 2: Sayeau Municipal Drain - Abandonment, Hazen Meldrum Ltd., 1980

A copy of the 1980 engineer's report by W.J. Johnston (Hazen Meldrum Ltd.) and the by-law regulating the abandonment has been attached in Appendix B and Appendix F (the 1980 report includes a revised assessment schedule and map).

3.3 Drain Alteration – October 2014

In October of 2014, Greer Galloway, acting as the Drainage Superintendent, completed an inspection of the drain and discovered that a landowner had altered the course of the drain to increase the agricultural efficiency of the adjacent land. An inspection letter detailing the drain alteration is included in Appendix C.

After reviewing potential options, and in consultation with South Nation Conservation, drainage superintendent and owner, it was decided that a revision of the drainage report to incorporate the changes to the drain would be the best course of action.

3.4 Incorporation of Alterations in Engineer's Report

The Township of Edwardsburgh Cardinal appointed Greer Galloway under section 78(1) of the Drainage Act to produce a report incorporating the drain alteration into the existing drain report. This alteration falls under section 78 (1.1) 1. "Changing the course of the drainage works for the better use, maintenance or repair of the drainage works".

4.0 Watershed Characteristics

4.1 Location

The drain is located in the north east area of the Township of Edwardsburgh/Cardinal on part of Lots 1 and 2, Concession 9. The drain is approximately 1500m in length of open channel ditch and does not cross any roadways. The watershed area is primarily farmland, moderately sloped and wooded lots.

4.2 Current Configuration vs. Historical Configuration

The current configuration of the Sayeau Drain follows the description in the 1980 (Hazen Meldrum Ltd) Engineer's Report, except the section of the drain that has been altered. The drain currently outlets to the Thorpe-Ellis Municipal Drain located in the adjacent Township. A drawing detailing the changes to the drain as compared to the original drain location has been attached in Appendix D and shown below in Figure 3.

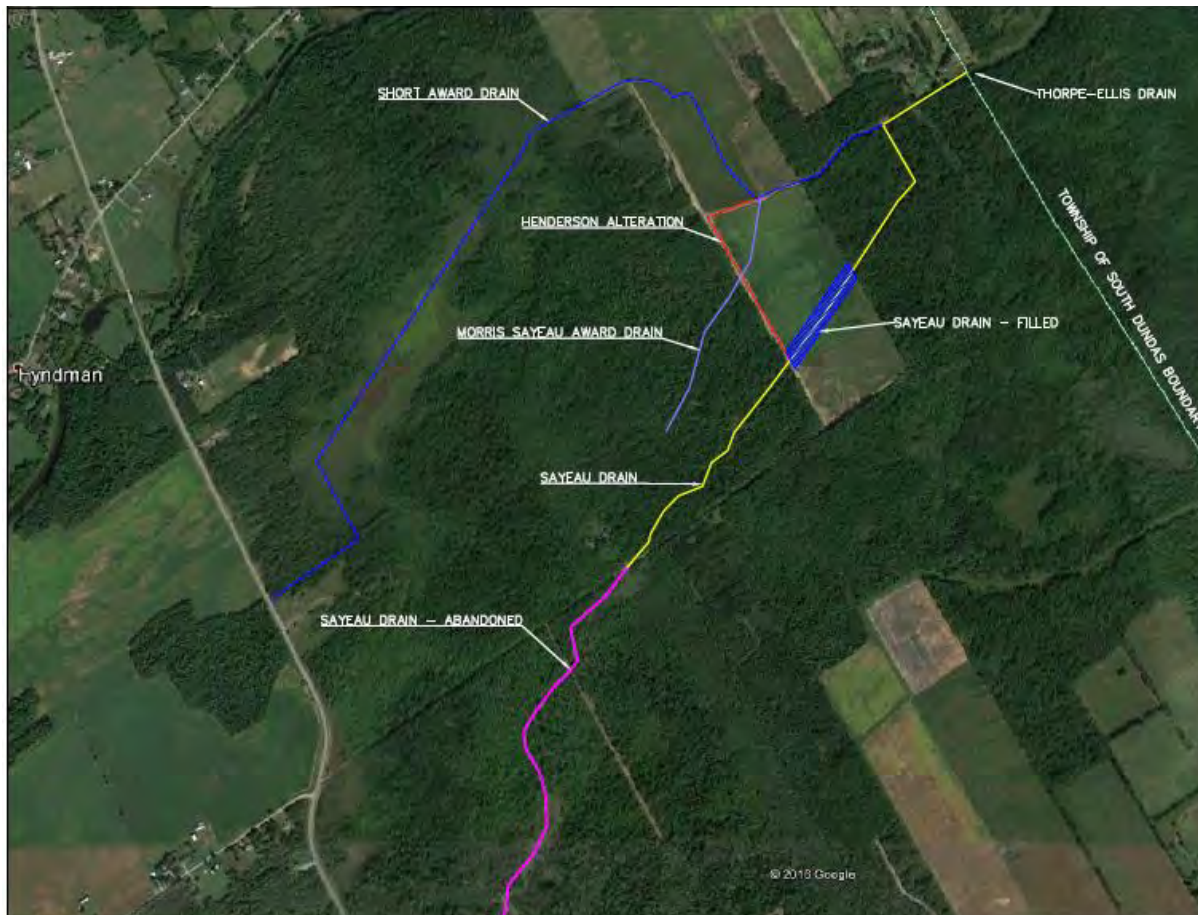


Figure 3: Configuration of the Sayeau Municipal Drain as of October 2014

4.3 Drainage Boundaries

The drainage in the area in Concession 9 is currently serviced by the Sayeau Municipal Drain, the Morris-Sayeau Award Drain, and the Short Award Drain. Concession 8 does not contribute significant runoff to this area, as this part of the Sayeau Drain was abandoned in 1980 (as per W.J. Johnston's report, see Figure 2), and topographically there would be no significant flow to the north from this area.

The 2014 alteration to the Sayeau Drain changed the quantity of runoff handled individually by each drain section, but not the overall quantity which outlets into the Thorpe-Ellis Drain. The 2014 alteration to the drain causes flow that was previously drained by the Morris-Sayeau Award Drain to be intercepted by the Sayeau Municipal Drain. This award drain will now be incorporated into the Sayeau Drain as it has been rerouted.

4.4 Soil

The Ministry of Agriculture, Food and Rural Affairs soil map indicates that the predominant soil type in this area is mainly loamy fine sand, with areas of fine sand and loam. The hydrologic soils group in the catchment area is primarily type C. The soils in the area have an agricultural capability of Class 5. The topography of the catchment area is gently sloping.

5.0 Authorization for Final Report

This Engineer's Report was authorized by Section 78, initiated by municipal council for the improvement of an existing municipal drain. The alterations to the drain fall under Section 78 (1.1) 1. "Changing the course of the drainage works". The preparation of the report was authorized in Resolution Number 2018-11 dated January 22, 2018. The appointment resulted from an unauthorized alteration of the existing municipal drain through lots 1 and 2, Concession 9 in the geographic Township of Edwardsburgh/Cardinal, in the United Counties of Leeds and Grenville.

6.0 Design Considerations

6.1 Drain Improvement Construction Limits

The Limits of Construction for the Modifications and Improvements to the original report lies within Lots 1 and 2, Concession 9 in the geographic Township of Edwardsburgh/Cardinal. Modifications to the Sayeau Municipal Drain commence at Station 0+310 at merger point of the Sayeau drain and an existing award drain and terminate at Station 1+467.

6.2 Hydrologic Considerations

The drainage area of the drain has not increased, and overall length of the drain has only increased slightly (approximately 200 meters). As previously stated, land in Lots 1 and 2 are now being used for agricultural purposes. This change in land use will increase the amount of water directed to the drain, however, it is not possible to determine if historically these lands were originally agricultural when the drain was first constructed

6.3 Capacity of Existing Culverts and Bridges

No major culverts or bridge crossings currently exist on the section of drain that is being affected by the alteration. Furthermore, no bridges or culverts could be found downstream of the drain alteration that would require additional analysis due to the changes.

6.4 Excavation

The addition to the Sayeau Municipal Drain is an open channel ditch with side slopes and bottom widths which reflect the 1924 drain construction. Some modifications have been completed as per the new specified design profile found on the drawing in Appendix E. These modifications will have to be incorporated into the altered drain to ensure the drain can operate properly.

Associated with the drain improvements, rip rap with filter cloth will be placed at bends which are subject to erosion, at tile outlets and at culverts as per the drawing found in Appendix E. Beyond the limits of the section of the drain that was altered, the original profile elevation and cross-sections will remain as specified in the original 1924 and 1980 Engineer's Reports.

6.5 Disposal of Excavated Materials

For future maintenance and construction, all excavated material in section 0+310 to 1+467 of the drain will be placed on the south or east side of the drain depending on the orientation of the drain

at that point of construction; clearing is not required for disposal. All suitable earth material shall be spread no closer than 3 m to the top of the slope and to a maximum depth of 150 mm on the adjacent land with drainage openings provided wherever required, but at a minimum spacing of 50 m.

6.6 Erosion Control

The section where the drain has been altered is agricultural land in Lot 1 of Concession 9. A strip of uncultivated land at least 5 m wide along the edge of the drain shall be required. It is recommended that the landowner may take hay off this buffer strip, but the soil is not to be tilled.

7.0 Recommendations

The following alterations to the drain have already been implemented and are summarized below. A portion of the existing municipal drain from station 1+467 to the east property line of Lot 2 has been filled in. The drain has been relocated to run along the west property line of Lot 2, from stations 1+467 to 0+950. The section of the drain that flowed through Lot 1 shall now be abandoned, as per section 19 of the Drainage Act, and will no longer have legal status as a municipal drain. The municipality is no longer responsible under the Drainage Act for this section. The dimensions of the new section of drain closely match the original drain design as specified in the 1924 Engineer's Report.

