

Brown, Shelley

Subject: FW: Sydenham & Bagot Drainage - Essex - REI2015D036
Attachments: 2019-06-24 Sydenham & Bagot sketch.pdf; 2019-06-24 Sydenham & Bagot aerial.pdf;
2019-06-24 extract from 2000-03-30 P&P - Gerard Rood-Peralta.pdf

From: Gerard Rood [<mailto:gerard@roodengineering.ca>]
Sent: Monday, June 24, 2019 2:17 PM
To: Nussio, Norman; Auger, Robert
Cc: Tuzlova, Tanya
Subject: Sydenham & Bagot Drainage - Essex - REI2015D036

Good afternoon Norm and Robert:

The Town Drainage Department and our office were alerted by a phone caller to a concern about a parcel not being affected or assessed for the current drainage report. We were informed that the parcel was located at 520 Sydenham Street and owned by Denise Johnson.

A review of our files and the current drainage report indicates that the parcel in question is located at the northeast corner of Sydenham and Harrison and is Parcel 640-24300. Please see the attached figures for reference. We have checked the March 30, 2000 drainage report issued by the Peralta Engineering office. The assessment schedule in that report indicates that the entire parcel area of 0.24 acres (0.96 hectares) was assessed to the Sydenham Street Drain. The attached plan extract from that 2000 report shows that drainage was provided to the parcel along the east side of Sydenham Street as well as along the north side of Harrison Street.

Since the Parcel 640-24300 at 520 Sydenham Street has been fully assessed for previous drainage works alongside the west and south side of the parcel, and has no direct access to the new "Sydenham Street Drain East Side" or any new connection to the "Bagot Street Drain West Side", we would recommend to the Drainage Board and Council that the current drainage report and assessment schedule be accepted as prepared, and no costs need to be assessed to 520 Sydenham Street.

We trust that this provides the Town with the information required to address the concern that was brought forward. Please contact us if there are any questions or concerns on the project or if additional information is required. Thank you for your time and attention to this.

Regards,

Gerard Rood, P.Eng.

