



Administrative Report

Office of the Manager, Design and Construction

To: Warden MacDonald and Members of Essex County Council

From: Karyn Templin, P.Eng.
Manager, Design and Construction

Date: Wednesday, October 18, 2023

Subject: Quarry Access Culvert

Report #: 2023-1018-IPS-R36-KT-DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide County Council with necessary background information for Council to render a decision about authorizing construction of an access culvert (the "**Tunnel**") under County Road 9.

The recommendation contained in this Report is to authorize construction of the Tunnel and to authorize the Warden and the Clerk to execute a Road User and Easement Agreement.

Background

Walker Aggregates Inc. ("**Walker**") owns and operates a quarry (the "**Quarry**") located on land abutting County Road 9 in Amherstburg. The Quarry is currently active on the western side of County Road 9, but will become active on the eastern side of County Road 9 as well.

Given the operations of the Quarry on both the western and eastern sides of County Road 9, and the need to constantly move vehicles, equipment, product, etc. across County Road 9, Walker has approached the County about constructing the Tunnel under County Road 9. The proposed location of the Tunnel is depicted in **Figure 1** on page 2 of this Report.

The construction of the Tunnel will require a detour road to be built around County Road 9 to permit the continued flow of traffic while construction is being completed. The location of the detour road is depicted in **Figure 1**, but is depicted in further detail in **Figure 2** on page 2 of this Report.