No tendering or construction services shall be required in association with the work, as the alterations have already been carried out.

7.1 Drawings Forming Part of the Engineer's Report

A drainage area plan noted as Figure 4 has been prepared showing the boundary limits by heavy solid line, these limits remain unchanged from the 1924 report. The original drain is shown as a purple and yellow line and the proposed alteration is shown as a red line. The roll numbers within the drainage basin are also shown in Figure 2. The drawings are included in Appendix D and E.

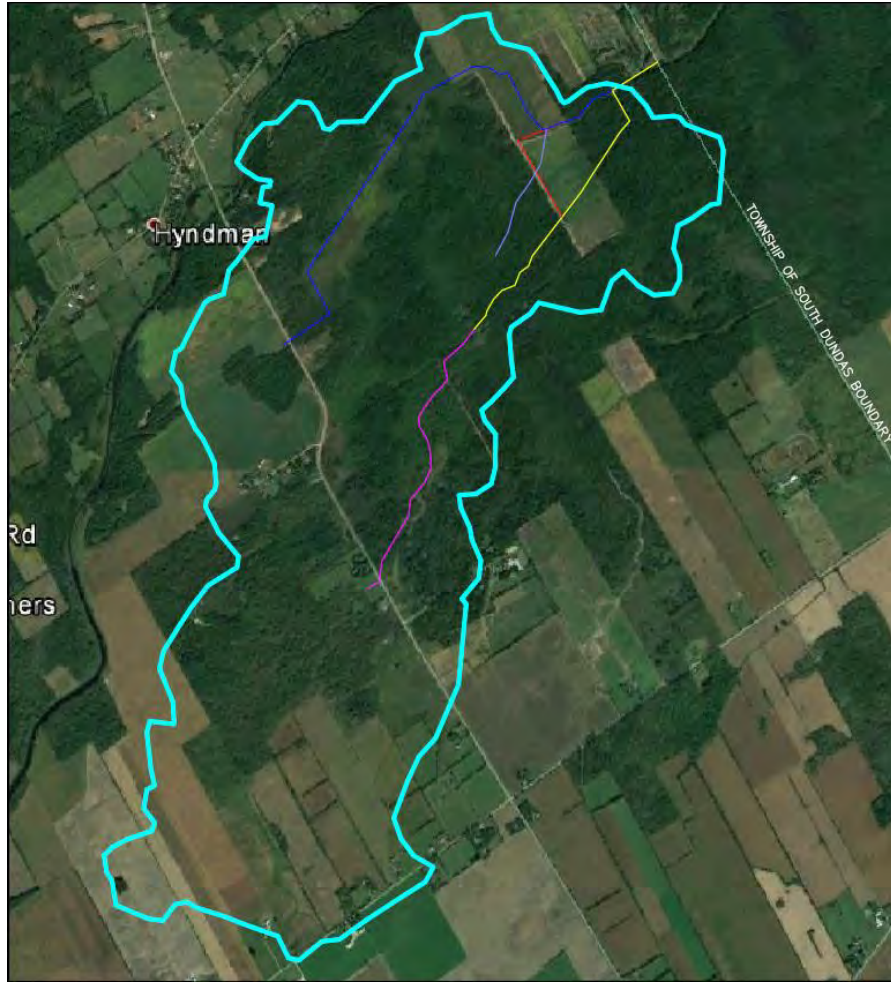


Figure 4: Catchment Area for the Sayeau Municipal Drain

8.0 Future Maintenance

Future maintenance of the project shall be the responsibility of the Township of Edwardsburch/Cardinal, although the individual owners shall be responsible for periodic inspection of the drain and reporting maintenance problems to the Township. It is recommended that the cost of future maintenance be assessed in the same proportion as the Schedule of the 1980 Hazen Meldrum Ltd. Report and By-Law 1754.

Future maintenance of tile outlets shall be the responsibility of and shall be at the cost of the affected landowners.

9.0 Construction Cost

Since this alteration was completed illegally by an individual landowner, no cost for the drain improvements shall be borne by any party described in the Schedule of the 1980 Hazen Meldrum Ltd. Report and By-Law 1754. The cost to complete the work shall be borne solely by the landowner responsible for completing the alterations.

10.0 Assessment Schedule

The Drainage Act requires that the total estimated cost be assessed against the affected lands and roads under the categories of benefit (Section 22), outlet liability (Section 23), injuring liability (Section 23), special benefit (Section 24) and special assessment of public utility or road authority (Section 26).

The improvements summarized in this report only effect the drain location in two lots, Lot 1 and 2 of Concession 9. Based on the minor nature of the drain alteration, and the lack of an understanding regarding how the assessment schedule was originally allocated in the 1924 and 1980 reports, the assessment schedule of the drain shall remain as per the 1980 W.J. Johnston (Hazen Mel-drum Ltd.) Engineer's Report.

11.0 Allowance Schedule

Allowances are paid for loss of land (Section 29), damages to crops, lands, fences, etc. (section 30), incorporating a previously constructed private drain (Section 31), a drainage system, by design, that is not carried to a sufficient outlet (Section 32), loss of access in the event that the drain cuts of access to the owner's property and no new crossing is provided (Section 33).

The alterations to the drain did not affect any property other than Lots 1 and 2 of Concession 9, which are owned by the individual that committed the unauthorized alterations. As such, no allowance shall be paid to the property owner with regards to the improvements to the municipal drain.

Sincerely,

THE GREER GALLOWAY GROUP INC.
ENGINEERS AND PLANNERS

A handwritten signature in black ink, appearing to read 'Kevin Hawley', is written over a light blue horizontal line.

Kevin Hawley, P.Eng.

Appendix A

By-Law 974

Sample
2
1

BY-LAW NO. 974

Township of Edwardsburg
1924

BY-LAW No. 974

A By-law to provide for drainage work in the Township of Edwardsburg, in the County of Genesee, and for borrowing on the credit of the Municipality, the sum of Three Thousand and Eight Dollars for completing the same.

Provisionally adopted the 4th day of September, A.D. 1924.

WHEREAS, the majority in number of the residents and non-residents owners (exclusive of farmers' sons not actual owners) as shown by the last revised assessment roll of the property hereinafter set forth to be benefitted by drainage work, have petitioned the Council of the said Township of Edwardsburg praying that the area of the lands herein set forth and being described as follows, that is to say: The north half of Lot Five and Six, the road allowance through Lots Six and Seven, Lots Seven and Eight and Nine, Lot Ten exclusive of the north forty-five acres of the east half of said Lot Ten, the north twenty-five acres of the west half of Lot Ten in the Eighth Concessions of the said Township of Edwardsburg, may be drained by means of drain or drains.

AND WHEREAS, thereupon the said Council have procured an examination to be made by D. H. Weir, Esq., O.L.S., of the Village of Winchester, being a person competent for such purposes, of the said area proposed to be drained, and the means suggested for the drainage thereof, and of other lands and roads liable to assessment under The Municipal Drainage Act, and has also procured plans, specifications and estimates of the drainage work to be made by the said D. H. Weir, and as assessment to be made by him of the lands and roads to be benefitted by such drainage work, and of other lands and roads liable for contribution thereto, stating as nearly as he can the proportion of benefit outlet liability and injuring liability, which in his opinion will be derived or incurred in consequence of such drainage work by every road and lot, or portion of lot, the said assessment so made being the assessment hereinafter by this by-law enacted to be assessed and levied upon the roads and lots, or parts of lots hereinafter in that behalf specially set forth and described, and the report of the said D. H. Weir in respect thereof, and of the said drainage work being as follows:

To the Municipal Council of
the Township of Edwardsburg

Gentlemen:—

I beg to submit for the consideration of your Honourable Body a report prepared in accordance with your instructions for the purpose of giving effect to the prayer of the petition of William Sayeau and others asking for the drainage of certain lands in the Township of Edwardsburg, that is to say, Lot 3 except the South half of the East quarter, lots 6, 7, 8, 9, the South 55 acres of the East half lot 10, the South three quarters West half lot 10, also, the road allowance between lots 6 and 7 all in the eighth concession of the said township.

I have made a careful survey of the area to be drained with a view to securing a location of the drain which will give the most efficient service. I find that the area described in the petition is already drained by a succession of private ditches but that no outlet has been provided for the water which it brings down. What may be termed the outlet portion of the drain lies mostly in a brushy country and as the clearly defined watercourse ends on lot 3 concession 8, the securing of a satisfactory location involved an unusual amount of work.

The location which I have chosen follows the succession of private ditches and natural watercourse mentioned above. Below the point where the watercourse ends the drain follows a very direct course to an outlet in the Thorpe and Ellis Drain in the Township of Matilda. It is important on account of the level nature of the land from lot 6 concession 8 down through concession 9 and across lot 37 in the 8th concession of the Township of Matilda that as direct a course as possible be chosen.

The proposed work shall be designated "The Sayeau Drain." From an inspection of the accompanying plan it will be seen that the drain commences on the line between the East and West halves of lot 10 concession 8 at a distance of 258 feet from the North West angle of the South 20 acres W 1 E 1 of lot 16 and follows a North Easterly course through lots 9, 8, 7, 6, 5 and 4 in concession 8 and lots 3, 2, 1 and East Commons in concession 9 of the Township of Edwardsburg and lots 37 and 36 in the 8th concession of the Township of Matilda finding a sufficient outlet at Station 215 which is located on the East half of lot 36 some 432 feet West of the Given Road between lots 36 and 35 concession 8 of the Township of Matilda.