ROOD ENGINEERING INC.
9 Nelson Street
Leamington, Ontario
N8H 1G6

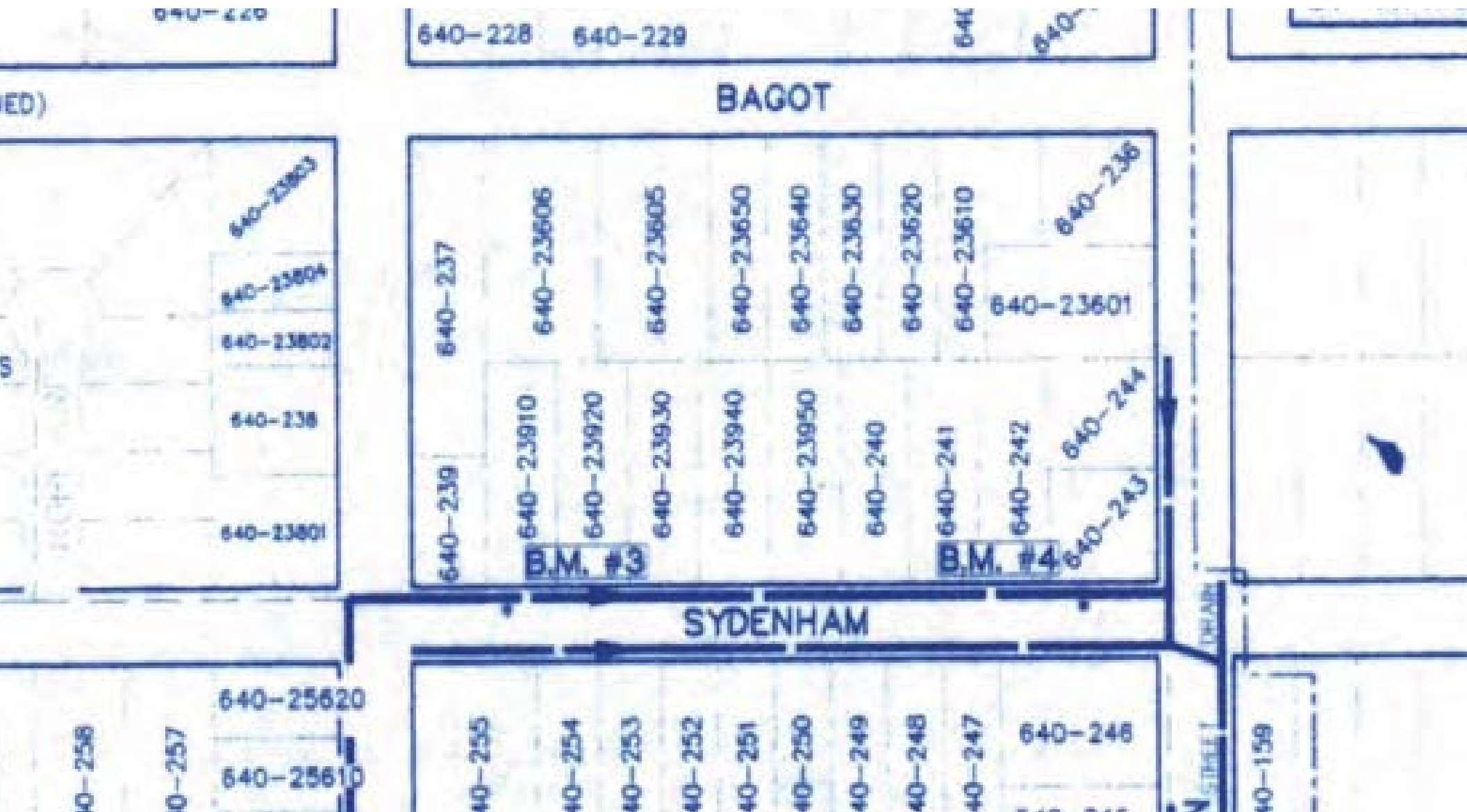
Phone: 519-322-1621
Fax: 519-322-1979

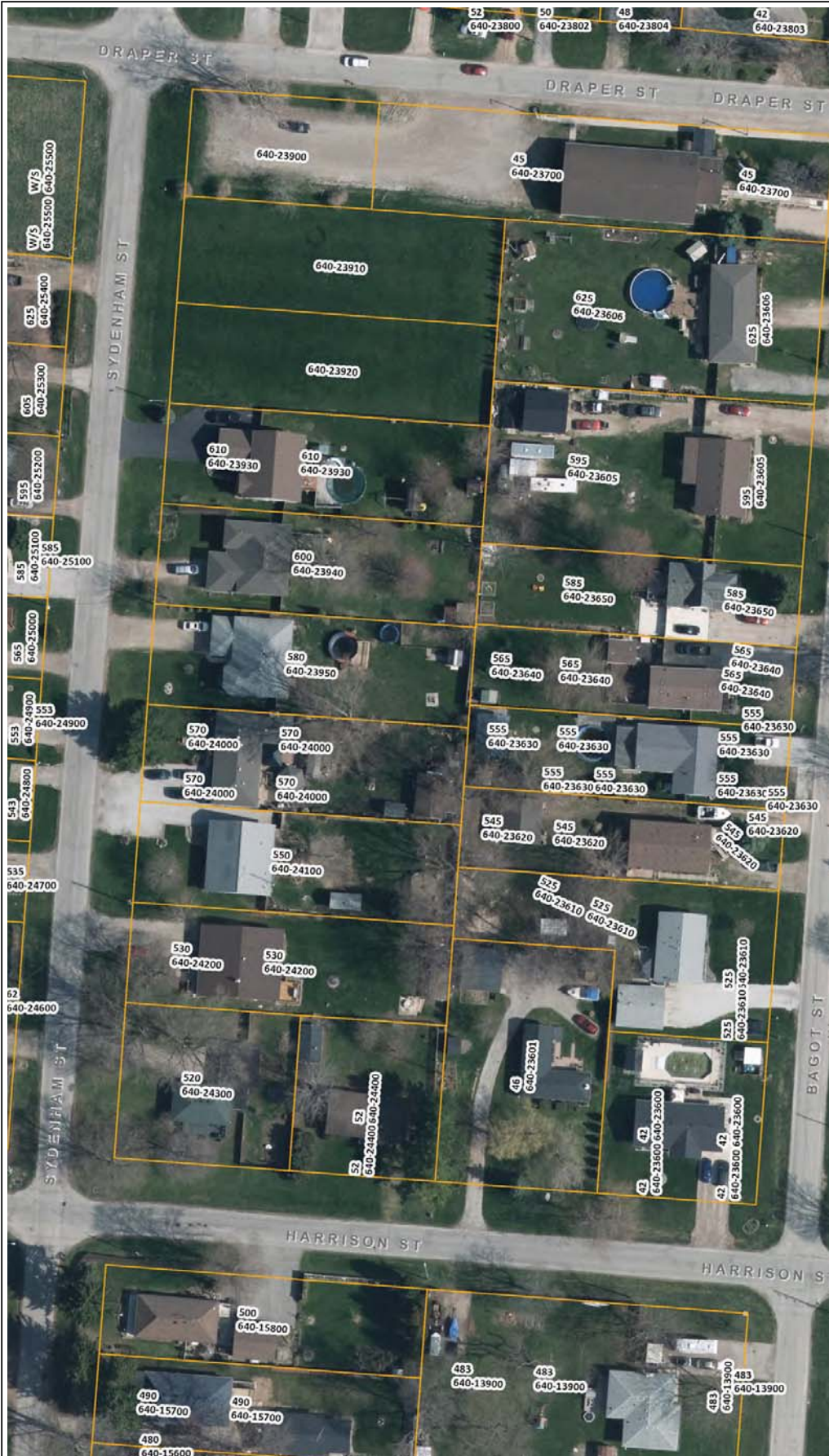
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2000-03-30 Peralta Engineering report plan





