

Municipality Of Chatham-Kent
Infrastructure and Engineering Services
Public Works

To: Mayor and Members of Council
From: Jerry Corso
Manager, Public Works South
Date: July 26, 2019
Subject: Encroachment Agreement – 75 Talbot Street West, Blenheim

Recommendations

It is recommended that:

1. The General Manager of Infrastructure and Engineering Services be authorized to enter into an encroachment agreement, to be drafted and approved by the Manager of Legal Services, for an awning attached to the commercial property being PIN 00912-0247, municipally known as 75 Talbot Street West, Blenheim.
2. The attached by-law confirming the encroachment (Appendix “B”), be approved.

Background

Administration has received a request from Petticoats and Lace Ltd. to enter into an encroachment agreement for the purpose of mounting a new awning to the side of the commercial property located at 75 Talbot Street West, Blenheim. The awning will extend over the municipal sidewalk on Talbot Street West approximately 6 inches.

Comments

In reviewing the encroachment as described in Appendix “A” (attached), it is the opinion of Administration that the awning will not obstruct the Municipality from maintaining the sidewalks on Talbot Street West, and the awning will match current architecture of Main Street storefronts in the proximity of the encroachment.

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report supports the following critical success factors:

Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

Has the potential to support all areas of strategic focus & critical success factors

Neutral issues (does not support negatively or positively)

Consultation

Legal Services has reviewed the encroachment by-law and found it acceptable. Legal Services shall draft an encroachment agreement to be entered into between the Municipality and Petticoats and Lace Ltd. upon Council approval of this encroachment.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:

Jerry Corso
Manager, Public Works South

Reviewed by:

Ryan Brown, P.Eng.
Director, Public Works

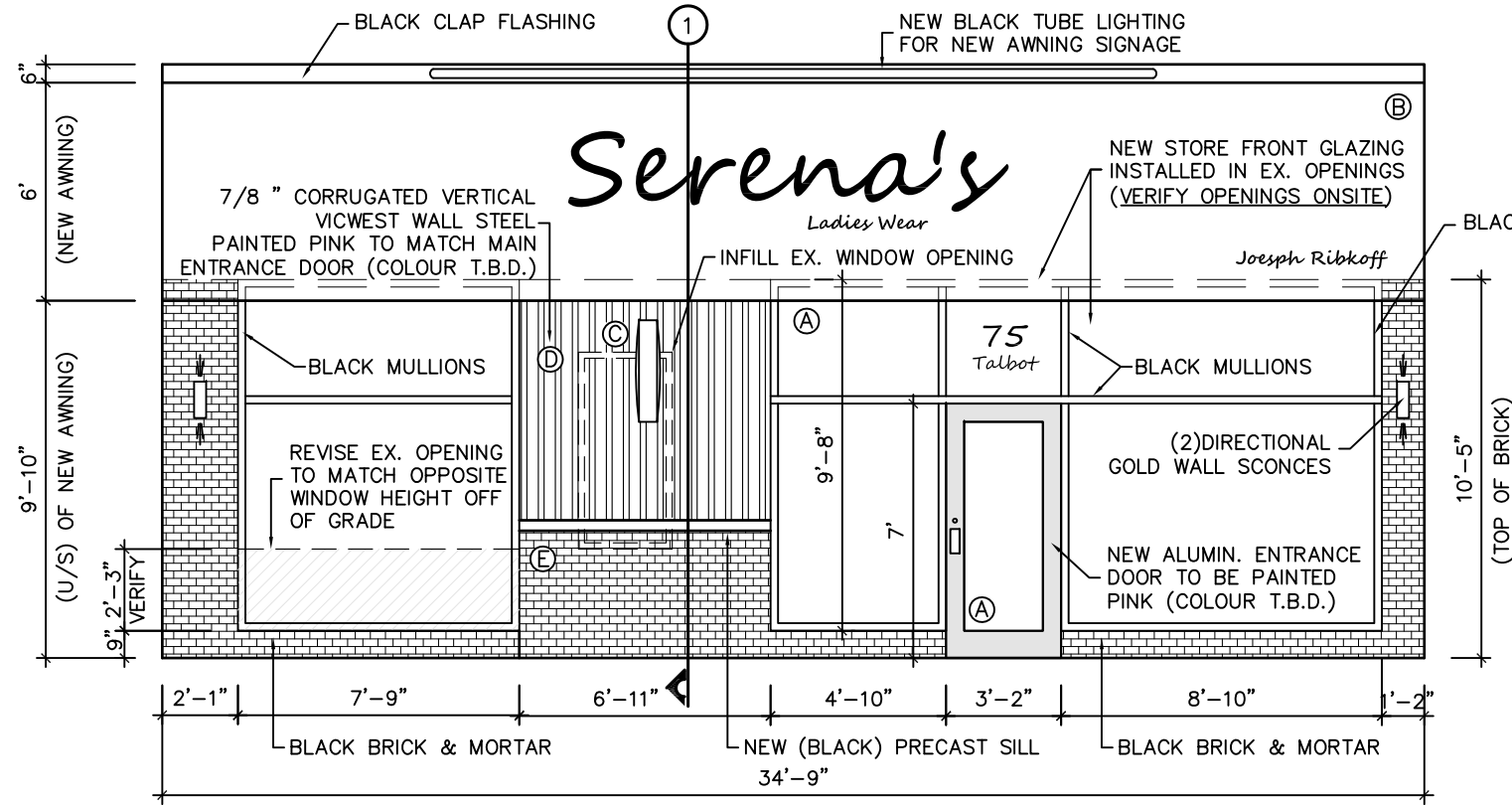
Reviewed by:

Thomas Kelly, P.Eng., MBA
General Manager
Infrastructure and Engineering Services

Attachments: Appendix "A" - Detailed specifications of encroachment
Appendix "B" – Draft by-law

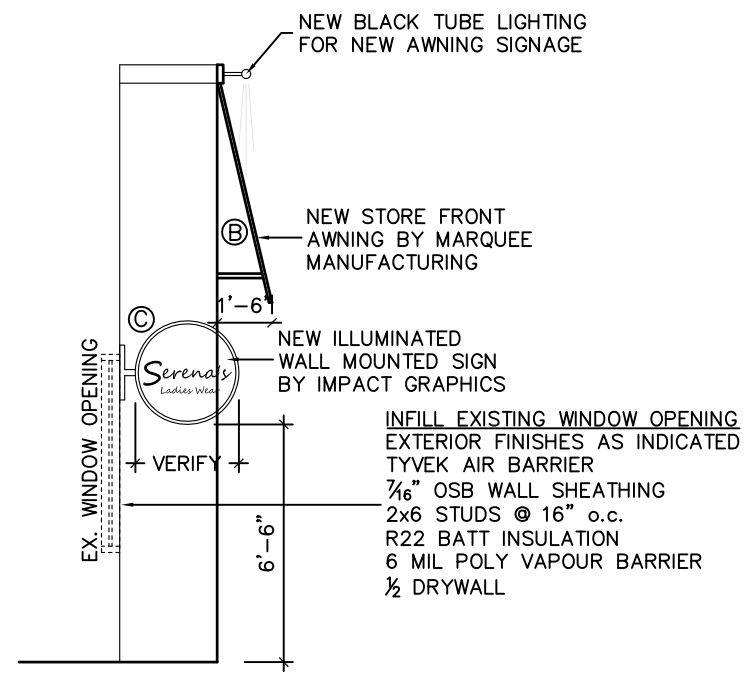
C: Manager, Legal Services
Supervisor I, Roads

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Street W Blenheim.Docx

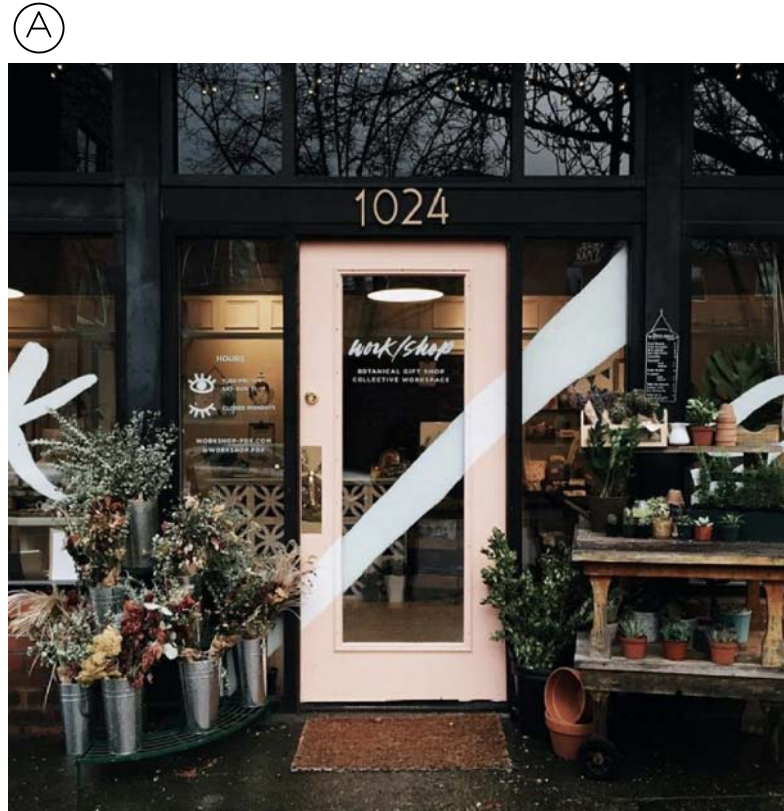


FRONT ELEVATION
SCALE: 3/16" = 1'-0"

