



## ENGINEER'S REPORT

(Drainage Act, RSO 1990, c. D.17)

**PROJECT** | **Skeates Drain Abandonment**  
(Geographic Township of Colchester South)  
Town of Essex, County of Essex  
**Project No. D26-036**

May 4, 2026

**N.J. Peralta Engineering Ltd.**

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## PREAMBLE

### **MUNICIPAL DRAINS AND THE DRAINAGE ACT**

The "Drainage Act" is one of the oldest pieces of legislation in Ontario, passed in 1859. It provides a democratic procedure for the construction, improvement and maintenance of drainage works. A procedure whereby the Municipality may assist in providing a legal drainage outlet for surface and subsurface waters not attainable under common law. Accordingly, provides much-needed assistance to facilitate the problems of obtaining a legal drainage outlet, engineering and cost distribution.

The Drainage Act provides a legal procedure by which an "area requiring drainage" may receive an outlet drain constructed to dispose of excess stormwater runoff to a sufficient outlet. This drainage infrastructure is otherwise known as a "Municipal Drain". Municipal Drains are identified by Municipal By-Law that adopts an Engineer's Report. The drainage engineer has the obligation to prepare an unbiased Engineer's Report based on information presented in written form, orally, and from visual inspection; in accordance with currently accepted design criteria. These reports form the legal basis for construction and management of the Municipal Drain. As such, an Engineer's Report shall contain specific details such as plans, profiles, and specifications that define the location, size and depth of the drainage infrastructure, together with establishing how costs are shared amongst all stakeholders.

Through the democratic procedure, the Engineer's Report is presented to all Stakeholders in front of Municipal Council (or a Drainage Board appointed by Council) for consideration. The Drainage Act provides an appeal process to address various aspects of Municipal Drains. These appeal bodies are the Court of Revision, the Ontario Drainage Tribunal and the Drainage Referee.

For additional information, Fact Sheets, and reference materials regarding the Drainage Act and Municipal Drains, please visit: <https://www.ontario.ca/page/agricultural-drainage>

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**PROJECT** | **Skeates Drain Abandonment**  
(Geographic Township of Colchester South)  
Town of Essex, County of Essex  
**Project No. D26-036**

May 4, 2026

**Mayor and Municipal Council**

Corporation of the Town of Essex  
33 Talbot Street South  
Essex, ON N8M 1A8

**I. INTRODUCTION**

In accordance with instructions received by email on March 10, 2026, from the Town of Essex, we have completed the necessary surveys, examinations, and investigations and have prepared this report to evaluate the proposed abandonment of the Skeates Drain. These investigations were initiated following a resolution passed by Council authorizing our firm to examine the request for abandonment of the Municipal Drain, all in accordance with the provisions of the Drainage Act.

Landowners within the Skeates Drain watershed submitted a petition to the Town of Essex requesting the abandonment of the Municipal Drain pursuant to Section 84(1) of the Drainage Act. Following Council's acceptance of the petition, the affected landowners notified the Town that an Engineer should be appointed to examine the drainage works and provide recommendations regarding the proposed abandonment, in accordance with Section 84(3) of the Drainage Act. Accordingly, the Engineer was appointed, and the work associated with the proposed abandonment of the Skeates Drain has been undertaken pursuant to Sections 84(1) and 84(3) of the Drainage Act, RSO 1990, Chapter D.17, as amended.

A plan illustrating the alignment of the Skeates Drain, the general details of the proposed abandonment, and the lands affected within the watershed is included as part of this report. All required reviews, investigations, and assessments related to the proposed abandonment have been completed, and the findings are presented herein.

**II. PROJECT BACKGROUND AND WATERSHED CHARACTERISTICS**

**Project Background**

Upon appointment for this project, we received the completed Petition from the affected landowners, together with supporting documentation. Based on the scope of our appointment, the request to abandon the Skeates Drain was initiated by the affected landowners to address potential conflicts associated with the existing drain alignment and ongoing septic system concerns.

Given the nature and scale of the request, the affected landowners requested that an Engineer review the proposed abandonment to determine whether abandonment is practical and to assess the potential impacts on landowners who may lose their legal outlet. The formal Petition for abandonment was presented to the Town of Essex in late 2025, and the signed notice indicating that a Report of the Engineer is required was submitted in February 2026.

The discussions held and information obtained as part of this process provided insight into the history of the Skeates Drain and the purpose of the abandonment request. This information supports the submission of the Petition pursuant to Section 84(1) of the Drainage Act and the notice requesting a Report of the Engineer pursuant to Section 84(3) of the Drainage Act, RSO 1990, Chapter D.17, as amended.

### **Watershed Characteristics**

The Skeates Drain is a Municipal Drain consisting of a combination of covered drainage infrastructure and an open channel system that services residential lands along County Road 20, west of the North Branch of Cedar Creek. The existing network of drainage pipes and catchbasins collects surface and subsurface runoff from the upstream residential area and conveys flows downstream through an open channel, ultimately discharging to the North Branch of Cedar Creek. The Skeates Drain currently provides a legal outlet for drainage from the adjacent residential lands.

The Skeates Drain watershed is relatively small, encompassing approximately 1.589 hectares (3.93 acres), and consists primarily of residential lands along County Road 20. The watershed terrain is gently sloped and provides adequate topographic relief. The covered drainage system has an average gradient of approximately 0.70 percent, while the downstream open channel portion has a steeper average gradient of approximately 4.25 percent, sloping generally in an easterly direction.

The majority of the project area is primarily underlain by the Caistor-Sand Spot Phase soils. These soil types fall within Hydrologic Soil Group C, which is described as having slow infiltration rates when thoroughly wetted and consisting chiefly of soils with a layer that impedes downward movement of water with moderately fine soil structure. As a result, these soils typically require effective artificial sub-surface drainage to be productive. The downstream, low-lying naturalized portion of the open channel consists primarily of bottomland soils. These soils are fertile, low-lying alluvial deposits commonly found in river floodplains, characterized by high clay and organic matter content, high water-holding capacity, and periodic flooding. They are typically deep, slow-draining, and support distinct water-tolerant ecosystems. These conditions confirm that the area historically relied on artificial drainage, which helps explain both the original establishment of the drain and the implications of its abandonment.