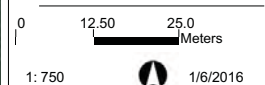
Legend

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 Water
 Essex County Municipalities

Rood Engineering Inc.

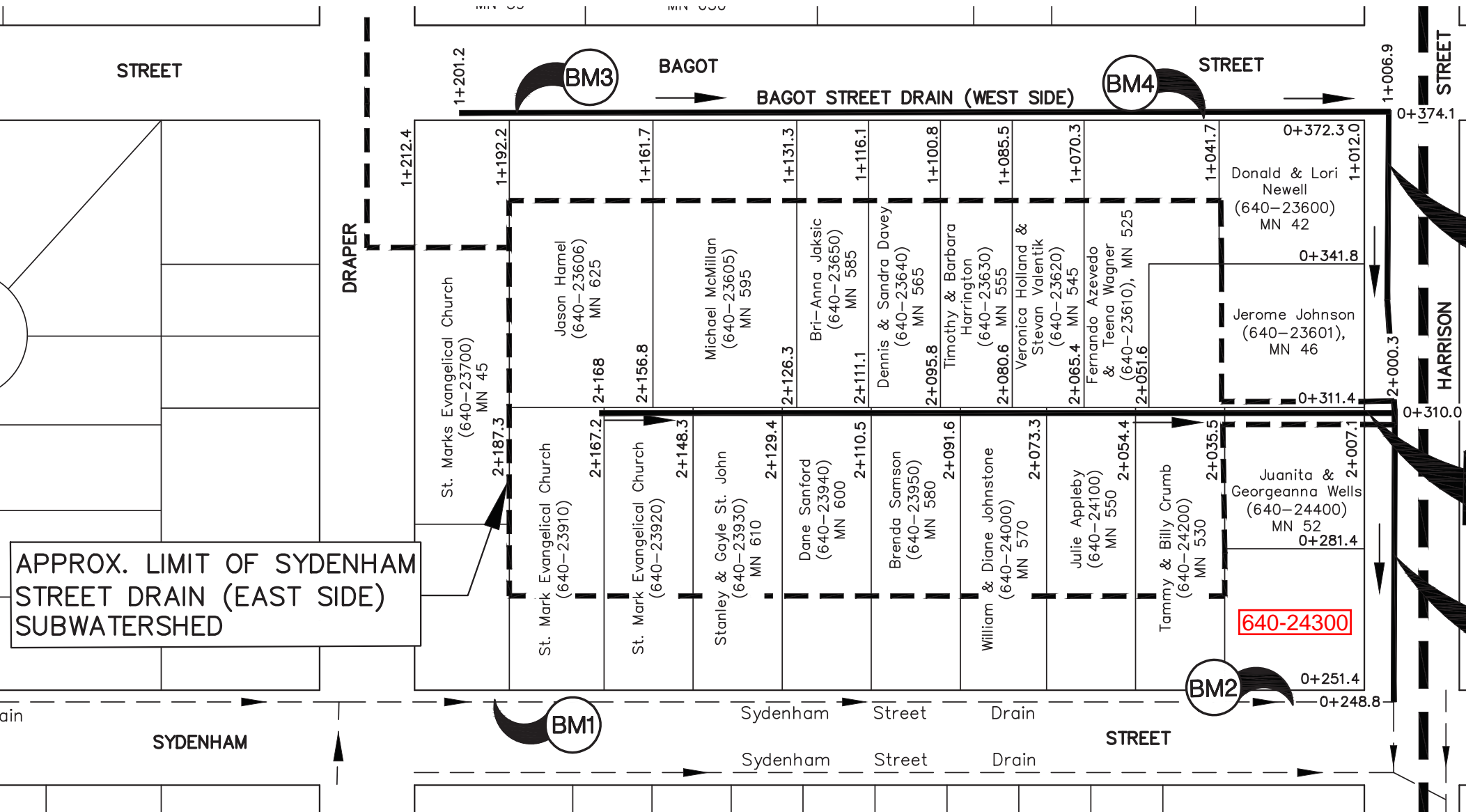
Consulting Engineers
9 Nelson Street
Leamington, Ontario N8H 1G6
519-322-1621