The location of the proposed drain is indicated on the ground by stakes and hubs which I have planted. From levels and measurements taken I have prepared plans and profiles of the proposed drain; also a plan showing the lands and roads assessed for its construction together with schedules of assessment showing the proportionate amounts to be contributed by each road and parcel of land assessed. I have also prepared specifications for the construction of the work. These plans, profiles, specifications and schedules of assessment accompany this report and form a part thereof.

As is shown by the schedules of assessment I have made no assessment on lands and roads in the Township of Matilda for the construction of the drain. The portion in Matilda Township to be improved in the upper part of the Thorpe and Ellis Drain which commences at the Boundary road between Edwardsburg and Matilda. The estimated cost of the work in Matilda Township is \$280.00. There are approximately 1600 acres in Edwardsburg Township and 60 acres in Matilda Township using the portion in Matilda. The assessment on the 60 acres mentioned above would not equal the expense of preparing a by-law and holding Court of Revision in the Township of Matilda. As all expenses of this nature are a charge against the drainage scheme it would be a saving to the scheme to have any assessment on lands in Matilda Township omitted from the assessment schedules. In the estimated cost I have placed the sum of \$6.00 for the Clerk and Council of Matilda Township in order that the ratepayers in that Township through whose lands construction is proposed may be notified and this report considered by the Council.

The construction of the proposed work will not necessitate any allowance being made in this report for water gates or damages to lands or crops.

I have provided for the construction of two road culverts on this scheme as follows:—

(1) County road between lots 6 and 7 concessions 8—two lines of 30 inch diameter corrugated pipe each line to be 18 feet long. The estimated cost of this culvert is \$154.00

(2) Headline Road between concessions 8 and 9 opposite lot 4—two lines of 36 inch diameter corrugated pipe each line to be 14 feet long. The estimated cost of this culvert is \$140.00. Culvert (1) shall be constructed and maintained from the funds of the County Road System and culvert (2) shall be constructed and maintained by the general funds of the Township of Edwardsburg.

I have also made allowances for farm crossings, for severance, for land taken from the drain and for private and award drains incorporated in this scheme. These allowances, after the construction of the drain, shall be paid to the respective owners entitled thereto as follows:—

Allowance for

| Con | Owner | Lot or Part | Farm Crossing | Old Ditch | Land for drain |
|---------|--|-------------------------|---------------|-----------|----------------|
| 8 | G. Mason | 10 S 28 ac E 1 & N 8 ac | \$ 10 00 | \$ 3 20 | \$ 2 00 |
| | J. Kennedy | 10 S 28 ac W 1 E 1 | | | |
| | A. Currie | 9 W 1 E 1 | 10 00 | 5 00 | 3 65 |
| | W. Gamble | 9 E 1 | 10 00 | 5 50 | 3 10 |
| | W. Burnie | 8 m lot | 10 00 | 23 20 | 4 10 |
| | D. Ferguson | 7 S 1 | 10 00 | | 10 00 |
| | D. Ferguson | 6 n lot | 12 00 | 61 10 | 5 00 |
| | D. Ferguson | 5 exs 1 E 1 | 12 00 | 35 60 | 12 25 |
| | Wm. Sayeau | 7 N 1 | | 24 00 | 12 25 |
| | G. Dobie | 4 S 1 | 12 00 | | 3 60 |
| | H. Perry | 7 S 1 | | 2 50 | 7 50 |
| | W. Pitt | 7 N 1 S 1 | | 90 | |
| | H. Short | 6 S 1 | | 14 00 | |
| | W. Ellis Est. | 5 W 1 | | 6 00 | |
| | R. Connolly | 5 E 1 | | 3 30 | |
| | M. Sayeau | 4 S W 1 | | 2 00 | |
| | H. Colborne Est. | 4 N 1 | | 1 40 | |
| | H. Colborne Est. | 4 S E 1 | | | |
| | S. Grant | 3 W 5-16 | 12 00 | 3 40 | 2 40 |
| | Lewis Grant | 3 E 1 W 5 1/2 | 12 00 | 2 00 | 3 25 |
| | M. Colborne | 3 E 1 E 1/2 | 12 00 | 2 00 | 3 00 |
| | I. Francis | 2 W 1 | 12 00 | 2 50 | 6 75 |
| | T. Francis | 2 E 1 | | | 2 16 |
| | T. Francis | 1 W 1 | 12 00 | | 4 15 |
| | J. Campbell | 1 E 1 | 12 00 | | 6 00 |
| | I. Summerville | E. Com | 15 00 | | 3 10 |
| | County Road | | | 7 50 | 2 80 |
| | Township of Edwardsburg roads | | | 12 60 | 5 00 |
| | The clear apian of all farm crossings shall be equal to half the sum of the top and bottom widths of the drain at the location of the culvert. | | | | |
| | The material taken from the drain shall be disposed of as provided in the annexed specifications. | | | | |
| | The estimated yardage and cost of excavation is as follows:— | | | | |
| Section | Sta. to Sta. | Length | Cu. Yards | Value | |
| 1 | 8 plus 26 — | 20 | 359 | \$ 71 80 | |
| 2 | | 30 | 186 | 37 20 | |
| 3 | | 40 | 235 | 47 00 | |
| 4 | | 50 | 1000 | 44 40 | |
| 5 | | 60 | 1000 | 66 60 | |
| 6 | | 70 | 1000 | 69 00 | |
| 7 | | 80 | 1000 | 181 | |
| 8 | | 90 | 1000 | 140 | |
| 9 | | 100 | 1000 | 28 00 | |
| 10 | | 110 | 1000 | 175 | |
| 11 | | 120 | 1000 | 313 | |
| 12 | | 130 | 1000 | 62 60 | |
| 13 | | 140 | 1000 | 95 60 | |
| 14 | | 150 | 1000 | 498 | |
| 15 | | 160 | 1000 | 534 | |
| 16 | | 170 | 1000 | 110 40 | |
| 17 | | 180 | 1000 | 106 80 | |
| 18 | | 190 | 1000 | 129 00 | |
| 19 | | 200 | 1000 | 153 30 | |
| 20 | | 210 | 1000 | 107 22 | |
| 21 | | 220 | 1000 | 153 30 | |
| 22 | | 230 | 1000 | 129 00 | |
| | Boundary road | 200 | 354 | 106 20 | |
| | 192-60 — | 215 | 63 | 18 90 | |
| | | | 30 | 9 00 | |
| | | | 281 | 84 30 | |
| | | | 215 | 64 50 | |
| | Totals | | 8248 | 1606 80 | |

The total estimated cost of the work is \$3,008.00 which is made up as follows:—

| | |
|---|-------------------|
| Excavation | \$ 1606 80 |
| Farm Crossings | 195 00 |
| Brushing and grubbing | 112 00 |
| Allowance for land for drain | 103 50 |
| Allowance for private and award drains | 219 60 |
| Clerk's fees notifying assessed parties | 15 00 |
| Preparing, printing and distributing by-laws, printing and sale of debentures | 30 00 |
| Court of Revision | 18 00 |
| Engineering | 250 00 |
| Assistance to engineer | 127 50 |
| Inspections and Contingencies | 30 60 |
| Road Culverts | 294 00 |
| Matilda Council and Clerk reconsideration of report | 6 00 |
| Total | \$ 2711 00 |

The total cost is divided as follows:—

| | |
|---|----------|
| Cost of work in Edwardsburg Township | \$ 17 63 |
| Cost of work on Boundary Road between Edwardsburg and Matilda | 280 00 |
| Cost for work in Matilda Township | 3008 00 |

These sums I assess against the lands and roads in the Township of Edwardsburg to be benefited or using this drain as an outlet or for which, when constructed an improved outlet is thereby provided as shown in the annexed schedules of assessment.

No assessment is made against the Boundary Road between the Townships of Edwardsburg and Matilda or against lands and roads in the Township of Matilda.

The proposed work affects lands and roads in the Township of Edwardsburg, the Boundary Road between the Townships of Edwardsburg and Matilda and lands in the Township of Matilda, and shall be constructed at the expense of the lands and roads assessed in the Township of Edwardsburg and in the proportion shown in the annexed schedules of assessment. After the drain is constructed it shall be maintained by the Townships of Edwardsburg and Matilda in the manner provided by Section 72 of the Municipal Drainage Act at the expense of the lands and roads in the Township of Edwardsburg assessed for construction and in the same proportion as shown in the annexed schedules of assessment.

All which is respectfully submitted,

I have the honour to be, Gentlemen,

Your obedient servant,

(Signed) D. H. Weir, O.L.S.

Dated at Winchester this

30 day of May, A.D., 1924.