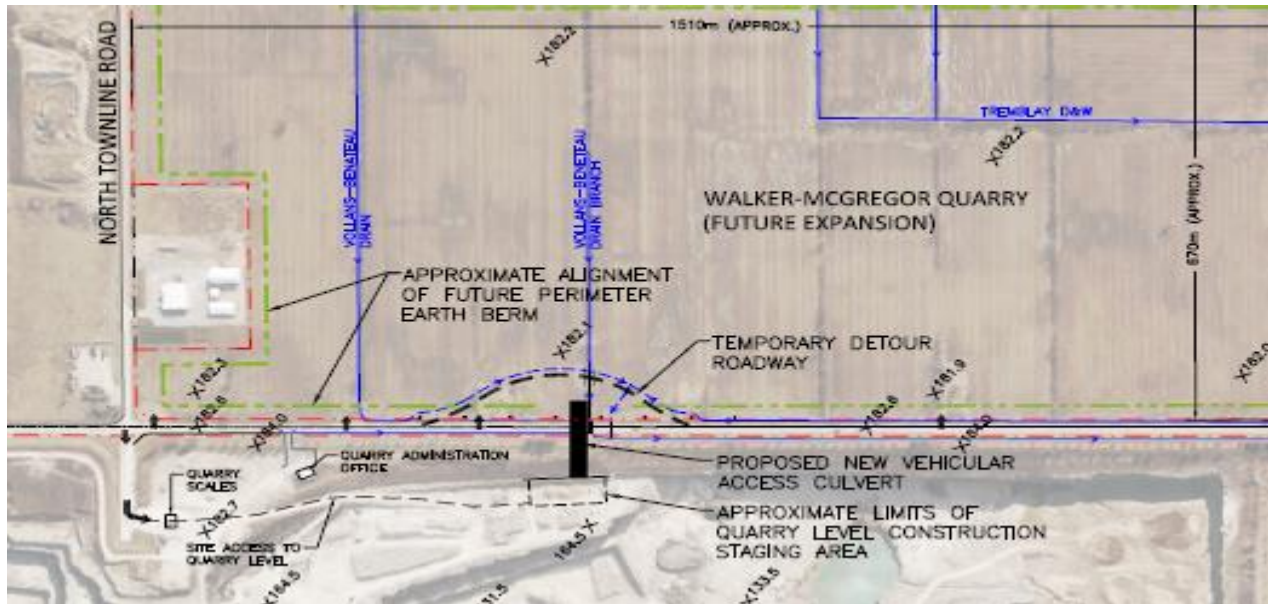


Figure 1

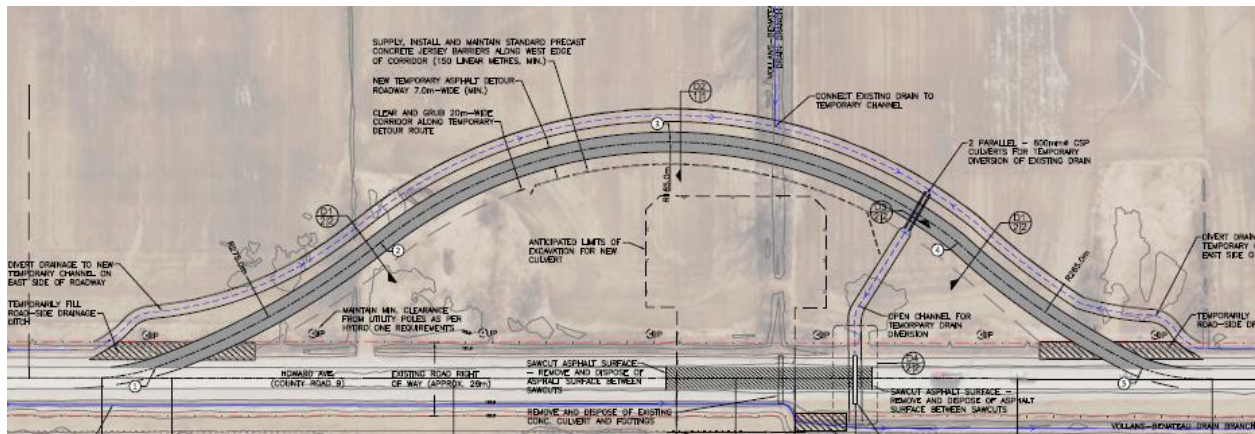


Figure 2

The Tunnel has been extensively engineered, and calls for a precast concrete arch culvert section supported on cast in place pedestal walls, with the recommended cross-section being depicted in **Figure 3** on page 3 of this Report. The County's review of the proposed design has not resulted in any safety concerns being raised.

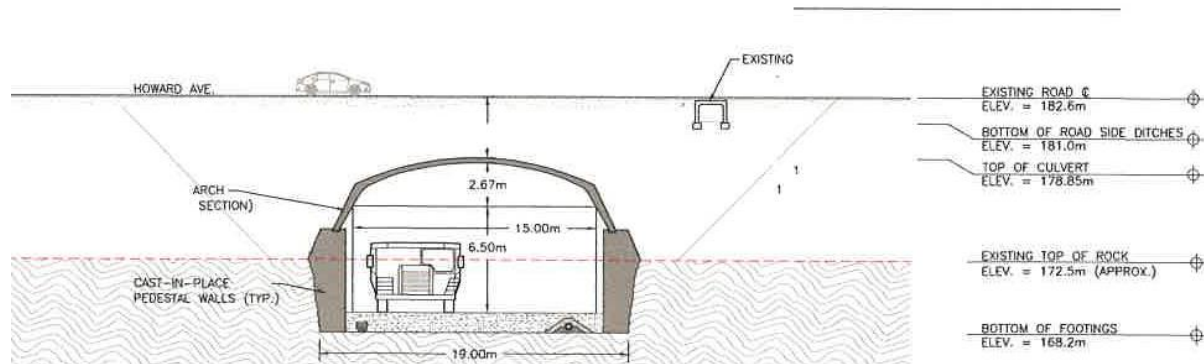


Figure 3

Discussion

Not allowing the construction of the Tunnel is likely to have negative impacts on County Road 9, as the constant flow of vehicles, equipment, and product over County Road 9 will (1) impact traffic, (2) cause damage to County Road 9 that will accelerate maintenance schedules for that section of County Road 9, and (3) create general safety concerns.

Further, Walker has agreed to enter into a Road User and Easement Agreement (the "**Agreement**") that will address Walker paying for (1) all construction costs, (2) all maintenance costs, (3) an annual fee for the use of the County's road allowance, and (4) all insurance costs. The Agreement will also provide for indemnification for the County and shall be registered on title to be assumed by any future owner(s) of the Quarry.

Given the potential negative consequences of not allowing the construction of the Tunnel, and given that the County will transfer all costs and liability related to the construction of the Tunnel on to Walker and/or any future owner(s) of the Quarry, it is recommended that the County permit construction of the Tunnel.

Financial Implications

There are no financial implications, as all costs associated with the Tunnel for construction, future maintenance, liability and insurance matters will be the responsibility of the owner of the Quarry.

Consultations

This Report was co-authored with David Sundin, County Solicitor, who is finalizing negotiations related to the terms of the Agreement to ensure all

liability and costs related to the Tunnel are the responsibility of the owner of the Quarry.

Recommendation

That Essex County Council authorize construction of the Tunnel and further authorize the Warden and the Clerk to execute a Road User and Easement Agreement permitting the construction of the Tunnel.

Approvals

Respectfully Submitted,

Karyn Templin

Karyn Templin, P. Eng., Manager, Design and Construction

Concurred With,

David M. Sundin

David Sundin, BA (Hons), LL.B., County Solicitor

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix	Title
N/A	N/A