### **III. DRAINAGE HISTORY**

From our review of the Town of Essex's drainage records, we found one Engineer's Report prepared through the provisions of the Drainage Act associated with the Skeates Drain. This report has been used as a reference for the completion of this project and is identified as follows:

**September 20, 1962**, Engineer's Report for the "Skeates Drain", prepared by C.G.R. Armstrong, P.Eng., and enacted through Township of Colchester South By-Law No. 1012. This report represents the original petitioned works and initial By-Law establishing the Skeates Drain as a Municipal Drain under the Drainage Act. The drain was constructed along the rear of the residential properties fronting County Road 20 and included the installation of new drainage pipe and catchbasins, together with a downstream open channel conveying flows to its outlet at the North Branch of Cedar Creek.

Based on our review of the available records, no subsequent Engineer's Reports were prepared for the Skeates Drain. Accordingly, the drain is designated and governed as a Municipal Drain under the provisions of the Drainage Act, with its full extent, alignment, and drainage works defined by the 1962 Engineer's Report and the associated By-Law.

#### **IV. PRELIMINARY EXAMINATION AND ON-SITE MEETING**

Following our review of the drainage information provided by the Town of Essex, we scheduled an On-Site Meeting for March 26, 2026, located at the Harrow and Colchester South Community Centre. The following people were in attendance at this meeting:

**Table 1 - On-Site Meeting Attendance**

<b>Name</b>	<b>Affiliated Property</b>
Tom Meunier	Landowner – 2900 County Road 20
Don Renaud	Landowner – 2918 County Road 20
Peter Friesen	Landowner – 2920 County Road 20
George Knight	Landowner – 2908 County Road 20
Martha Lena Stanton	Landowner – 2902 County Road 20
Elizabeth & John Hric	Landowners – 2904 County Road 20
Peter Penner	Landowner – 2914 County Road 20
Steven Ralph	Landowner – 2932 County Road 20
Jim Adams	Landowners – 2906 County Road 20
John Balaz	Landowner – 2898 County Road 20
Alison Selkirk & Jason Paine	Landowners – 2912 County Road 20
Brad Allard	Landowner – 348 Dunn Road
Lindsay Dean	Town of Essex – Drainage Superintendent
Norm Nussio	Town of Essex – Manager of Operations and Drainage
Kevin Girard	Town of Essex – Director of Infrastructure Services
Tony Peralta	N.J. Peralta Engineering Ltd.

The following information was discussed:

1. Upon introductions, it was generally discussed that the drainage Petition had been submitted to the Town of Essex for the abandonment of the Skeates Drain. These requests were made as a direct result of the potential impacts to the overall drainage system associated with the ongoing septic system conflicts. The submitted petition was followed up with a notice that a report from an Engineer would be required for the proposed abandonment of the Municipal Drain.

2. Tony Peralta further explained that a Municipal Drain is a communally accepted and owned drainage infrastructure that has been created through the provisions of the Drainage Act of Ontario. This Act provides for a democratic procedure for the construction, improvement, and maintenance of the drainage works. A Municipal Drain is adopted, administered, and maintained through Municipal By-Law. Therefore, once adopted as a Municipal Drain, the By-Law provides the Town with the authority to enter private lands, as the caretaker of the communal infrastructure. The Town's role is to ensure the drain is kept up and maintained on the watershed's behalf.
3. Tony Peralta further explained the purpose of the "On-Site Meeting". He explained that this meeting is a mandatory requirement of the Drainage Act and is intended to be the initial step in the process to provide a general introduction to the project and to help establish a general scope of work based on the submitted requests and subsequent discussions of this meeting.
4. Tony Peralta identified that this meeting was intended to address the requested abandonment and review the impacts associated with this process. As such, Tony Peralta reviewed the general details of the request and its potential impacts of abandoning the existing drainage system.
5. Tony Peralta confirmed his understanding that the request for abandonment was specifically related to the fact that some properties adjacent to the Municipal Drain currently have deficient septic systems, and the existing drain resides in the only available space to implement a suitable septic system.
6. As a condition of the proposed abandonment of the Skeates Drain, where the affected lands are intended for future private septic systems, the Town of Essex has confirmed that approval of such systems shall be contingent upon the permanent decommissioning of the existing Municipal Drainage System. The drainage works shall no longer be operational and shall not convey surface or subsurface flows to the downstream watercourse. Accordingly, as part of the abandonment process, each affected property shall fully disconnect from the Skeates Drain and provide an alternative means of managing and discharging runoff from their lands, independent of the former Municipal Drain.
7. Tony Peralta outlined the potential impacts and consequences associated with the abandonment of the Skeates Drain, including the loss of drainage function, the cessation of municipal responsibility, the extinguishment of drainage easements, the removal of Drainage Act authority, and the requirement to petition for any future drainage works.
8. Tony Peralta advised that further review was to be undertaken to identify the requirements necessary to accommodate future private septic system implementation, including the decommissioning of the existing Skeates Drain. Potential options were developed and presented to the affected landowners to ensure a clear understanding of the implications and available alternatives prior to proceeding with full abandonment of the drain. The options presented included:
  1. Abandonment of the drainage system with plugging of existing tile (partial or full);
  2. Removal of the existing drainage system; and
  3. Full relocation and replacement of the Skeates Drain

9. Based on a review of the available options, an open discussion was held regarding all alternatives, following which all affected landowners in attendance unanimously agreed to proceed with Option 1, consisting of the partial plugging of the existing drainage system.
10. Based on the general consensus of the affected landowners, the next steps in the process were outlined in accordance with Section 84 of the Drainage Act. These steps include completion of all required investigations and examinations, confirmation of the abandonment limits and applicable parameters, assessment of impacts associated with the loss of the Municipal Drain, and development of recommendations respecting the proposed abandonment of the Skeates Drain. Upon completion of these requirements, a Report of the Engineer will be prepared pursuant to Section 84(3) of the Drainage Act, documenting the background information, findings, and recommendations, together with an estimate of costs related to the abandonment works and the proposed assessment and apportionment of those costs among the affected landowners.
11. Tony Peralta then proceeded to discuss the Drainage Act process, the Engineer's Report, required public meetings and appeal processes.
12. At the conclusion of the discussions, we advised that we would maintain close consultation with landowners directly affected by the works to review and discuss the details of the project.