Schedule showing assessment on Lands and Roads in the Township of Edwardsburg for the Construction of THE SAYEAU DRAIN

| Con | Owner | Lot or part | Acres | Benefit | Outlet |
|-----|------------------------------------|----------------------------|-------|----------|--------|
| 8 | D. Wallace | 11 S 90 ac E 1/2 | 19 | \$ 42 00 | 30 25 |
| | J. Kennedy | 10 S 28 ac E 1/2 & N 8 mac | 42 | \$ 42 00 | 70 00 |
| | J. Kennedy | 10 S 20 ac W 1/2 E 1/2 | 28 | 51 50 | 47 50 |
| | G. Mason | 10 S 28 ac E 1/2 & N 8 mac | 16 | 16 00 | 27 75 |
| | A. Currie | 10 S 20 ac W 1/2 E 1/2 | 50 | 67 00 | 80 00 |
| | W. Gamble | 9 E 1/2 | 60 | 84 00 | 93 00 |
| | W. Burnie | 8 1/2 lot | 162 | 131 00 | 243 00 |
| | W. Sayeau | 7 S 1/2 | 100 | 90 00 | 130 00 |
| | D. Ferguson | 72 | 72 | 87 50 | 101 00 |
| | D. Ferguson | 5 ex S 1/2 E 1/2 | 124 | 89 00 | 155 00 |
| | G. Dobie | 4 lot | 97 | 84 00 | 117 00 |
| | M. Sayeau | 3 N W 1/4 | 15 | 50 50 | 48 00 |
| | G. Halliday | 3 E 1/2 | 13 | 13 25 | 17 25 |
| | J. Billings | 2 W 1/2 | 11 | 5 50 | 15 00 |
| | D. Barry | 2 E 1/2 | 9 | | 12 50 |
| | A. Ferguson | 1 lot | 14 | | 10 00 |
| | W. Pitt | Commons | 5 | | 5 00 |
| | H. Perry | 7 S 1/2 | 31 | | 7 00 |
| | W. Pitt | 7 N 1/2 S 1/2 | 16 | | 4 00 |
| | H. Short | 6 S | 90 | | 24 00 |
| | W. Ellis Esta. | 5 W 1/2 | 50 | | 16 75 |
| | R. Connolly | 5 E 1/2 | 52 | | 22 50 |
| | M. Sayeau | 4 S W 1/2 | 50 | 8 00 | 22 50 |
| | H. Colborne Est. | 4 S E 1/2 | 23 | | 11 25 |
| | S. Grant | 4 N 1/2 | 40 | 27 00 | 18 75 |
| | I. Grant | 3 W 5-16 | 40 | 23 25 | 22 00 |
| | M. Colborne | 3 E 1/2 W 5/8 | 39 | 22 00 | 20 00 |
| | I. Francis | 2 W 1/2 | 44 | 31 00 | 24 75 |
| | T. Francis | 2 E 1/2 | 18 | 40 00 | 12 25 |
| | J. Campbell | 1 W 1/2 | 36 | 20 00 | 12 25 |
| | J. Sumnerville | 1 E 1/2 | 38 | 36 50 | 25 00 |
| | TOWNSHIP OF EDWARDSBURG | Commons | 41 | 39 09 | 19 50 |
| | Road between lots 6 and 7 Con. 8 | | 5 | 37 50 | 18 50 |
| | Road between lots 6 and 7 Con. 9 | | 5 | | 20 50 |
| | Headline between Cots 8 & 9 from E | | 24 | 18 25 | 1 25 |
| | Commons to lot 7 | | 73 | 16 75 | 13 25 |

Summary of Assessments

| | |
|--|-------------------|
| Assessment on Lands for Benefit | \$ 1095 50 |
| Assessment on Lands for Outlet Liability | 1548 50 |
| Assessment on Roads for Benefit | 35 00 |
| Assessment on Roads for Outlet Liability | 35 00 |
| Assessment on Roads for Culverts | 204 00 |
| Total | \$ 3008 00 |

SPECIFICATIONS

Specifications for the Construction of the SAYEAU DRAIN Edwardsburg Township 1924.

The Work

The work comprised under these specifications shall include the supply of all the labour, materials, tools and appliances necessary for the excavation of the SAYEAU DRAIN, to the grades and dimensions herein specified or shown on the accompanying profiles; the removal of all obstructions; the proper disposal of the excavated material and the construction of two road culverts.

Extent of Work

Length of drain is 20674 feet.
Amount of earth excavation is 8248 cubic yards.

Bottom Widths and Side Slopes

The bottom widths of the drain shall be as follows:—
Sta. 8 26 to Sta. 70 2 feet
Sta. 70 to Sta. 183 83 4 feet
Sta. 183 83 to Sta. 215 6 feet
The slope of the sides shall be 1½ horizontal to every 1 vertical throughout.

Location

The centre line of the drain shall be as indicated on the accompanying plans.

Disposal of Material

Excavated material shall be deposited not less than 6 feet from the edge of the completed drain.
Where the land is cleared of brush and logs the excavated material shall be spread so as not to exceed a height of one foot above the average ground surface at the point of disposal.
No excavated material shall be deposited so as to damage or obstruct any public or private roadway or any ditch or watercourse.
Inlets for surface water shall be left at suitable points not over 500 feet apart on each side of the drain.
Where the line of work passes through uncleared land, all timber, brush, logs and stumps within a distance of twenty feet on either side of the centre of the drain shall be removed and piled at the edge of the 40 foot clearing, except that valuable trees may be left standing if not detrimental to the efficiency of the work. All stumps and roots shall be grubbed out to the full top width of the drain.

Removal of Fences

Fences which must necessarily be removed shall be replaced by the contractor in a condition equally as good as before removal.

Classification

Excavation shall be paid for under the following heads—Earth, hard-pan and rock.
Earth shall mean any material below the ground surface except hard-pan and rock.
Hard-pan shall mean cemented gravel or such material other than rock which requires the use of picks, bars or explosives in its removal.
Rock shall mean bed rock, or boulders containing 9 or more cubic feet.

GENERAL CONDITIONS

(8) Extras

The Engineer shall have the right to make any such reasonable and necessary changes in the original plans as may be required for the efficiency of the work. The contractor shall accordingly be notified in writing, and any alteration so made in the amount of the work shall operate as a reduction from, or an addition to, the payment under this contract at the unit price for which work of a similar nature is being performed.

(9) Prosecution of the Work

If the contractor fails or refuses to comply with the specifications or to carry on the work at a rate necessary to complete it in the time agreed upon, the Municipality shall have the right to relet the unfinished portion and to retain any security or draw-back held for the fulfilment of the contract.

(10) Acceptance

All work must be done to the satisfaction of the Engineer in charge. The drain shall, before final acceptance, form a continuous ditch of the form and dimensions required by the plans and specifications relating thereto.

The contractor shall be responsible for any accumulation of silt or falling in of any portion of the drain during construction provided such occurrences are due to the incompleteness of other portions or to the negligence of the contractor or his employees.

(11) Prevention of Accident

The contractor shall take every precaution to prevent accident during the construction of the work across road allowances.

(12) Payment

Payments will be made monthly by the Municipality on the certificate of the Engineer. Such payments shall equal 90% of the value of the work performed. The balance shall be paid within thirty days after the whole work has been accepted.

(13) Meaning of Terms

In these specifications "Municipality" shall mean the Municipality of the Township of Edwardsburg.
"Contractor" shall mean the contractor or contractors in charge of the work or his or their representatives.
"Engineer" shall mean the engineer appointed by the Municipality to have the oversight of the work.

(14) Instructions to Bidders

Bidders must use regular forms for tenders. The time for the completion of the work shall be as stated in forms.
Tenders shall name separate prices per cubic yard for earth, hard-pan and rock.

Tenders may be submitted for the whole or any part of the work.
Each tender must be accompanied by a certified cheque, payable to the Treasurer of the Municipality, for five per cent. of the tender.
Cheques will be returned to unsuccessful bidders.

Cheques of successful bidders may be retained until thirty days after the completion of the contract.

All or any bids may be rejected if not satisfactory to the Council of the Municipality.

AND WHEREAS the Council of the Township of Edwardsburg has duly served the Head of the Municipality of the Township of Matilda, into which said drainage work is continued, and whose lands and roads are assessed, with a copy of the Report, plans, specifications, assessments and estimates of the said Engineer, on the proposed work, pursuant to Section 61 of The Municipal Drainage Act, and no appeal from said Report, plans, specifications, assessments and estimates have been taken, although more than thirty days have elapsed after such service.

AND WHEREAS the said Council are of the opinion that the drainage of the area described is desirable.

THEREFORE the said Municipal Council of the said Township of Edwardsburg, pursuant to the provisions of The Municipal Drainage Act, enacts as follows:—

1st. The said Report, plans, specifications, assessments and estimates are hereby adopted, and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.

2nd. For paying the sum of Two Thousand Nine Hundred and Thirty-eight Dollars, the amount charged against the said land in the Township of Edwardsburg, for benefit and for outlet liability, a special rate over and above all other rates, shall be assessed, levied and collected, in the same manner, and at the same time as other taxes are levied and collected, upon each lot or part of lot respectively set forth in Schedule "A" of the above mentioned Report of D. H. Weir, O.L.S., equal to the amount charged for benefit and outlet liability, against each lot or part of lot respectively, within the Township of Edwardsburg, and set opposite the same in said Schedule "A" of the said Report, and the said amount shall be assessed, levied and collected as aforesaid, in the year succeeding the final passing of this By-Law.

3rd. For paying the sum of Seventy Dollars, the amount charged against roads in the Township of Edwardsburg, Edwardsburg's share for bridges, as set out in said Schedule "A" to the Report of the said D. H. Weir, O.L.S., a special rate on the dollar, sufficient to produce the required sum, shall, over and above all other rates, be levied and collected, in the same manner and at the same time as other taxes are levied and collected, upon and from the whole rateable property, in the said Township of Edwardsburg, in the next year after the final passing of this By-Law.

4th. This By-Law shall be served upon each of the assessed owners by serving each one personally, or by leaving on the lands assessed if occupied, with some grown-up person, a printed copy thereof, and this by-law shall come into force and effect upon and after the final passing thereof, and may be cited as the Sayen Municipal Drain By-Law.

GIVEN under the hand of the Reeve and Seal of the Corporation of the Township of Edwardsburg, and finally passed the

A.D., 1924.

M. McGUIRE, Clerk.

J. E. BURCHELL, Reeve.

NOTICE

Take notice that the above is a true copy of a proposed By-law, which has been taken into consideration, and which will be finally passed by the Council of the Township of Edwardsburg, after four weeks from the service thereof upon all the owners assessed. Anyone intending to apply to have the By-law or any part thereof quashed must, not later than ten days after the final passing thereof, serve a Notice in writing upon the Reeve of the Township of Edwardsburg and the Clerk thereof, of his intention to make application for that purpose to the Supreme Court of Ontario during the six weeks next ensuing the final passing of the said By-law.

