



Subject: Meeting to Consider the Point Abino Drain Report

To: Council

From: Public Works Department

Report Number: 2025-156

Meeting Date: July 7, 2025

Recommendation:

That Public Works Department Report 2025-156 be received; and

That the Mayor and Clerk be directed to execute a by-law to provisionally adopt the Point Abino Drain Engineer's Report, dated February 27, 2025, prepared by Paul Marsh, P. Eng of EWA Engineering Inc. under Section 78, Chapter D. 17 of the Drainage Act R.S.O. 1990; and

That Councillor _____ and Councillor _____ be appointed to sit on the Court of Revision and that Councillor _____ be appointed as alternate. The third seat of the panel will be appointed by the Town of Fort Erie.

Purpose:

At the May 13, 2025, Council Meeting, Council approved Report 2025-91, which allowed staff to proceed to the Meeting to Consider of the Engineer's Point Abino Municipal Drain Report. The purpose of this report is to present the findings of the Point Abino Engineer's Report at the Meeting to Consider and obtain approval to further move the report to the next step, which is the Court of Revision.

Background:

As per the *Drainage Act, R.S.O. 1990* (the Act), municipalities are required to keep Engineer Reports up to date for all Municipal Drains. A revised assessment schedule is required for the Point Abino Drain because of changes to assessment parcels. In addition, various concerns regarding insufficient drainage from residents were raised. Therefore, to investigate possible solutions and update the Municipal Drain Report, the appointment of an engineer was required.

The Point Abino Municipal Drain Report, along with a supplemental Baseline Report and Hydrology and Hydraulics' Report, were completed by the appointed engineer, Paul Marsh, P. Eng., of EWA Engineering Inc. These documents will be discussed at this meeting.

Council Report 2025-91 provided the history and background of the Point Abino Municipal Drain. In the report, staff informed Council of the receipt of the Engineer's Report, which was then filed with the Clerks Division on May 20, 2025, and Council directed staff to proceed to the Meeting to Consider.

The Act requires the Clerk to send a copy of the Engineer's Report to all assessed landowners within 30 days of receipt of the Engineer's report. To meet this requirement, a notification was mailed on May 29, 2025. The notification included instructions on how to review the Engineer's Report. Hard copies of the report were also made available by request.

At the Meeting to Consider, affected property owners are given the opportunity to ask questions to the Engineer or express any concerns identified in the Engineer's Report related to design or gross errors in the written report. Should the Meeting to Consider reveal any gross errors, Council may refer the report back to the Engineer for reconsideration. However, under no circumstances is Council to refer the report back to the Engineer regarding assessments. Concerns related to assessments are a function of the Court of Revision.

As per Section 42 of the Act, anyone requiring additional drainage may petition for it at this time.

Appointment of Councillors for the Court of Revision are to be assigned at this meeting. As per Section 97(3) of the Act, Council is required to appoint two panelists from the City of Port Colborne and one panelist from the Town of Fort Erie. Additionally, one alternate is required from each municipality during the selection. At the Court of Revision, one of the panelists will be selected as chair of the Court of Revision. The Court of Revision is tentatively scheduled for August 21st, 2025.

Discussion:

The Engineer's Report addresses chronic drainage issues within the Point Abino Municipal Drain watershed, which includes the main Point Abino Drain, Haggerty Branch, and East Branch. The Engineer assessed watershed conditions and hydrologic/hydraulic data to determine deficiencies in flow capacity, erosion risks, and infrastructure deterioration within the Drain. The Report presents a preferred design solution involving channel enlargements and structural upgrades of some culverts and outlet structures. Detailed drawings, cost estimates, and an assessment schedule outline how improvements are to be funded among landowners and municipalities. By

proposing this work, the Report aims to enhance drainage performance, protect agricultural and residential properties from flooding and erosion, and ensure long-term reliability.

A summary of the proposed works is included below:

- Replacement of the existing concrete culvert and outlet structure near the outlet of the Point Abino Drain.
 - Fort Erie's routine inspection program identified that the concrete culvert is in a state of failure and in need of full replacement.
 - The total culvert structure is approximately 85 metres in length, with Fort Erie owning 24m as it extends beyond the municipal road allowance.
 - The culvert will be replaced with an open channel design, except for an access culvert serving one property.
 - The reconstructed channel will be supported by concrete retaining walls rather than traditional sloped banks. This represents a substantial but more cost-effective solution over the long term.
- Lowering of the channel grade upstream of Holloway Bay Road.
 - To improve drainage performance for residents in the Pleasant Beach and Holloway Bay Road areas.
- Removal of unnecessary culverts upstream of Pleasant Beach Road.

Financial Implications:

All upfront administration and financing have been borne by the City of Port Colborne and most construction costs will also be borne by the City of Port Colborne. The replacement of the culvert on Point Abino Road will be completed and paid for by the Town of Fort Erie. Once the Report is adopted and the construction is completed, the cost of the project will be billed to the assessed landowners according to the assessment schedule contained in the report.

Drainage work costs will be recorded to a drainage account established for the drainage set out in this report. That account will continue to be charged interest at the City's Bank Prime Rate + 2% to temporarily finance the drainage works until the Engineer's certificate of final completion.

The total estimated cost of the project is \$2,555,208.06 as indicated in the assessment summary schedule. Estimated assessments for all works considered through this report are as follows:

Port Colborne:

Privately owned lands – \$472,297.50

Municipal Parcels – \$1643.00

Municipal Roads \$40,635.57

Fort Erie:

Privately owned lands – \$760,545.26

Municipal Roads - \$1,262,860.73

Enbridge - \$17,226.00

The Town of Fort Erie is aware of the cost assessed to them for the reconstruction of the concrete box culvert under Point Abino Road. It has been previously discussed with Fort Erie Staff and has been predetermined that the box culvert structure will be replaced by the Town of Fort Erie under separate contract.

The Point Abino Municipal Drain is completely outside the limit of Port Colborne's Urban Storm Sewer boundary so there will be no charges funded through the Urban Storm Sewer funds.

Public Engagement:

A Public Information Centre for this report was held on March 21, 2022, via Zoom. This public meeting satisfied the requirements of the Drainage Act. Additional meetings were held with the Town of Fort Erie residents for specific details regarding their properties.

As per the *Drainage Act*, following the Meeting to Consider, a copy of the provisional by-law and notices for appeals will be mailed accordingly by their respective municipality to all landowners assessed in the report.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Environment and Climate Change
- Sustainable and Resilient Infrastructure

Conclusion:

The proposed improvements to the Point Abino Municipal Drain will address aging infrastructure, improve drainage performance, and help mitigate the effects on surrounding properties from flooding and erosion. It is recommended that Council approve this report and provisional by-law for the Point Abino Municipal Drainage works

to proceed to the next step of the Drainage Act, the Court of Revision.

Appendices:

- a. Point Abino Municipal Drain Report

Respectfully submitted,

Alana Vander Veen
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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.