On this note, the On-Site Meeting had concluded.

## **V. VALIDITY OF THE PETITION**

In accordance with Section 84(1) of the Drainage Act, a review of the submitted Petition was undertaken to determine its validity. The review was based on the information provided with the Petition, discussions held during the on-site meeting, and supplementary information collected as part of this investigation. As a result of this review, the Petition was evaluated for compliance with the requirements of Section 84(1) of the Drainage Act.

Section 84(1) of the Drainage Act requires that a petition for abandonment be signed by at least three-quarters of the owners of land assessed for benefit, who, according to the last revised assessment roll, together own not less than three-quarters of the area assessed for benefit under the by-law or by-laws by which the drainage works were established.

A summary table identifying all lands assessed for benefit within the Skeates Drain watershed, based on the most recent revised assessment roll, together with the corresponding petition signatures, is provided below.

**Table 2 - Properties Assessed for Benefit and Petition Signatories**

Name	Roll Number	Address	Affected Area (Ac.)	Petition Signed
Dale & Judith Cedar	720-01700	2896 County Road 20	1.00	Yes
John Balaz	720-01600	2898 County Road 20	0.25	Yes
Robert & Carolyn Meunier	720-01500	2900 County Road 20	0.25	Yes
Martha Lena Stanton	720-01400	2902 County Road 20	0.30	Yes
Elizabeth & John Hric	720-01300	2904 County Road 20	0.38	Yes
James Adams	720-01200	2906 County Road 20	0.25	Yes
Deborah Hasiak and George Knight	720-01100	2908 County Road 20	0.50	Yes
Paul Paine and Alison Selkirk	720-01010	2912 County Road 20	0.07	Yes
Peter Penner and Nancy Friesen	720-01000	2914 County Road 20	0.33	Yes
Donald Renaud	720-00900	County Road 20	0.10	Yes
Donald Renaud	720-00800	2918 County Road 20	0.10	Yes
Peter Friesen	720-00700	2920 County Road 20	0.14	Yes
Steven & Jody Ralph	720-00600	2932 County Road 20	0.25	Yes
<b>TOTAL</b>			<b>3.92</b>	<b>13</b>

Based on this review, it has been determined that **all thirteen (13) assessed properties, representing 100 percent** of the lands and total area assessed for benefit, have signed the Petition. Accordingly, the Petition exceeds the minimum requirements prescribed under Section 84(1) of the Drainage Act.

Therefore, it is concluded that the Petition submitted for the abandonment of the Skeates Drain is valid and satisfies the requirements of Section 84(1) of the Drainage Act, RSO 1990, Chapter D.17, as amended. Based on the validity of the Petition and the defined scope of the proposed abandonment, the Engineer proceeded with the investigations and preparation of this Report in accordance with Section 84 of the Drainage Act.

**VI. FIELD SURVEY, INVESTIGATIONS, AND CONSIDERATIONS**

Following the On-Site Meeting and confirmation of a valid petition, a site visit was conducted to review and verify the existing conditions associated with the Skeates Drain. The site visit was attended by several affected landowners and provided an opportunity to gain a clear understanding of the existing drainage infrastructure and the associated septic system constraints.

Based on our observations, the existing outlet headwall and several catchbasins and cleanouts along the alignment of the drainage system were identified. The outlet portion of the existing drain alignment differs from that shown in the governing 1962 Engineer's Report. While the catchbasins identified in the 1962 Report generally appear to be located where specified, additional makeshift catchbasins were observed along the alignment, and few of the original drainage structures remain. Many of the existing catchbasins appear to have been replaced with modified structures that are not readily accessible. Based on the site review, the only accessible drainage structures appear to be the outlet pipe discharging to the open channel (headwall), CB-1, and CB-4 as outlined in the accompanying drawing. Based on feedback from the on-site meeting and discussions during our walkthrough, some landowners expressed that the system currently has limited functionality. However, upon observations, the system currently maintains flow.

As part of our appointment to this project, the Essex Region Conservation Authority (ERCA) was issued a notice advising of the proposed drainage works associated with the appointment of the Engineer. The ERCA had responded, acknowledging the project and further provided general comments for the Town and the Engineer to consider. Once we had established a general scope of work on this project, our office engaged in correspondence with the ERCA to provide general details of the project and to address any comments and/or concerns that they would have as it relates to the established scope of work.

### **Impacts of Abandonment**

Based on our findings and the details associated with the project, we have identified the following impacts as a result of the proposed abandonment of the Skeates Drain:

1. **Loss of Legal Outlet and Drainage Function:** Abandonment of the Skeates Drain will result in the removal of a functioning Municipal Drainage System and the associated legal outlet provided under the Drainage Act. Following abandonment, drainage from the affected properties will no longer be managed through a coordinated drainage system, and landowners may experience localized ponding or flooding during and after severe rainfall events, depending on individual site conditions and private drainage arrangements.
2. **Municipal Responsibility:** Upon abandonment, the Town of Essex will no longer have any authority, responsibility, or obligation for the operation, maintenance, repair, or management of the Skeates Drain or any remaining portions thereof.
3. **Extinguishment of Drainage Easements:** All drainage easements associated with the Skeates Drain will be extinguished as a result of abandonment. Future access to lands for drainage purposes will no longer be protected under the Drainage Act.
4. **Loss of Drainage Act Authority:** Following abandonment, the provisions of the Drainage Act will no longer apply to the Skeates Drain. Any future drainage disputes or concerns between landowners within the former watershed will be governed by common law principles and must be resolved through private means or the courts. This includes, but is not limited to, matters related to surface water runoff, artificial diversion, natural watercourse rights, and drainage conflicts between adjoining landowners.
5. **Requirement for Private Drainage Management:** Each affected landowner will be responsible for disconnecting all storm and sanitary connections to the existing Skeates Drain system. Following abandonment, landowners will independently manage surface and subsurface drainage on their property, including implementing alternative drainage solutions that comply with applicable regulations and do not rely on the former municipal drainage system.
6. **Condition of Existing Drainage Infrastructure:** It is noted that portions of the existing drainage tile may remain in place following abandonment. As these works continue to age and degrade over time, there is potential for localized ground settlement or sinkhole formation. Landowners should be aware of this risk and will be responsible for monitoring and addressing any such conditions that may arise on their property.