A Court of Revision for the trial of complaints against any assessment will be held at the Town Hall in the Township of Edwardsburg on Monday the 24th day of October, 1924, at the hour of 10 o'clock in the forenoon.

M. McGUIRE,
Township Clerk.

Appendix B
Hazen Meldrum Report -
Sayeau Drain, May 13, 1980

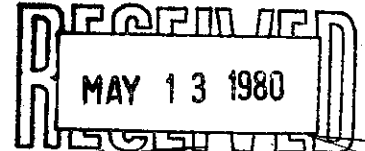
HAZEN MELDRUM LIMITED

ONTARIO LAND SURVEYORS

Box 603
CORNWALL
K6H 5T3

Box 394
WINCHESTER
K0C 2K0

SAYEAU MUNICIPAL DRAIN
TOWNSHIP OF EDWARDSBURGH
COUNTY OF GRENVILLE



To the Reeve and Council

Gentlemen:

As the result of a petition presented to your Honourable body under Section 84 (1) of the Drainage Act, 1975, subsequent notices sent under Section 84 (2) of the said Act, and subsequent requests for a report on the requested abandonment under Section 84 (3) of the said Act, the report is then prepared for your consideration.

According to the report prepared by D.H. Weir, OLS, on the opening of this water-course in 1924, which report forms part of Township by-law #924, one William Sayeau, then the owner of the north half ($\frac{1}{2}$) of Lot Seven (7), Concession Eight (8), initiated the petition for this Municipal Drain. As at its inception, the Sayeau Drain has its outlet in the Thorpe-Ellis Municipal Drain in the Township of Matilda abutting. According to our information, the latter mentioned Drain has just been recently maintained, under Township by-law #1724 in 1979.

We have done a field inspection of the subject Drain from its outlet upstream to its source, making notes as to its general condition and taking evidence from several of the affected landowners.

There does not appear to be any doubt as to the wishes of the affected landowners in Concession Eight (8) - at least the ones we spoke to. They are in favour of the abandonment for reasons, such as, 1. Their lands are adequately drained by the existing ditches, 2. They do not wish to spend any money on maintenance or the reconstruction of the water-course and, 3. Bush land needs the existing moisture.

Similarly, there was no doubt that the Messers Panciuk did not wish the subject Drain to be abandoned - at least the portion of the Drain in their immediate area. They feel that this water-course must be kept in repair to allow for the efficient drainage of their bush which they consider now as an even more valuable natural resource. It is also their intention to continue to reclaim land up to their bush lot, and if the subject Drain is allowed to further deteriorate and now be abandoned, this would be impossible. They have also expressed their concern as to the possible flooding of the road allowance between Concessions Eight (8) and Nine (9) if the subject Drain is abandoned. The Panciuks have obviously spent a great deal of their time on this road allowance in order that they might use it as access to the southerly end of their property.

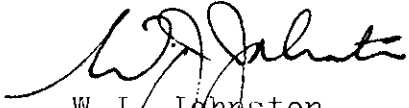
After much deliberation and additional visits to the site of this Drain, it is my considered opinion that only that portion of the Sayeau Drain in Concession Eight (8) be considered for abandonment. I am convinced that the concerns expressed by the Panciuks are genuine and are sincere. It is also my opinion that similar conditions exists over the balance of the affected lands in concession line, being part of Lots East Commons, #1, #3 and #4.

The area of the subject Drain being recommended for abandonment is approximately one half through bush and low lying pasture land lying between the County Road and the road allowance between Concessions Eight (8) and Nine (9). In this area, the water-course is fairly well defined but the fall is obviously somewhat less than that upstream. West of the County Road, across Lots Seven (7), Eight (8) and Nine (9) in Concession Eight (8), the subject Drain flows through open farm land, with obvious good grade on the ditch bottom. Parts of the Drain have considerable brush growing within its confines and is in a fair to poor state of repair.

I have not found it necessary to provide for any allowances since I am not recommending that any work be done in connection with this proposed abandonment. Further, allowances for 'Farm Crossing', 'Old Ditch' and 'Land for Drain' were provided for in the original report and the by-law of 1924.

I believe that the attached Schedules are self explanatory. I have not found it necessary to alter the Assessment Schedule from that of Schedule 'A' to by-law #1724, the maintenance for the subject Drain in 1979. All of the above is respectfully submitted.

I have the honour to be, Gentlemen, your obedient servant,


W.J. Johnston,
Ontario Land Surveyor,
HAZEN MELDRUM LIMITED
ONTARIO LAND SURVEYORS

SCHEDULE 'A'
ESTIMATE OF COST
SAYEAU MUNICIPAL DRAIN
THE DRAINAGE ACT - 1975 - SECTION 84

| | |
|--|------------|
| Preparation of By-law, including Council fees and office expenses | \$150 |
| Preparation of Report, including field investigation, office calculations, preparation of Plan and disbursements | <u>798</u> |
| TOTAL: | \$948 |

SCHEDULE 'B'
ASSESSMENTS
SAYEAU MUNICIPAL DRAIN
THE DRAINAGE ACT - 1975 - SECTION 84

| <u>Owner</u> | <u>Lot</u> | <u>Con.</u> | <u>Assessment</u> |
|------------------------------|------------------------------------|-------------|-------------------|
| Donald Ineson | East Common | 9 | 11.18 |
| Hollybrook Invest. Ltd. | E ₂ ¹ 1 | 9 | 11.79 |
| Kenneth L Malkin | W ₂ ¹ 1 | 9 | 15.40 |
| William Panciuk | E ₄ ² 2 | 9 | 7.40 |
| William Panciuk | W _{3/4} 2 | 9 | 38.09 |
| George Panciuk | E _{3/8} 3 | 9 | 14.96 |
| Conservation Authority | E ₂ W _{5/8} 3 | 9 | 12.09 |
| Robert P. Smith | W _{5/16} 3 | 9 | 11.33 |
| Robert Dennis | SE ₄ 4 | 9 | 13.31 |
| Elmer Halliday | SW ₄ 4 | 9 | 13.60 |
| Robert Dennis | N ₂ 4 | 9 | 6.80 |
| Lorne E. Conley | E ₂ 5 | 9 | 13.60 |
| Mary Gnatiuk | W ₂ 5 | 9 | 10.13 |
| George Armstrong | S ₂ 6 | 9 | 14.50 |
| Pearl Pitt | N ₂ S ₂ 7 | 9 | 2.42 |
| Pearl Pitt | S ₄ 7 | 9 | 4.23 |
| Bio-Test Laboratories | East Common | 8 | 3.02 |
| Bio-Test Laboratories | 1 | 8 | 8.76 |
| Henry Anderst | E ₂ 2 | 8 | 5.64 |
| Seaton & Austin Greaves | W ₂ 2 | 8 | 7.55 |
| Elmer Halliday | E ₂ 3 | 8 | 9.07 |
| Robert Dennis | NW ₄ 3 | 8 | 10.42 |
| L.Halliday/G.Coutts | 4 | 8 | 29.03 |
| Gordon B. Dennis | E ₄ 5 | 8 | 70.76 |
| Gordon B. Dennis | 6 | 8 | 93.65 |
| Gordon B. Dennis | S ₂ 7 | 8 | 60.87 |
| Randy Gamble | N ₂ 7 | 8 | 78.65 |
| Nelson Leach | 8 | 8 | 147.02 |
| Gerritt Luimes | E ₂ 9 | 8 | 56.19 |
| Carl Baker | W ₂ 9 | 8 | 48.69 |
| Lyle D. Pitt | W ₂ E ₂ 10 | 8 | 17.30 |
| Lyle D. Pitt | E ₄ 8 | 8 | 28.09 |
| Morris Kennedy | S _{3/4} W ₂ 10 | 8 | 42.14 |
| Morris Kennedy | E ₂ 11 | 8 | 18.24 |
| Township of Edwardsburgh | | | |
| Road between Lot 6 & 7 Con 8 | | | |
| Road between Lot 6 & 7 Con 9 | | | 12.08 |
| Headline between Con 8 & 9 | | | |
| from East Common to Lot 7 | | | |

Total: \$948.00

Appendix C

Sayeau Inspection – October 2014



Township of Edwardsburgh/Cardinal
18 Centre st, P.O Box 129
Spencerville, On
K0E1X0

November 4, 2014

THE GREER
GALLOWAY
GROUP INC.
ENGINEERS
PLANNERS

Attention: Dave Grant, Director of Operations

**Re: Sayeau Municipal Drain Complaint
GGG Project No. 14-5-5010**

Dear Dave,

The Greer Galloway Group responded to concerns raised regarding potential changes to the Sayeau Municipal Drain on October 9, 2014. The following outlines the findings of the inspection and will present the Township with options.

The site inspection began with a meeting with Mr. George Panciuk, who expressed concerns regarding the clearing of land and re-routing of the ditch. Mr. Panciuk's primary concern was for any changes to future assessment of the drain, and the relocated ditch proximity to his property line.

The inspection was conducted from the south of the drain from the unopened road allowance between concessions 8 and 9. The road allowance has been graded and upon arrival at the location of the drainage ditch a new culvert and stone has been installed. This area specifically is no longer part of this drainage works as it was abandoned under By-Law 1754.

This drain formally begins in the western limit of the east one third of the south half of lot 3 in Concession 9. The ditch at this point showed no signs of alteration, except for the removal of a beaver dam recently to promote flow. Approaching the property line it was apparent the adjacent property had been deforested and ploughed from fence line to fence line.