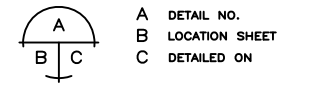
NOTE:
CONTRACTOR TO VERIFY ALL DIMENSIONS ONSITE. IT IS THE CONTRACTORS RESPONSIBILITY TO MEET O.B.C. REGULATIONS. CONTRACTOR TO VERIFY ALL EX. WINDOW OPENINGS PRIOR TO NEW INSTALL.



SECTION 1
SCALE: 3/16" = 1'-0"



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519.365.5017



NOTES:



NO.	DATE	ISSUED FOR
-	MAR.20	OWNER APPROVAL
-	APR.16	BUILDING PERMIT

PROJECT:
FACADE RENOVATION (DCIP)
SERENA'S LADIES WEAR
75 TALBOT STREET W.
BLENHEIM, ON N0P 1A0

DRAWING TITLE: FRONT FACADE AND MATERIALS	
DRAWN BY: H.R.	DATE: APRIL 16, 2019
SCALE: 3/16" = 1'-0"	PROJECT NO. 2019-09
SHEET NO. A1 of 2	DRAWING NO. A-1

BY-LAW NUMBER _____

OF THE CORPORATION OF THE
MUNICIPALITY OF CHATHAM-KENT

A by-law to permit the encroachment of an awning attached to the commercial property located at 75 Talbot Street West, Blenheim (PIN 00912-0247), onto Talbot Street West, Blenheim (PIN 00912-0404).

FINALLY PASSED THE ____ day of _____, 2019.

WHEREAS PETTICOATS AND LACE LTD. (the "Owner"), is the registered owner of 75 Talbot Street West, Blenheim, in the Municipality of Chatham-Kent legally described as PT LT 55, PLAN 91 AS IN 441301 S/T 133227 SUBJECT TO THE RIGHTS OF OWNERS OF ADJOINING PARCELS, IF ANY, UNDER 516781 & 174423 BLENHEIM ("the Owner's Property").

AND WHEREAS the Municipality is the registered owner of Talbot Street West, Blenheim legally described as FIRSTLY, TALBOT STREET PLAN 89, PLAN 91, PLAN 290, LYING BETWEEN CONS 1 & 2 WEST COMMUNICATION ROAD(HARWICH), AND CHATHAM ST (KING'S HIGHWAY #40), SECONDLY, PT LOTS 38, 41, 42, 45, 46, BLOCK 1 & PT LOTS 43, 46, 47, 50, 51, 54, 55, BLOCK 4, PLAN 290 AS IN D486 HARWICH (the "Municipality's Property"), which abuts the Owner's Property.

AND WHEREAS there is an awning on the Owner's Property which encroaches upon the Municipality's Property. Said encroachment is depicted on Schedule "B" attached hereto (hereinafter referred to as the "Encroachment").

AND WHEREAS the Owner has applied for permission to maintain the Encroachment.

BE IT THEREFORE ENACTED by the Council of the Corporation of the Municipality of Chatham-Kent as follows:

1. The Owner shall be entitled to maintain the Encroachment on the Municipality's Property until the Corporation of the Municipality of Chatham-Kent in its sole and absolute discretion requires possession of the Municipality's Property for municipal purposes or until the Owner removes the Encroachment from the Municipality's Property, whichever event shall first occur.

2. That the permission granted by this By-law shall enure to the benefit of and the obligations resulting therefrom as herein set out to be binding upon the heirs, executors, administrators, successors and assigns of the Owner and of the Corporation of the Municipality of Chatham-Kent.
3. The Owner shall as a condition of the granting of permission hereunder, enter into an Agreement with the Corporation, and the General Manager of Infrastructure and Engineering Services is authorized to execute such Agreement.
4. Notwithstanding anything herein contained, upon the Municipality giving three (3) months' written notice to the Owner that the Municipality's Property occupied by the Encroachment is required, the permission to maintain and use the said Encroachment shall be terminated, and the Owner shall remove such Encroachment, and restore the Municipality's Property occupied by such Encroachment to a suitable condition for use by the Municipality for the purposes of a street.
5. This By-law affects the lands described in Schedule "A" annexed hereto.
6. This By-law shall come into force and effect upon being finally passed.

