



Administrative Report

Office of the Director, Infrastructure & Planning Services

To: Warden MacDonald and Members of Essex County Council

From: Allan Botham, P.Eng.
Director, Infrastructure & Planning Services

Date: Wednesday, July 19, 2023

Subject: Encroachment Agreement with Conseil Scolaire Catholique Providence

Report #: 2023-0719-IPS-R24-AB

Purpose

The purpose of this Administrative Report (the "**Report**") is to seek County Council approval to enter into a Servicing and Encroachment Agreement with the Conseil Scolaire Catholique Providence (the "**School Board**") related to the installation and maintenance of a private drain (the "**Private Drain**") under County Road 42.

Background

The School Board, through its engineering consultants, approached the County to request County approval to install the Private Drain as the only viable solution to service the lands on which the Saint-Ambroise School (the "**School**") is located in the community of St. Joachim, in the Municipality of Lakeshore.

As the County has in the recent past allowed the installation of private drains under and along County Roads for various industrial and agricultural needs, and as there is no other viable option to provide proper drainage to the property on which the School is situated, County Administration agreed in principle, subject to County Council approval, that the installation of the Private Drain should be permitted.

As such, the County Solicitor negotiated the terms of a Servicing and Encroachment Agreement (the "**Agreement**") with the School Board. A copy of the Agreement is appended to this Report.

Immediately below in Figure 1 is a basic depiction of the Private Drain being proposed:

Figure 1



Discussion

There are no anticipated issues with the Private Drain being installed under and along County Road 42, with the draft Agreement addressing any concerns County Administration raised with the Private Drain being installed in the right of way for County Road 42.

Financial Implications

There are no financial implications to the County, with all amounts required to construct and maintain the Private Drain being borne by the School Board and/or any subsequent owner of the Property the School is situated on.

Consultations

In preparing this Report I have consulted with members of Infrastructure Services and the County Solicitor.

Recommendation

That Essex County Council receive this Report for information purposes and authorize the Warden and the Clerk of the County to execute the Servicing and Encroachment Agreement.

Approvals

Respectfully Submitted,

Allan Botham

Allan Botham, P.Eng., Director, Infrastructure and Planning Services

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer and Director, Financial Services/Treasurer

| Appendix Number | Title |
|-----------------|--------------------------------------|
| 1 | Servicing and Encroachment Agreement |