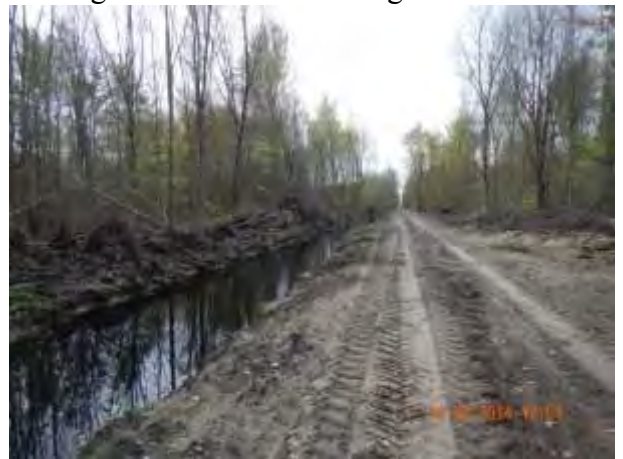


Figure 1: Recent ditching and roadwork on Township road allowance. This water drains directly to the Sayeau Drain.

640 Cataraqui Woods Drive

Unit 2A

Kingston, Ontario

K7P 2Y5

Telephone

(613) 536-5420

Facsimile

(613) 548-3793

Where the drain previously ran straight between point 221 and 225, it now veers north along the property line north between point 221 222. At this point the new ditch runs east into the existing Award Drain that flows east and into the Sayeau



Figure 2: Approaching the cleared field where the Sayeau Drain used to run

Drain at point 223. The remaining Sayeau Municipal Drain has been erased and graded in the land between 221 and 225.

The inspection discovered the ditch stopping at both tree lines and no longer existing between these points. GPS shots were taken to show the approximate course of the new ditch, as well as the previous course for the drain (See accompanying plan).

There are several possible actions to be taken on this issue;

- i. Do Nothing
- ii. Work with the Landowner to have the drain returned to its original location as per the Engineer Report.
- iii. Revise the Engineers Report to have the Sayeau Municipal Drain Allignment follow the new course constructed by the Landowner.
- iv. If the Landowner Refuses to address the change, pursue action under Section 82 of the Drainage Act (R.S.O. 1990).
- v. Under Section 84(1) of the Drainage Act, a drain may be abandoned if $\frac{3}{4}$ of the landowners assessed for benefit who collectively own $\frac{3}{4}$ of the assessed land request to do so.

Do Nothing

Under this option, the drain will be left as it currently exists, and the drainage course becomes a liability that is not able to be maintained under the Drainage Act (R.S.O 1990). As the land which where the drain existed is a Municipal Right of Way where the ditch is no longer, this option is not



Figure 3: The drain was altered from this point. The original ditch ran straight ahead into the field, it now turns north.

recommended when there are other viable options.

Return Drain to Original Location

This will be the ideal option. If this route is pursued the landowner will use his own equipment at his own expense, or the Township may hire equipment through tender to return the drain to its original location and the assessment be made only to the injuring landowner.

Because the drain is also due for a full cleanout/brush as recommended in the



Figure 4: Former Award Drain enters from the north. The drainage course cuts east at this point and approximately follows the original Award Drain.

Inspection Report completed by The Greer Galloway Group in fall of 2013, it would cost the assessed landowners considerably less as the damaged section could be cleaned out by the damaging land owner at his own expense, or the entire drain be repaired by a hired contractor and the damaged section be charged entirely to the damaging land owner, with the remainder of the drain being assessed equally to all landowners.

As this drain is quite small the overall cost of repairing the drain to its specifications as per the Engineers Report would end up being fairly low, as a large portion of work would be required to be paid by the damaging landowner in this case.

Revise the Engineers Report

Upon meeting with all assessed landowners and assessing the costs and benefits of doing so, the option exists to hire an engineer to assess the viability of the water course as it was changed by the damaging landowner, make revisions as to the grades, assessment schedules, maps etc., as required in order to incorporate the change in the water course into the Drainage Act and abandon the former route.

This option would require an assessment of the ditch as it was created by the damaging landowner to ensure it functions as desired by the Drainage



Figure 5: Just west of the Golf Course, this is the point where the Sayeau Drain meets the award ditch. No water is flowing out here any longer.

Superintendent, and that it drains the same or more area as the drain was originally intended to.

An added benefit of this option would be the possibility of incorporating the section of ditch that was previously abandoned back to the road allowance between concession 8 and 9 in order to include the road culvert in any new Engineers Report, ensuring that natural drainage across the road allowance is maintained. This road culvert was recently replaced by we presume the same landowner who damaged the drain downstream of the Road Allowance.

Abandonment of the Municipal Drain

If three quarters of the assessed landowners who possess three quarters of the assessed land agree, the drain may be abandoned and cease to be municipal infrastructure.

While this is a viable option if the landowners agree, it should be noted that this Municipal Drain lies in a low-lying area with tendencies toward marsh and flooding. Abandonment may create future drainage problems in the catchment basin if any landowners were to refuse to accept water from upstream

benefitting landowners. Most drains are created to avoid such problems and complete abandonment may create friction with those in the former catchment area of the drain.



Figure 6: Original course of the Sayeau Municipal Drain now dried up.

Pursue legal action under Section 82 of the Drainage Act (R.S.O. 1990)

There is a penalty under the Drainage Act under section 82(2) for every person who obstructs or alters by any means a drainage works is guilty of "...an offence and on conviction, in addition to liability in damages, is liable to a fine of not more than \$1,000 or go imprisonment for a term of not more than thirty days, or to both." (R.S.O. 1990).

The Municipality may also sue the landowner under 82(1) for cost of damage to a drainage works, "...including the destruction of a benchmark or permanent level, and any damages ordered by the referee to be paid shall be paid to the municipality and used for the construction, improvement, maintenance or repair of the drainage works"

We do not believe this section of the Drainage Act is to be used unless all other options have been exhausted. Typically the alteration of a drain is not a

deliberately damaging act and usually these situations can be resolved peacefully with the damaging landowner.

We believe that having the drain corrected to its original position, with the cost of which being assessed to the damaging landowner in conjunction with a full cleanout of the remainder of the drain to be the best option as it precludes having to rewrite the engineers report and should be able to be settled peacefully with the damaging landowner. If the damaging landowner insists of the drain being kept where it is, the next option would be have said landowner pay for the completion of an updated Engineers Report that takes into account all of the changes that the alteration in alignment have caused.

The first step in this process is to inform the damaging landowner that he has altered a legal drainage course under the Drainage Act (R.S.O. 1990) and that a meeting will be held with other assessed landowners to clarify the situation and define the options that exist for corrective action.



Figure 7: The Right of Way for the Sayeau Municipal Drain runs through this field.

We have begun drafting a letter for the assessed landowners and we recommend that the assessment schedule for this Municipal Drain be brought up to date in order to notify the benefitting landowners in the catchment area.

If you have any further questions on this matter please do not hesitate to contact us.

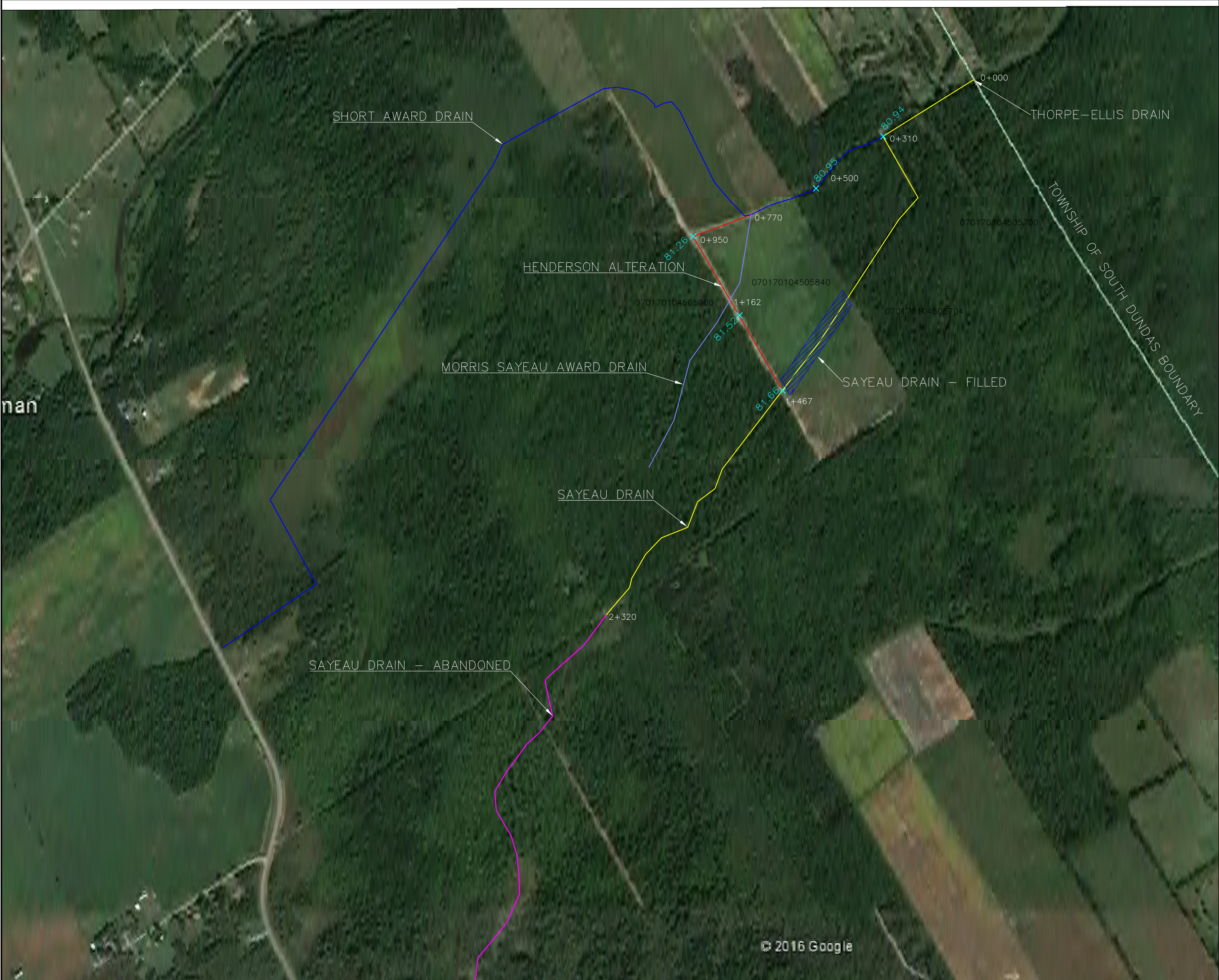
Yours truly,


Cory Grant
THE GREER GALLOWAY GROUP INC.
ENGINEERS AND PLANNERS

cgrant@greergalloway.com

Appendix D

Drawing No.1





THE GREER GALLOWAY GROUP INC.
ENGINEERS & PLANNERS
PETERBOROUGH
BELLEVILLE
KINGSTON
640 CATARAQUI WOODS DRIVE
UNIT 2A, KINGSTON, ON, K7P 2Y5
PHONE: 613-536-5420
FAX: 613-548-3793