## **Alternatives Considered**

Several alternatives were considered and presented to the affected landowners to address the conflict between the existing Municipal Drainage System and the proposed private septic systems. These options were reviewed to ensure landowners were fully informed prior to proceeding with abandonment.

### Option 1 – Abandonment of the Drainage System:

Under this option, the Skeates Drain would be formally abandoned pursuant to Section 84 of the Drainage Act. Following abandonment, the existing drainage infrastructure would be decommissioned to prevent continued conveyance of surface or subsurface flows to the downstream watercourse (North Branch of Cedar Creek). Two approaches to decommissioning were considered:

#### Option 1A – Abandonment with Full Plugging:

This approach involves the complete filling of the existing tiled drainage system using lean grout concrete along its full length. Full plugging would eliminate any internal voids within the abandoned system and fully prevent infiltration, storage, or movement of water through the former drain. While effective in fully decommissioning the drainage infrastructure, this option would result in increased construction disturbance and higher overall cost.

#### Option 1B – Abandonment with Partial Plugging:

This approach involves the installation of concrete plugs at strategic locations within the existing tiled drainage system to interrupt upstream and downstream flow while leaving portions of the tile in place. Partial plugging is intended to eliminate conveyance through the former Municipal Drain while minimizing excavation, surface disturbance, and overall cost. This option satisfies septic system approval requirements and provides a practical and proportionate means of decommissioning the drainage system.

### Option 2 – Abandonment with Full Removal of the Drainage System:

This option involves the full excavation and removal of all existing drainage tiles and catchbasins as part of the abandonment process. While this option eliminates all remnants of the former drainage works, it would result in increased construction impacts and significantly higher costs compared to plugging.

### Option 3 – Relocation and Replacement of the Skeates Drain:

As an alternative to abandonment, the Skeates Drain could be relocated and reconstructed along a new alignment better suited to current site conditions and compatible with future private septic systems. From a drainage functionality perspective, this option represents the ideal long-term solution, as it would preserve a coordinated drainage system and maintain a legal outlet under the Drainage Act.

However, implementation of this option would require the initiation of a new Municipal Drain through a formal request for improvements under Section 78 of the Drainage Act and would result in the highest overall cost and level of construction impact.

### **Landowner Consultation Summary**

Consultation with the affected landowners was undertaken throughout the review process, including during the on-site meeting and subsequent discussions. The purpose of the consultation was to explain the drainage system, outline the implications of abandonment, and review the available alternatives, including full abandonment with plugging, removal of the drainage works, and relocation and replacement of the Municipal Drain.

Each option was reviewed with the landowners, including its benefits, limitations, and associated costs. Particular emphasis was placed on explaining the impacts of abandonment, including the loss of a legal outlet under the Drainage Act, the transition to private drainage responsibility, and the potential for localized drainage issues following decommissioning. The landowners were provided an opportunity to ask questions and discuss how each option could affect their individual properties.

Following these discussions, all landowners assessed for benefit demonstrated an understanding of the implications associated with each alternative and provided informed input. Based on this consultation, the landowners unanimously expressed their preference to proceed with abandonment of the Skeates Drain with partial plugging, recognizing this option as the most practical and cost-effective approach to achieving septic system compliance while minimizing physical disturbance and overall project costs

## **VII. RECOMMENDATIONS**

Based on detailed investigations, consultations with affected landowners, municipal staff, and regulatory agencies, as well as information gathered during the On-Site Meeting and other directives issued for this project, we have established the general requirements to adequately address the request for abandonment of the Skeates Drain. Our findings and recommendations are outlined in the following paragraphs.

### **Engineer's Opinion and Recommendation**

Based on the review of the purpose, impacts, and alternatives associated with the proposed abandonment of the Skeates Drain, it is the opinion of the Engineer that the proposed abandonment is reasonable, appropriate, and consistent with the intent and requirements of Section 84 of the *Drainage Act*. A key consideration in permitting the abandonment is that the Petition has been signed by all landowners assessed for benefit, each of whom has demonstrated an understanding of the full implications of abandoning the existing Municipal Drainage System.

The affected landowners have been made aware of, and acknowledge, the consequences of abandonment, including the permanent loss of a Municipal Drain, the extinguishment of drainage easements, the removal of a legal outlet under the *Drainage Act*, the termination of municipal responsibility, and the transition of future drainage matters to private management governed by common-law principles. The unanimous support for abandonment reflects informed consent and acceptance of these outcomes.

The abandonment and decommissioning of the Skeates Drain, effectively addresses the underlying objective of accommodating future private septic systems by eliminating both surface and subsurface conveyance through the former Municipal Drain. This approach satisfies septic system approval

requirements, minimizes physical impacts to the lands, and represents a proportionate and cost-effective solution when compared to alternative options, including full removal of the drainage works or relocation and replacement of the drain.

Given that:

- The Petition satisfies the requirements of Section 84(1) of the *Drainage Act*;
- All lands and all area assessed for benefit are represented and unanimously supportive;
- The landowners have demonstrated awareness and acceptance of the impacts of abandonment; and
- No reliance on the drainage system by non-petitioning or downstream lands has been identified.

As such, the proposed abandonment is considered technically sound and procedurally appropriate in accordance with the provisions of the *Drainage Act*. Accordingly, it is recommended that Council proceed with the abandonment of the entire length of the Skeates Drain (drainage tile and open channel) pursuant to Section 84 of the "Drainage Act", subject to the conditions outlined in this Report.

### **Selected Option and Implementation Approach**

Based on a review of the identified impacts and alternatives, and following open discussion, all affected landowners unanimously agreed to proceed with **Option 1B – Abandonment of the Drainage System with Partial Plugging**. This option was selected as it accommodates future private septic systems while minimizing physical impacts and costs associated with the abandonment of the Skeates Drain.