2019-06-24



Notes
REI2015D036

THIS MAP IS NOT TO BE USED FOR NAVIGATION
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Brown, Shelley

Subject: FW: Sydenham Drain and Bagot Street Drain -appeal letter

From: [REDACTED]

Sent: Monday, June 24, 2019 7:26 PM

To: Brown, Shelley <sbrown@essex.ca>

Subject: Re: Sydenham Drain and Bagot Street Drain

Shelley Brown (Deputy Clerk)

Re: Milton and Penny Harris
580 Bagot St.. RR#1
Harrow ON..N0R-1G0

Please find below our reasons for an appeal to the Court of Revisions.

We are unable to attend the meeting of July 2/19.

As we spoke at the last meeting, we have already paid outright for sewers on Bagot St (East)

We have never had flooding or puddling and our property does not drain to the properties on the West side.

According to your study, water drains from the North East to the affected area.. our property is East and even South East of the area.

We are being assessed double what people who are flooding are assessed.

Assessments should be applied according to value of benefit (we have zero value of benefit)

Also, a 5 year timeline adds \$100.00 a month to our taxes.

(We already pay \$200.00 a month)

This is way too high and the amortization period should be at least 10 years.

Thank you
Milton and Penny Harris

Sent from my iPhone

On Jun 24, 2019, at 4:54 PM, [REDACTED] wrote:

Sent from my iPhone

Begin forwarded message:

From: "Brown, Shelley" <sbrown@essex.ca>

Date: June 24, 2019 at 3:15:28 PM EDT

To: [REDACTED]

Cc: "Auger, Robert" <rauger@essex.ca>

Subject: Sydenham Drain and Bagot Street Drain

Good afternoon Mrs. Harris,

As we discussed on the phone.

With respect to an appeal to the Court of Revision you simply need to provide a written notice (on any type of form) at least 10 days prior to the July 2 date the court will sit. The notice stating your appeal and reasons you can send to my attention which I will provide to the Court for its consideration when it sits on July 2. You would also have the right to appear as a delegation at this court of revision on July 2. However please keep in mind that the purpose of the Court of Revision is only to hear appeals regarding the Schedule of assessment only. The Schedule of Assessment may be altered but the total assessment must remain the same. If one assessment is reduced then another must be increased to balance.

If your grounds of appeal are not on the assessment itself or if you wish to appeal further from the decision of the court of revision on July 2, then you would have 21 days thereafter to file an Appeal to the Ontario Drainage Tribunal, a provincial appeal body. Please see the following link for more information on the Appeal processes.

<http://www.omafra.gov.on.ca/english/engineer/facts/86-014.htm>

Shelley Brown, Dipl.M.M., Dipl.M.A.

Deputy Clerk

Town of Essex

Telephone: 519-776-7336 extension: **1129**

Fax: 519-776-8811

Email: sbrown@essex.ca

Web: www.essex.ca

<image001.png> Please consider the environment before printing this email.

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Brown, Shelley

Subject: FW: Sydenham Drain and Bagot Street Drain -appeal letter

From: Tuzlova, Tanya
Sent: Wednesday, June 26, 2019 9:03 AM
To: [REDACTED]
Cc: Nussio, Norman; Brown, Shelley; Auger, Robert
Subject: Sydenham Drain and Bagot Street Drain -appeal letter

Dear Milton and Penny,

Please see below the reply from the Engineer to your appeal letter dated June 24, 2019. Please let me know if you have further questions or concerns.

Copy to Percy Dufour- by regular mail.

