

**Municipality Of Chatham-Kent**  
**Infrastructure and Engineering Services**  
**Public Works**

**To:** Mayor and Members of Council  
**From:** Ryan Brown  
Director, Public Works  
**Date:** July 26, 2019  
**Subject:** Encroachment Agreement – Hartley Vidler Memorial Walkway, Eriean

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**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 the installation of banner poles on parts of PINs 00938-1065, 00938-1066, and 00938-1067, being part of the boulevard municipally known as Hartley Vidler Memorial Walkway, Eriean.
2. The attached by-law confirming the encroachment (Appendix “B”), be approved.

**Background**

Administration has received a request from Eriean Community Association Inc. to enter into an agreement permitting the installation of 12 poles on part of the Hartley Vidler Memorial Walkway in Eriean for the purposes of displaying banners with content in the interest of the Eriean Community Association.

**Comments**

In reviewing the encroachment as described in Appendix “A” (attached), it is the opinion of Administration that the poles will not obstruct the Municipality in maintaining the sidewalks on Mariners Road or Ross Lane in Eriean. Costs for procurement, installation, and maintenance of the poles will be the sole expense of the Eriean Community Association.

**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 to be acceptable. Legal Services has drafted an encroachment agreement to be entered into between the Municipality and Erieau Community Association Inc. upon Council approval of this encroachment.

**Financial Implications**

There are no financial implications resulting from the recommendations.

Prepared by:

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Ryan Brown, P.Eng.  
Director, Public Works

Reviewed by:

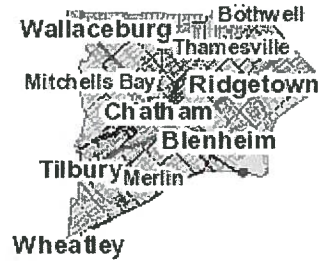
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Thomas Kelly, P.Eng., MBA  
General Manager  
Infrastructure and Engineering Services

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

C: Manager, Legal Services  
Supervisor I, Roads

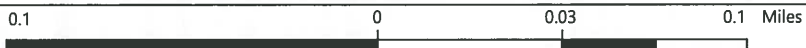
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Vidler Memorial Walkway.Docx



**Legend**

- Ownership Parcel Basemap
- Railway Crossing Inspections
- Parcel Information Report
- IES Sidewalks Rating
- Bridges
- Culverts
- Sidewalk
- Pump Houses
- Parking Lots
- Settlement Areas
- Address Points
- Road Network
- Railway
- Parking Lots
- Building Footprint
- Drop Shadow
- Assessment Parcel

*\*6000's in 2015 gardens*



NAD 1983 UTM Zone 17N  
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Notes**

BY-LAW NUMBER \_\_\_\_\_

OF THE CORPORATION OF THE  
MUNICIPALITY OF CHATHAM-KENT

A by-law to permit the encroachment of 12 banner poles belonging to the Eriean Community Association Inc. to be placed on part of PINs 00938-1065, 00938-1066, and 00938-1067 in Eriean, Ontario.

FINALLY PASSED THE \_\_\_\_ day of \_\_\_\_\_, 2019.

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**WHEREAS** Eriean Community Association Inc. (the "Owner"), is the owner of twelve (12) poles which display banners with content in the interest of the Association (the "Banner Poles").

**AND WHEREAS** the Municipality is the registered owner of PINs 00938-1065, 00938-1066, and 00938-1067 in Eriean forming part of the Hartley Vidler Memorial Parkway.

**AND WHEREAS** the Owner wishes to install the Banner Poles on the parts of PINs 00938-1065, 00938-1066, and 00938-1067 depicted in Schedule "B" attached hereto (the "Boulevard") which will form what is 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 Boulevard until the Corporation of the Municipality of Chatham-Kent in its sole and absolute discretion requires possession of the Boulevard for municipal purposes or until the Owner removes the Encroachment from the Boulevard, 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 Boulevard 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 Boulevard occupied by such Encroachment to a suitable condition for use by the Municipality for the purposes of a boulevard.
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.

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Mayor – Darrin Canniff

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Clerk – Judy Smith

SCHEDULE "A"

PIN 00938-1065, being part of the boulevard known as the Hartley Vidler Memorial Parkway in the Community of Erieau, Municipality of Chatham-Kent, legally described as PT POINT OR BAR, PTS 2 & 6, 24R-2121 "DESCRIPTION IN 340477 MAY NOT BE ACCEPTABLE IN FUTURE" ERIEAU

PIN 00938-1066, being part of the boulevard known as the Hartley Vidler Memorial Parkway in the Community of Erieau, Municipality of Chatham-Kent, legally described as PT POINT OR BAR, PTS 3 & 8, 24R-2121 "DESCRIPTION IN 340477 MAY NOT BE ACCEPTABLE IN FUTURE" ERIEAU

PIN 00938-1067, being part of the boulevard known as the Hartley Vidler Memorial Parkway in the Community of Erieau, Municipality of Chatham-Kent, legally described as ROSS LANE, PLAN 314 & 520 & PT POINT OR BAR, PTS 1, 7 & 9, 24R-2121 ROSS LANE ERIEAU



SCHEDULE "B"

For the purposes of this By-Law, the "Boulevard" is comprised of the parts of PINs 0938-1065, 00938-1066, and 00938-1067 outlined in red below.