### **Mandatory Decommissioning Requirements**

As a fundamental component of the selected option, the existing Municipal Drainage System **shall be fully decommissioned**. This requirement is essential to the abandonment of the Skeates Drain and shall be implemented without exception. Specifically:

- All storm and sanitary connections to the drainage works shall be permanently disconnected.
- No active connection shall remain connected to any portion of the decommissioned drainage system under any circumstances. All of which shall be completed prior to the decommissioning (plugging) of the Skeates Drain.
- Failure to disconnect existing connections may result in damage to private infrastructure and/or backup into dwellings.

Where existing portions of the Skeates Drain tile are encountered during the installation of future private septic systems, it shall be the responsibility of the landowner to permanently seal the exposed upstream (west) end of the tile by installing a suitable concrete plug.

The **locations, extents, and construction details** of the required partial concrete plugs have been clearly identified and are illustrated on the drawings forming part of this Report. These measures are intended to eliminate conveyance through the former Municipal Drainage System and to prevent continued reliance on the abandoned works.

**ERCA, DFO and MNR/MECP Considerations**

During the course of our investigations, this drainage project was discussed and reviewed in detail with Ashley Gyori of the ERCA to address the regulatory requirements, concerns, and comments related to this Municipal Drain. The Skeates Drain is partially located within the regulated area and is under the jurisdiction of the ERCA. However, based on the location and the limited scope of the works required, an ERCA approval is not required for this project. Based on the submission, the ERCA provided us with their comments and concerns through email correspondence. A copy of the ERCA response is included in **Appendix "A"**.

**VIII. ALLOWANCES AND COMPENSATION**

The abandonment of the Skeates Drain does not constitute a sale or transfer of a municipal asset, nor does it give rise to any entitlement to compensation or allowance under the *Drainage Act*. The Municipal Drain was established and administered pursuant to statute, and upon abandonment, it ceases to exist as a Municipal Drain. The affected landowners have voluntarily petitioned for abandonment with full understanding of the impacts, including the loss of drainage benefits and easements, and no allowances are recommended or required under Sections 29 through 33 of the "Drainage Act".

**IX. ESTIMATE OF COST**

Our estimate of the total cost of this work, including all incidental expenses, is the sum of **FIFTEEN THOUSAND SIXTY DOLLARS (\$15,060.00)** made up as follows:

<b>CONSTRUCTION ITEMS</b>					
Item	Description	Est Qty	Unit	Unit Price	Total
1.	<b>Concrete Plugs;</b> Provide all labour, materials, and equipment necessary to install partial concrete plugs within the existing tiled drainage system at strategic locations, and as outlined within the accompanying plans.	2.0	Each	\$ 2,000.00	\$ 4,000.00
<b>TOTAL FOR CONSTRUCTION</b>					<b>\$ 4,000.00</b>
<b>Net HST (1.76%)</b>					<b>\$ 70.00</b>
<b>TOTAL FOR CONSTRUCTION = \$ 4,070.00</b>					

INCIDENTALS		
Item	Description	Total
1.	Report, Estimates, Assessments, and Drawings	\$ 8,000.00
2.	Duplication Costs of Report and Drawings	\$ 200.00
3.	Estimated Cost of Letting Contract (if required)	\$ 2,000.00
4.	Estimated Cost for Part-Time Inspection, Supervision and Project Management during Construction (approx. 0.5 day duration)	\$ 600.00
5.	Net HST on the above items (1.76%)	\$ 190.00
<b>TOTAL FOR INCIDENTALS =</b>		<b>\$ 10,990.00</b>
<b>TOTAL FOR CONSTRUCTION (brought forward) =</b>		<b>\$ 4,070.00</b>
<b>TOTAL ESTIMATE =</b>		<b>\$ 15,060.00</b>

**X. DRAWINGS AND SPECIFICATIONS**

As part of this report, we have included drawings related to the associated Municipal Drainage System. The drawing set features a key plan illustrating the general alignment and all lands within the drainage area. These drawings further detail the ancillary works associated with the abandonment of the Municipal Drain. The design drawings are appended to the back of this report and are referenced herein as **Appendix 'B'**.

**XI. COST DISTRIBUTION AND ASSESSMENTS**

A Schedule of Assessment has been prepared for the sole purpose of assessing the costs associated with the proposed abandonment of the Skeates Drain against the lands affected by the drainage works. This Schedule of Assessment has been prepared in accordance with the provisions of the *Drainage Act* and is based on the relative benefit and responsibility of the assessed lands as generally established under the last revised assessment schedule for the Skeates Drain. The Schedule of Assessment is included as part of this Report. The assessment proportions have been determined with reference to the estimated costs associated with the abandonment works, including the decommissioning and partial plugging of the existing drainage system. The assessments identified herein apply only to the abandonment of the Skeates Drain and do not provide for any future operation, maintenance, repair, or improvement of the drainage works.

Upon completion of the abandonment and the passing of the associated by-law, the Skeates Drain shall cease to exist as a Municipal Drain under the *Drainage Act*. Accordingly, no further assessments for maintenance shall apply. The actual costs incurred for the abandonment works shall be assessed to the affected lands in the same relative proportions as set out in the attached Schedule of Assessment.

### **Assessment Rationale**

The costs associated with the abandonment of the Skeates Drain have been assessed to all lands currently assessed for benefit under the governing by-law. Although the physical drainage infrastructure is primarily located along the rear of certain downstream properties, all lands within the watershed historically relied upon the drainage system as a legal outlet. The abandonment removes that benefit collectively, and it is therefore appropriate and equitable that the costs be distributed in accordance with the existing assessment framework, relative to the current lot configuration.

### **XII. CONCLUSION**

This Report was prepared pursuant to Sections 84(1) and 84(3) of the *Drainage Act* to evaluate the proposed abandonment of the Skeates Drain. A valid and unanimous Petition was received from all landowners assessed for benefit, each of whom demonstrated an understanding of the consequences associated with the permanent loss of the Municipal Drainage System.

Investigations confirmed that abandonment is required to accommodate future private septic systems and that no non-petitioning lands rely on the drain for outlet. The impacts of abandonment and available alternatives were reviewed, and all landowners unanimously supported abandonment with partial plugging of the existing drainage system.