Thank you,

Tanya Tuzlova | Operations/Drainage Clerk

Town of Essex Drainage Department
2610 County Road 12, R.R.#2, Essex, ON N8M 2X6
Phone: 519-776-6476 ext 1407 | Fax: 519-776-7171

essex.ca

From: Gerard Rood [<mailto:gerard@roodengineering.ca>]
Sent: Wednesday, June 26, 2019 8:18 AM
To: Tuzlova, Tanya
Cc: luke martin; Kirk W. Carter; Nussio, Norman; Brown, Shelley; Auger, Robert
Subject: Re: Sydenham Drain and Bagot Street Drain -appeal letter

Good morning Tanya:

We have reviewed your message below and the appeal from Milton and Penny Harris. We offer the following comments on the appeal for Consideration by the Court of Revision members and Town:

1. the payment for sewers on Bagot Street was for sanitary service and not storm drainage. This was discussed with them previously and at the Consideration meeting and confirmed by Town staff following the Consideration meeting.
2. we understand that they do not have flooding or puddling on the property which we attribute to the slope of the lands in the area that directs flows from the northeast to the southwest. Evidence provided by other owners and Town staff confirms that surface flows from the east side of Bagot Street make their way across the roadway and into the lands on the west side of Bagot Street. The Harris parcel is located near the middle of the block and their flows would likely impact MN 525, MN 545 and possibly MN 555 on the east side of Bagot Street given the general direction of flows in the area. Pursuant to the Drainage Act each owner has to take their flows to a sufficient outlet and under Common Law have no right to allow their flows onto neighboring lands.
3. Although their lot is approximately double the size of the lots with flooding on the west side of Bagot Street, they are only assessed a total value that is approximately equal to the total assessment to each of

the smaller lots suffering from flooding. Two lots on the west side would be approximately equal to the size of their lot and the total assessment to them is approximately double the assessment to the Harris parcel. This much lower assessment to Harris for their large lot reflects their position in the watershed, land elevation and land usage and indirect connection of their flows to the drainage works. Although their lot is double the size of the neighboring lot to the south of them, they are assessed less than twice the assessment of that parcel, reflecting the position and land use of the Harris parcel and typical assessment variance seen in drainage reports.

4. As explained to them previously and at the Consideration meeting, their lands benefit pursuant to the Drainage Act by having an outlet for their flows and enhancement to their lands and the neighboring parcels. The definition of Benefit in the Drainage Act is: " "benefit" 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 or subsurface water, or any other advantages relating to the betterment of lands, roads, buildings or other structure".
5. Amortization period is usually 5 years for drainage works, but we have seen 10 year debentures provided to owners by a Municipality when drainage costs are fairly significant - the Town would have to decide whether to offer the longer term for this project.

Thanks for your time and attention to this. We hope that the information provided above is helpful to everyone. Please contact us if there are any questions or concerns on the project. Additional clarification and explanation of assessments can be provided at the Court of Revision meeting if needed.

Regards,

Gerard Rood, P.Eng.

ROOD ENGINEERING INC.

9 Nelson Street
Leamington, Ontario
N8H 1G6

Phone: 519-322-1621
Fax: 519-322-1979

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On Tue, Jun 25, 2019 at 9:04 AM Tuzlova, Tanya <ttuzlova@essex.ca> wrote:

Good morning,

Please see below appeal form Milton and Penny Harris.

Percy- by regular mail.

Thank you,

Tanya Tuzlova | Operations/Drainage Clerk

Town of Essex Drainage Department

2610 County Road 12, R.R.#2, Essex, ON N8M 2X6

Phone: 519-776-6476 ext 1407 | Fax: 519-776-7171

essex.ca

From: [REDACTED]
Sent: Monday, June 24, 2019 7:26 PM
To: Brown, Shelley <sbrown@essex.ca>
Subject: Re: Sydenham Drain and Bagot Street Drain

Shelley Brown (Deputy Clerk)

Re: Milton and Penny Harris

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Harrow ON..N0R-1G0

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Milton and Penny Harris

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Date: June 24, 2019 at 3:15:28 PM EDT

To: [REDACTED]

Cc: "Auger, Robert" <rauger@essex.ca>

Subject: Sydenham Drain and Bagot Street Drain

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<http://www.omafr.gov.on.ca/english/engineer/facts/86-014.htm>

Shelley Brown, Dipl.M.M., Dipl.M.A.

Deputy Clerk

Town of Essex

Telephone: 519-776-7336 extension: **1129**

Fax: 519-776-8811

Email: sbrown@essex.ca

Web: www.essex.ca

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