THIS By-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this ____ day of _____, 2019.

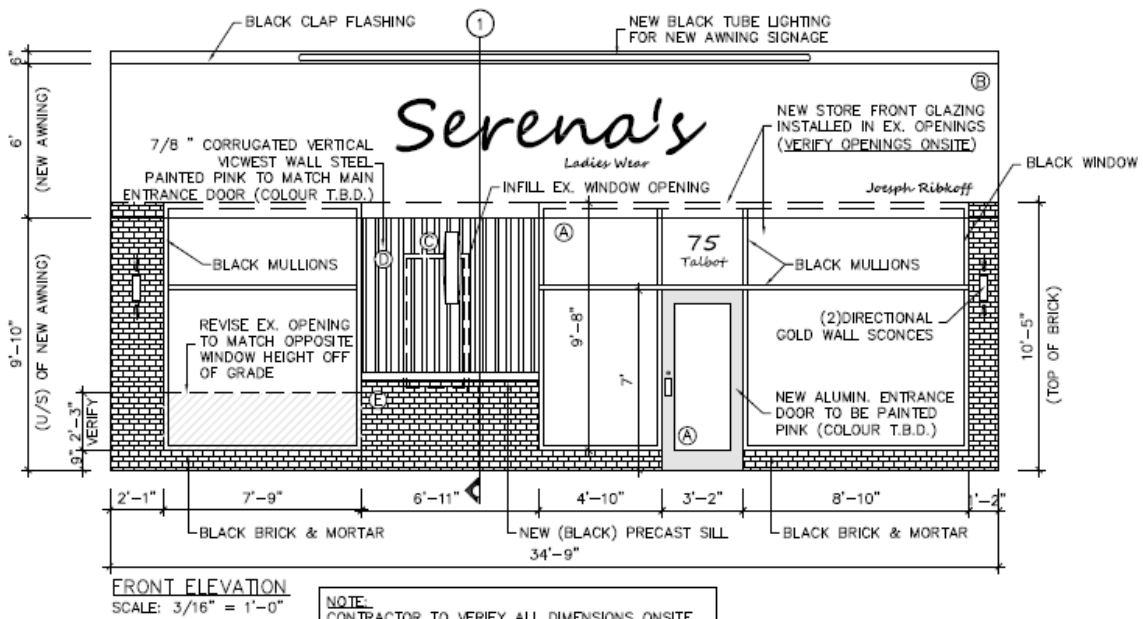
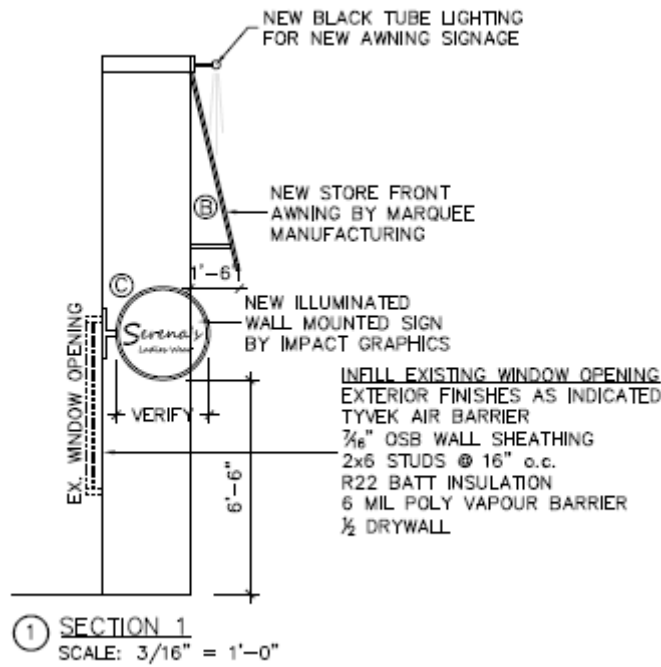
Mayor – Darrin Canniff

Clerk – Judy Smith

SCHEDULE "A"

PIN 00912-0247, being 75 Talbot Street West, Community of Blenheim,
Municipality of Chatham-Kent, legally described as PT LT 55, PLAN 91 AS IN
441301 S/T 133227 SUBJECT TO THE RIGHTS OF OWNERS OF ADJOINING
PARCELS, IF ANY, UNDER 516781 & 174423 BLENHEIM

SCHEDULE "B"



NOTE:
CONTRACTOR TO VERIFY ALL DIMENSIONS ONSITE.
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MEET O.B.C. REGULATIONS. CONTRACTOR TO VERIFY
ALL EX. WINDOW OPENINGS PRIOR TO NEW INSTALL.