A Schedule of Assessment has been prepared to allocate abandonment costs to all lands assessed for benefit in accordance with the last revised assessment roll. Based on the completed investigations and informed landowner support, it is the opinion of the Engineer that the proposed abandonment is reasonable, appropriate, and consistent with the requirements of Section 84 of the *Drainage Act*, and it is recommended that Council proceed accordingly.

All of which is respectfully submitted,

**N.J. PERALTA ENGINEERING LTD.**



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Antonio B. Peralta, P.Eng.

ABP/kk

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CONSTRUCTION SCHEDULE OF ASSESSMENT

**4. PRIVATELY OWNED - NON-AGRICULTURAL LANDS:**

<u>Tax Roll Number</u>	<u>Con. or Plan Number</u>	<u>Lot or Part of Lot</u>	<u>Acres Owned</u>	<u>Acres Affected</u>	<u>Hectares Affected</u>	<u>Owner's Name</u>	<u>Value of Benefit</u>	<u>Value of Outlet</u>	<u>TOTAL VALUE</u>
720-01700	2	18	1.61	1.00	0.405	Dale & Judith Cedar	\$ 932.00	\$ -	\$ 932.00
720-01600	2	18	0.35	0.25	0.101	John Balaz	\$ 1,342.00	\$ -	\$ 1,342.00
720-01500	2	18	0.37	0.25	0.101	Robert & Carolyn Meunier	\$ 1,258.00	\$ -	\$ 1,258.00
720-01400	2	18	0.44	0.30	0.121	Martha Lena Stanton	\$ 1,147.00	\$ -	\$ 1,147.00
720-01300	2	18	0.70	0.38	0.154	John & Elizabeth Hric	\$ 1,835.00	\$ -	\$ 1,835.00
720-01200	2	18	0.35	0.25	0.101	James Adams	\$ 1,342.00	\$ -	\$ 1,342.00
720-01100	2	18	0.70	0.50	0.202	Deborah Hasiak and George Knight	\$ 2,264.00	\$ -	\$ 2,264.00
720-01000	2	18	0.42	0.33	0.134	Peter Penner and Nancy Friesen	\$ 2,004.00	\$ -	\$ 2,004.00
720-00900	2	18	0.18	0.10	0.040	Donald Renaud	\$ 671.00	\$ -	\$ 671.00
720-00800	2	18	0.18	0.10	0.040	Donald Renaud	\$ 746.00	\$ -	\$ 746.00
720-00700	2	18	0.18	0.14	0.057	Peter Friesen	\$ 746.00	\$ -	\$ 746.00
720-00600	2	19	18.89	0.25	0.101	Steven & Jody Ralph	\$ 382.00	\$ -	\$ 382.00
<b>Total on Privately Owned - Non-Agricultural Lands.....</b>							<b>\$ 14,669.00</b>	<b>\$ -</b>	<b>\$ 14,669.00</b>

**5. PRIVATELY OWNED - AGRICULTURAL LANDS (non-grantable):**

<u>Tax Roll Number</u>	<u>Con. or Plan Number</u>	<u>Lot or Part of Lot</u>	<u>Acres Owned</u>	<u>Acres Affected</u>	<u>Hectares Affected</u>	<u>Owner's Name</u>	<u>Value of Benefit</u>	<u>Value of Outlet</u>	<u>TOTAL VALUE</u>
720-01010	2	18	14.75	0.07	0.028	Paul Paine and Alison Selkirk	\$ 391.00	\$ -	\$ 391.00
<b>Total on Privately Owned - Agricultural Lands (non-grantable).....</b>							<b>\$ 391.00</b>	<b>\$ -</b>	<b>\$ 391.00</b>

<b>TOTAL ASSESSMENT</b>			<b>3.92</b>	<b>1.586</b>			<b>\$ 15,060.00</b>	<b>\$ -</b>	<b>\$ 15,060.00</b>
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# APPENDIX "A"

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## Kiara Kirkland

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**From:** Ashley Gyori <AGyori@erca.org>  
**Sent:** April 9, 2026 10:38 AM  
**To:** Tony Peralta  
**Cc:** Dean, Lindsay; Tuzlova, Tanya  
**Subject:** RE: On-site Meeting: Skeates Drain Abandonment  
**Attachments:** 20260408 PRELIMINARY - Skeates Drain Abandonment (D26-036).pdf

Good morning Tony,

Thank you for submitting the attached preliminary design and the information below. I've had an opportunity to review the preliminary plans, including the locations of the catch basins, as well as our floodplain mapping, and I can confirm that based on the locations of the works (located out of the wetland and the low lying area adjacent to the North Branch of Cedar Creek) and the limited scope of the works required (plugging the existing catch basins only), an approval from this office is not required. Additionally, there is no fee from our office associated with this preliminary review.

If the proposal changes at any time, we kindly ask that contact be made with our office to confirm whether the above comments are still applicable.

If you have any questions, please do not hesitate to contact me.

Kind regards,



ASHLEY GYORI  
Regulations Analyst  
Essex Region Conservation Authority  
360 Fairview Avenue West, Suite 311 • Essex, Ontario • N8M 1Y6  
[agyori@erca.org](mailto:agyori@erca.org) • [essexregionconservation.ca](http://essexregionconservation.ca)

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The ERCA Office is open to the public **Tuesdays, Wednesdays and Thursdays** to provide "counter service"; however, services continue to be delivered online and through email. Please consult ERCA's website for more information and direction regarding online services (i.e. permitting, cottage bookings, seasonal passes etc.).

---

**From:** Tony Peralta <tony@peraltaengineering.com>  
**Sent:** April 8, 2026 5:54 PM  
**To:** Ashley Gyori <AGyori@erca.org>  
**Cc:** Dean, Lindsay <ldean@essex.ca>; Tuzlova, Tanya <ttuzlova@essex.ca>  
**Subject:** RE: On-site Meeting: Skeates Drain Abandonment

Good afternoon Ashley,

Further to the correspondence outlined below, our office was appointed under Section 84(3) of the Drainage Act to evaluate the request to abandon the Skeates Drain, based on a valid and unanimous request from all affected landowners. The drain consists primarily of tiled drainage, where the downstream open channel portion discharges to the regulated area of the North Branch of Cedar Creek. Based on ERCA's request, we are providing you with the preliminary proposal for the above-noted project.