NOTES:
1. ALL WORK SHALL BE IN ACCORDANCE WITH RELEVANT CODES AND GUIDELINES.
2. ALL DRAWINGS AND ADDENDA ARE TO BE READ AS, AND IN CONJUNCTION WITH THE SPECIFICATIONS.
3. ALL EQUIPMENT SHALL BE INSTALLED AS SPECIFIED OR APPROVED EQUIVALENT.
4. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH WORK AND BE RESPONSIBLE FOR SAME.
5. CONTRACTOR MUST REPORT ANY DISCREPANCIES TO ENGINEER FOR RESOLUTION BEFORE COMMENCING THE WORK.
6. ANY CHANGES MUST BE APPROVED BY THE ENGINEER.

A
B
C

A DRAINAGE AREA NO.
B DRAINAGE AREA HECTARES
C DRAINAGE AREA RUNOFF COEFFICIENT

LEGEND

SAYEAU DRAIN PATH

SAYEAU DRAIN ABANDONED 1980

SHORT AWARD DRAIN

HENDERSON ALTERATION

MORRIS-SAYEAU AWARD DRAIN

NORTH

STAMP

PROJECT
SAYEAU DRAIN

DRAWING TITLE
SAYEAU DRAIN LAYOUT

| | | |
|----------|--|------|
| 05 | | |
| 04 | | |
| 03 | | |
| 02 | | |
| 01 | | |
| REVISION | | DATE |

DESIGNED BY

DRAWN BY

REVIEWED BY

APPROVED BY

PROJECT DATE

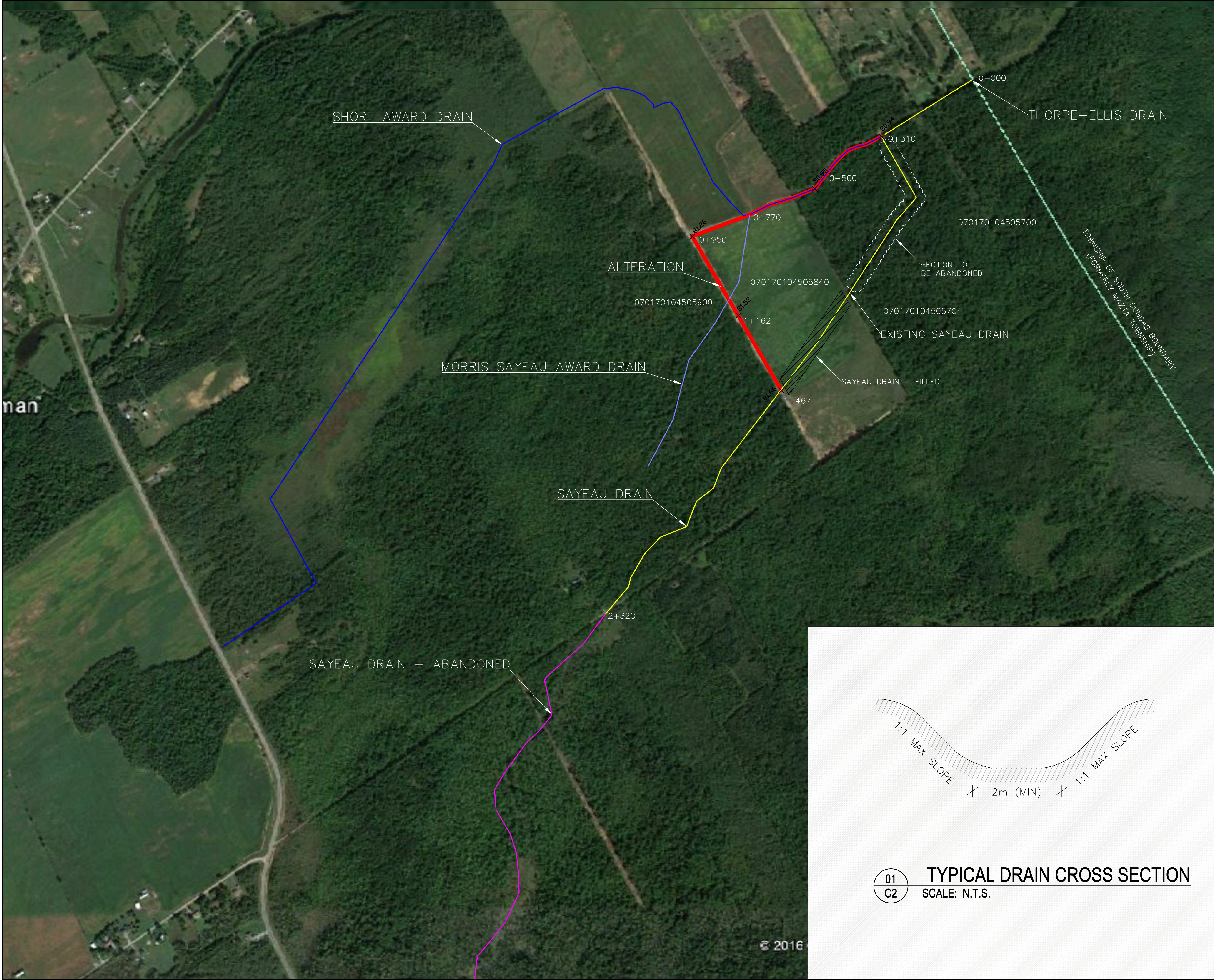
PROJECT #

SCALE
HOR:
VER:

DRAWING #
1

Appendix E

Sayeau Drain Layout



THE GREER GALLOWAY GROUP INC.
ENGINEERS & PLANNERS
PETERBOROUGH
BELLEVILLE
KINGSTON
640 CATARAQUI WOODS DRIVE
UNIT 2A, KINGSTON, ON. K7P 2Y5
PHONE: 613-536-5420
FAX: 613-548-3793

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6. ANY CHANGES MUST BE APPROVED BY THE ENGINEER.

| | |
|--|------------------------------------|
| | A DRAINAGE AREA NO. |
| | B DRAINAGE AREA HECTARES |
| | C DRAINAGE AREA RUNOFF COEFFICIENT |

LEGEND

- SAYEAU DRAIN PATH
- SAYEAU DRAIN ABANDONED 1980
- SHORT AWARD DRAIN
- ALTERATION
- MORRIS-SAYEAU AWARD DRAIN
- 00.00 EXISTING ELEVATION
- 00.000 PROPOSED ELEVATION