The abandonment is being undertaken to enable future private septic system installations, as the existing drain alignment conflicts with septic approval requirements. Based on consultation with the affected landowners, the selected scope involves formal abandonment of the drain and decommissioning of the system through partial concrete plugging at strategic locations. The decommissioning of the drainage system will require all connections to be permanently disconnected. To be clear, no new drainage works or modifications to the receiving watercourse are proposed.

The impacts and consequences of abandonment, including loss of the legal outlet, elimination of drainage conveyance, and transition to private drainage management, have been reviewed with the landowners and are understood and accepted. As such, a final report is being prepared on this basis. Attached, you will find a preliminary drawing outlining the existing alignment and the proposed works to decommission the drainage system.

We have reviewed the DFO website as it relates to the Fisheries Act and have performed a "Self Assessment" for this project. Also, as it relates to the Endangered Species Act, we have contacted the Town of Essex to ensure that this project is covered under the new ESA Regulation 242/08. Based on the scope of this project, no formal approvals are anticipated by these agencies.

We trust that this information is satisfactory. However, if you have any questions, concerns, or require additional information regarding the details outlined above, please contact us at your earliest opportunity, as we intend to move towards finalizing this report shortly.

Regards,



**Tony Peralta, P.Eng.**

[tony@peraltaengineering.com](mailto:tony@peraltaengineering.com) | 519-733-6587 x 122

N.J. Peralta Engineering Ltd. - Consulting Engineers

45 Division St. N., Kingsville ON N9Y 1E1

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**From:** Ashley Gyori <[AGyori@erca.org](mailto:AGyori@erca.org)>  
**Sent:** March 18, 2026 9:40 AM  
**To:** Tuzlova, Tanya <[ttuzlova@essex.ca](mailto:ttuzlova@essex.ca)>  
**Cc:** Tony Peralta <[tony@peraltaengineering.com](mailto:tony@peraltaengineering.com)>; Dean, Lindsay <[ldean@essex.ca](mailto:ldean@essex.ca)>  
**Subject:** RE: On-site Meeting: Skeates Drain Abandonment

Good morning,

Thank you for sending the Site Meeting Notice for the Skeates Drain, scheduled for March 26, 2026. ERCA Watershed Management Staff will not be in attendance at this meeting; however, the below comments are applicable.

A review of our floodplain mapping and the available information for the Skeates Drain indicates that this an enclosed drainage system that outlets to the Cedar Creek, which is a regulated watercourse under Section 28 of the *Conservation Authorities Act*. As such, if any works are required to facilitate the abandonment of the Skeates Drain within the ERCA Regulated Area, a permit is required from this office.

Additionally, prior to proceeding with the abandonment of the drain, the appointed engineer should confirm that the abandonment will not cause any adverse impacts to any properties that may utilize this drainage system (i.e. no longer providing proper drainage to properties).

If you have any questions, please do not hesitate to contact this office.

Kind regards,



ASHLEY GYORI  
Regulations Analyst  
Essex Region Conservation Authority  
360 Fairview Avenue West, Suite 311 • Essex, Ontario • N8M 1Y6  
[agyori@erca.org](mailto:agyori@erca.org) • [essexregionconservation.ca](http://essexregionconservation.ca)

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**From:** Tuzlova, Tanya <[ttuzlova@essex.ca](mailto:ttuzlova@essex.ca)>  
**Sent:** March 16, 2026 9:19 AM  
**To:** Tony Peralta <[tony@peraltaengineering.com](mailto:tony@peraltaengineering.com)>; Dean, Lindsay <[ldean@essex.ca](mailto:ldean@essex.ca)>  
**Cc:** Bondy, Sherry <[sbondy@essex.ca](mailto:sbondy@essex.ca)>; Shepley, Rob <[rshepley@essex.ca](mailto:rshepley@essex.ca)>; Bell, Sarah <[sbell@essex.ca](mailto:sbell@essex.ca)>; Allard, Brad <[ballard@essex.ca](mailto:ballard@essex.ca)>; Matyi, Jason <[jmatyi@essex.ca](mailto:jmatyi@essex.ca)>; Nussio, Norman <[nnussio@essex.ca](mailto:nnussio@essex.ca)>; Girard, Kevin <[kgirard@essex.ca](mailto:kgirard@essex.ca)>; Drainage <[drainage@ERCA.org](mailto:drainage@ERCA.org)>; Malandrucolo, Joe <[jmalandrucolo@essex.ca](mailto:jmalandrucolo@essex.ca)>  
**Subject:** On-site Meeting: Skeates Drain Abandonment

Hello,

Please see attached notice regarding the on-site meeting for the proposed abandonment of Skeates Drain.

Thanks, Tanya



**Tanya Tuzlova** H.B. Comm  
Operations/Drainage Clerk | Operations & Drainage  
P: 519.776.7336 EXT. 1407 | F: 519.776.8811  
E: [ttuzlova@essex.ca](mailto:ttuzlova@essex.ca) | [www.essex.ca](http://www.essex.ca)  
33 Talbot Street South. Essex, ON N8M 1A8