NORTH

STAMP

PROJECT

SAYEAU DRAIN

DRAWING TITLE

SAYEAU DRAIN LAYOUT

| | | |
|----------|--|------|
| 05 | | |
| 04 | | |
| 03 | | |
| 02 | | |
| 01 | | |
| REVISION | | DATE |

DESIGNED BY

K. Hawley

DRAWN BY

C. Sweetnam

REVIEWED BY

B. Webb

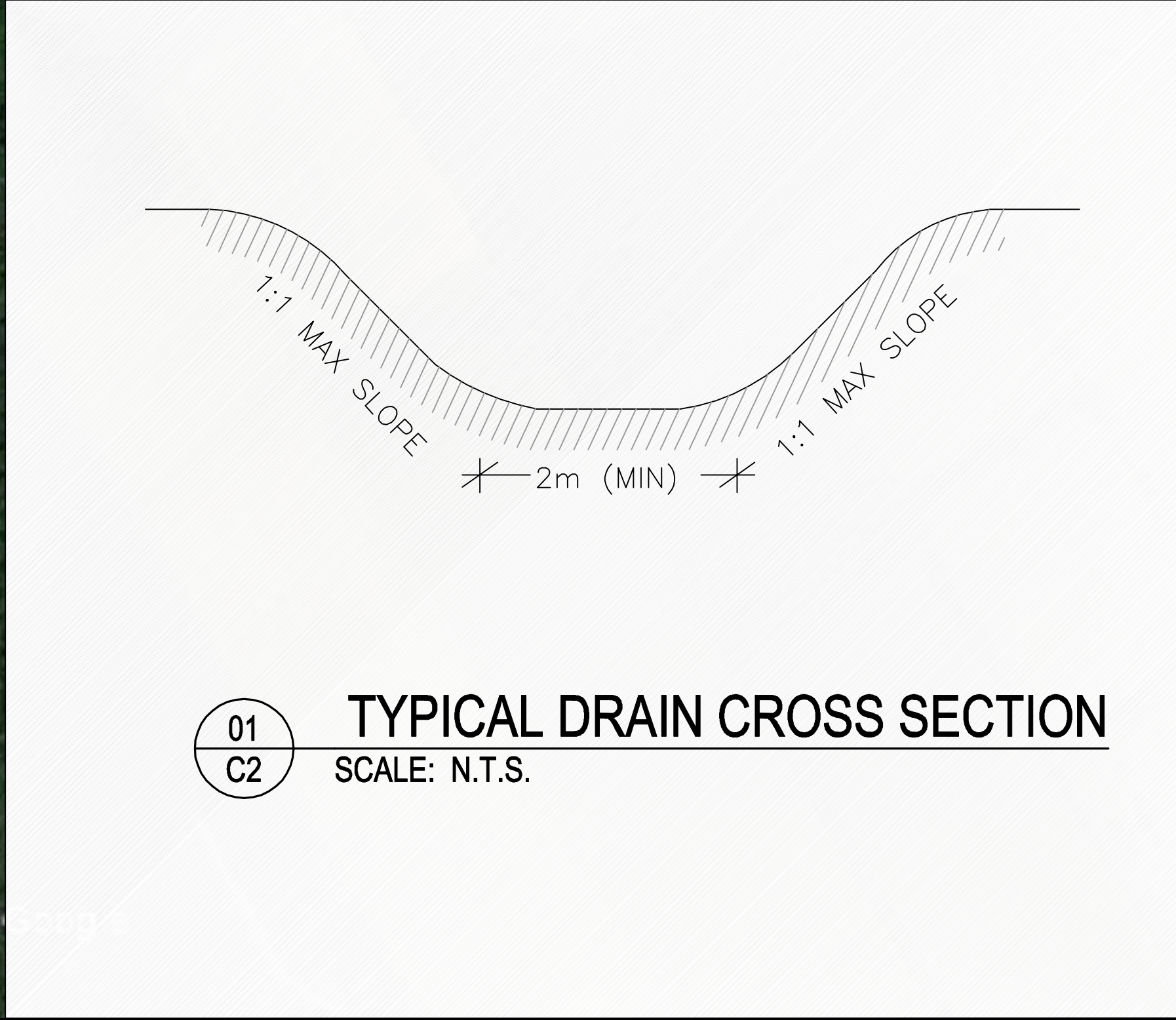
APPROVED BY

K. Hawley

PROJECT DATE

31/10/2017 (DD/MM/YYYY)

| | |
|-----------|----------|
| PROJECT # | SCALE |
| 1655097 | HOR: 1:5 |
| DRAWING # | VER: |
| C1.0 | |



TYPICAL DRAIN CROSS SECTION
SCALE: N.T.S.

Appendix F

By-Law 1754

THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH

BY-LAW: 1754

"A BY-LAW TO DECLARE THE ABANDONMENT
OF PART OF THE PETITION DRAIN KNOWN AS
'THE SAYEAU DRAIN' CONSTRUCTED PURSUANT
TO BY-LAW 924".

WHEREAS: The Drainage Act, S.O. 1975, Chapter 79, Section 84(2) authorizes the Council of the initiating municipality to serve notice of its intention to abandon a drainage works or a part thereof without any written request;

AND WHEREAS: a notice of intention to abandon the drainage works known as The Sayeau Drain was promulgated by the Municipal Council on the 29th day of January, 1980 to each owner of lands according to the last revised assessment roll whose lands are assessed pursuant to By-Law 924 for said drainage works;

AND WHEREAS: three owners of lands assessed for said drainage works did pursuant to Section 84(3) of the Drainage Act, 1975 S.O. 1975 Chapter 79 amended notify the Clerk that an engineer's report was desired to report upon the effect of said intention;

AND WHEREAS: the Municipal Council did appoint Hazen Meldrum Limited, Ontario Land Surveyors an accredited engineer, which said firm did submit a report to which each assessed owner was invited to be heard at the reading of the report;

AND WHEREAS: the report was read and the owners of land assessed who did appear were heard at the reading held on the 12th day of June, 1980;

NOW THEREFORE: the Municipal Council of the Corporation of the Township of Edwardsburgh enacts as follows:

1. That the drainage works known as The Sayeau Drain shall be abandoned from the point of intersection of said drainage works with the western limit of the east one third of the south half of Lot Three in the Ninth Concession westerly the entire extent of said drain to its terminus in Lot Eleven in the Eighth Concession;
2. That the cost of abandonment shall be recovered from the owners of land assessed according to the last revised assessment roll returned to the municipality of the Township of Edwardsburgh pursuant to the amended schedule of proration attached as Schedule 'A' to this by-law 1754 being a schedule originating and amended pursuant to the Schedule of Assessment returned with By-Law 924;
3. That Schedule 'A' attached hereto By-Law 1754 shall have recorded therein an endorsement by Hazen Meldrum Limited of the proration of the cost assessed to each owner of land.

READ a FIRST TIME this 18th day of August, 1980.

READ a SECOND TIME this 18th day of August, 1980.

READ a THIRD TIME and FINALLY PASSED this 9th day of September, 1980.


HEAD OF COUNCIL


CLERK

DATED: _____

 Clerk Township
 Township of Amherstburg

Wm. J. L. Int. Aug. 26, 1980

| TOWNSHIP OF EDWARDSBURGH | | DRAINAGE | | BASIN | ASSESSMENT PRORATION | TOTAL COST: ABANDON SAVANA |
|---|---------------------------|-----------------------|------|-------|----------------------|----------------------------|
| ROLL | PRESENT OWNER | LOT | CONC | | BY-LAW 924-1924 | DRAIN - E NEWER REPORT |
| 056 | DONALD INESON | EAST Common | 9 | | .01195 | 1118 |
| 057 | HOLLYBROOK INVEST. LTD | E 1/2 1 | 9 | | .01259 | 1178 |
| 057-01 | KENNETH L. MALKIN | W 1/2 1 | 9 | | .01645 | 1539 |
| 058 | WILLIAM PANCIUK | E 1/4 2 | 9 | | .00791 | 740 |
| 058 | WILLIAM PANCIUK | W 3/4 2 | 9 | | .04068 | 3807 |
| 059 | GEORGE PANCIUK | E 3/8 3 | 9 | | .01598 | 1495 |
| 06101 | CONSERVATION AUTHORITY | E 1/2 W 3/8 3 | 9 | | .01292 | 1209 |
| 06303 | CONSERVATION AUTHORITY | W 5/16 3 | 9 | | .01211 | 1133 |
| 062 | ROBT. DENNIS | SE 1/4 4 | 9 | | .01421 | 1330 |
| 062 | ROBT. DENNIS | N 1/2 4 | 9 | | .00727 | 680 |
| 06201 | ELMER HALLIDAY | SW 1/4 4 | 9 | | .01453 | 1360 |
| 064 | LORNE E. CONLEY | E 1/2 5 | 9 | | .01453 | 1360 |
| 065 | MARY GNATJUK | W 1/2 5 | 9 | | .01082 | 1012 |
| 067 | GEORGE ARMSTRONG | S 1/2 6 | 9 | | .01549 | 1449 |
| 072 | PEARL PITT | N 1/2 S 1/2 7 | 9 | | .00258 | 241 |
| 072 | PEARL PITT | S 1/4 7 | 9 | | .00452 | 423 |
| 001 | BIO-TEST LABORATORIES LTD | EAST Common | 8 | | .00323 | 302 |
| 002 | BIO-TEST LABORATORIES LTD | 1 | 8 | | .00936 | 876 |
| 003 | HENRY ANDERST | E 1/2 2 | 8 | | .00646 | 604 |
| 004 | SEATON + AUSTIN GREAVES | W 1/2 2 | 8 | | .00807 | 755 |
| 005 | ELMER HALLIDAY | E 1/2 3 | 8 | | .00969 | 907 |
| 006 | ROBT. DENNIS | NW 1/4 3 | 8 | | .01114 | 1042 |
| 007 | LEB HALLIDAY | 4 | 8 | | .01688 | 1580 |
| 008 | GORDON COUTIS | 4 | 8 | | .0141 | 1319 |
| 010 | GORDON B. DENNIS | S 1/2 E 1/2 5 | 8 | | .07556 | 7071 |
| 010 | GORDON B. DENNIS | 6 | 8 | | .1000 | 9358 |
| 010 | GORDON B. DENNIS | S 1/2 7 | 8 | | .065 | 6082 |
| 01002/0103 | RANDY GAMBLE | N 1/2 7 | 8 | | .0554 | 5184 |
| 01101 | LYLE PITT | N 1/2 7 | 8 | | .0078 | 730 |
| 01104 | HILARY HOLMES | N 1/2 7 | 8 | | .0078 | 730 |
| 01105 | ROBERT GAMBLE | N 1/2 7 | 8 | | .0130 | 1216 |
| 012 | NELSON LEACH | 8 | 8 | | .157 | 14691 |
| 013 | GERRITT LUMES | E 1/2 9 | 8 | | .060 | 5615 |
| 014 | CARL BAKER | W 1/2 9 | 8 | | .0521 | 4866 |
| 01501 | LYLE PITT | PT 10 | 8 | | .00444 | 415 |
| 015 | JAMES KENNEDY | PT 10 | 8 | | .04452 | 4166 |
| 016 | MORRIS KENNEDY | S 3/4 W 1/2 110 | 8 | | .04452 | 4166 |
| 016 | MORRIS KENNEDY | S 7/8 W 1/2 E 1/2 111 | 8 | | .01748 | 11823 |
| | | | | | | 93572 |
| TOWNSHIP OF EDWARDSBURGH ROAD BETWEEN LOT 6 & 7 CONC B ROAD BETWEEN LOT 6 & 7 CONC 9 HEADLINE BETWEEN CONC 8 & 9 FROM E Common TO LOT 7 | | | | | | |
| | | | | | | .012896 |
| | | | | | | 1.00000 |
| | | | | | | 11228 |
| | | | | | | 94800 |