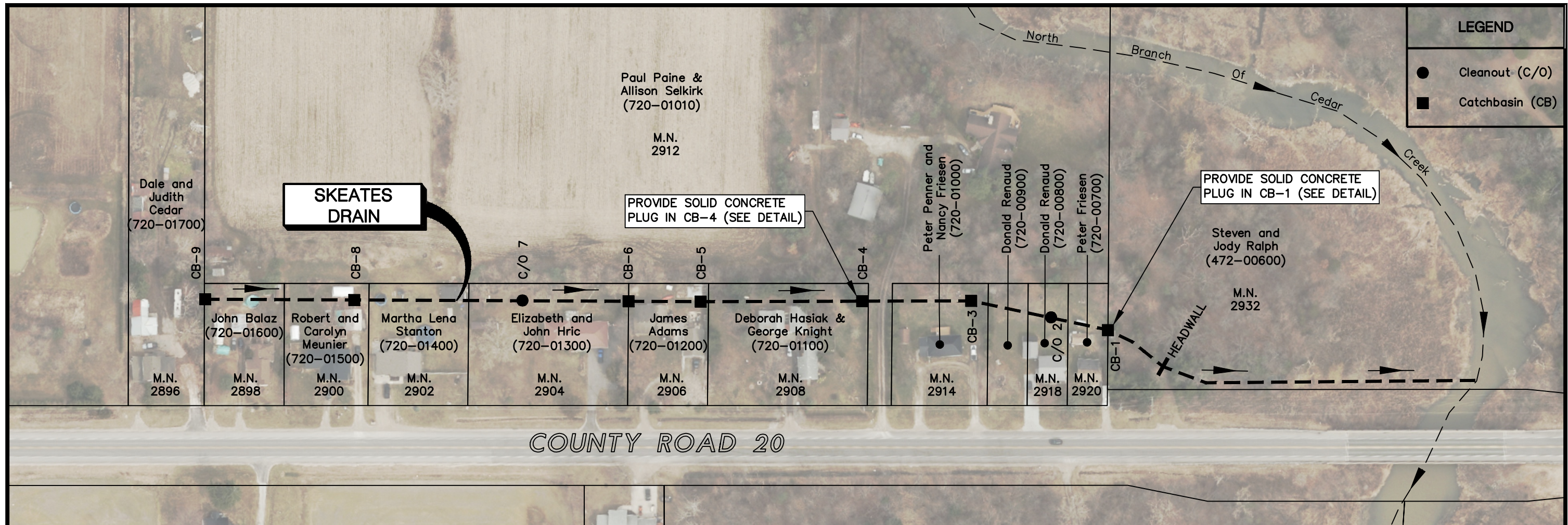
A banner for dog licensing. On the left, a dark blue background contains the text "DOG LICENCE" in white, bold, uppercase letters, and "Renew your dog licence online." in orange, italicized lowercase letters. On the right, a close-up photo of a dog's face (a tan and white dog) is shown against a teal background.

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# **APPENDIX "B"**

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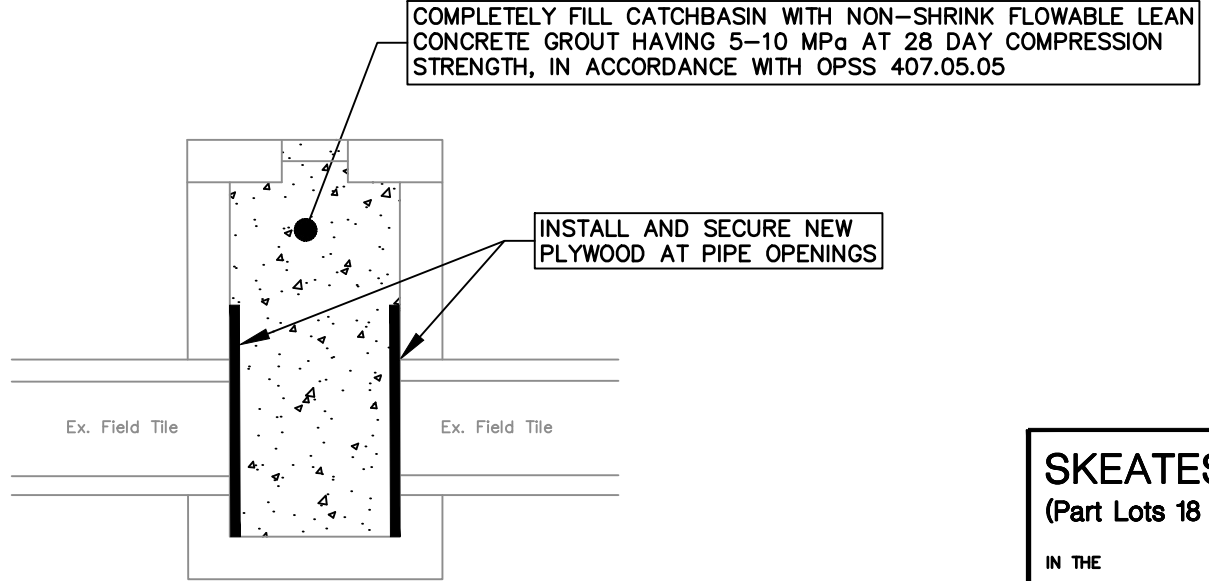
LEGEND	
●	Cleanout (C/O)
■	Catchbasin (CB)

**PLAN**

Scale = 1:1500

**CONCRETE PLUGGING NOTES:**

- 1) PRIOR TO INSTALLING THE CONCRETE PLUGS IN EXISTING CATCHBASINS, ALL SEDIMENT DEBRIS AND DELETERIOUS MATERIALS SHALL BE FULLY REMOVED.
- 2) PRIOR TO INSTALLING ANY CONCRETE MATERIALS WITHIN THE CATCHBASINS, PLYWOOD SHALL BE SECURELY INSTALLED AT THE UPSTREAM AND DOWNSTREAM ENDS.
- 3) ONCE PLYWOOD HAS BEEN SECURELY PLACED AT EACH END, FLOWABLE LEAN CONCRETE GROUT SHALL BE POURED INTO THE CATCHBASIN, FILLING ALL THE VOIDS TO THE TOP, ENSURING A SEALED CATCHBASIN.



**CATCHBASIN DETAIL**

Scale = N.T.S.

**SKEATES DRAIN ABANDONMENT**  
 (Part Lots 18 & 19, Concession 2)

IN THE  
**TOWN OF ESSEX**  
 (Former Township of Colchester South)

IN THE  
**COUNTY OF ESSEX • ONTARIO**



**N.J. Peralta Engineering Ltd.**  
 Consulting Engineers  
 45 Division Street North P: 519-733-6587  
 Kingsville, ON F: 519-733-6588  
 N9Y 1E1 Canada peraltaengineering.com

DATE: MAY 04, 2026

FILE No: <b>D26-036</b>	DRAWN BY: S.R.A. DESIGNED BY: A.B.P. CHECKED BY: A.B.P.	SHEET No.: <b>1 OF 1</b>
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