

Municipality Of Chatham-Kent

Community Development

Legal Services

To: Mayor and Members of Council
From: Emily Crawford, Legal Officer, Legal Services
Date: June 7, 2018
Subject: Brad-Lea Meadows Limited Requests re: Richmond Street, Chatham

Recommendations

It is recommended that:

1. By-law 9799, being a by-law to permit the use of a sign upon Richmond Street in the City of Chatham, be repealed.
2. The Chief Legal Officer be authorized to execute any documents necessary in order to provide consent to Brad-Lea Meadows Limited to use its property at 571 Richmond Street, Chatham for office space.

Background

Repeal of Sign By-law 9799

Brad-Lea Meadows Limited is selling land located at the northeast intersection of Richmond Street and Keil Drive South in the Community of Chatham to Gateway Casinos and Entertainment Limited for the lands to be redeveloped as a gaming facility. Brad-Lea Meadows has advised the Municipality of the following two administrative items which need to be addressed by the Municipality in order for the sale to Gateway Casinos to be finalized and for construction on the gaming facility to begin.

On October 9, 1990, Council of the City of Chatham passed by-law 9799, attached hereto as Schedule "A", to permit Brad-Lea Meadows Limited to erect a sign upon Richmond Street in Chatham. This sign was to serve the Wheel Inn, which was previously located at 615 Richmond Street, Chatham.

The Wheels Inn has since been demolished, and the property is being sold to Gateway Casinos and Entertainment Limited to be redeveloped as a gaming facility. Gateway Casinos and Entertainment Limited has asked for the Municipality to repeal by-law 9799 at its earliest convenience as the signage permitted under the by-law is no longer required.

Consent to Change of Use at 571 Richmond Street, Chatham

The Municipality entered into an agreement with Brad-Lea Meadows Limited on October 22, 2010 regarding Brad-Lea Meadows' donation of land to the Municipality for the creation of the John D. Bradley Convention Centre. This agreement stipulated that Brad-Lea Meadows' buildings adjacent to the Bradley Centre could only be used for certain purposes, and that consent would be required from the Municipality should Brad-Lea Meadows wish to change the permitted use of any of its buildings.

Brad-Lea Meadows currently has office space located at 615 Richmond Street, Chatham. This building is being leveled and redeveloped as part of the gaming facility to be built by Gateway Casinos. Brad-Lea Meadows now desires to use its building located at 571 Richmond Street, Chatham for office space in its place.

As per the agreement with the Municipality, the building at 571 Richmond Street was only permitted to be used as a restaurant. As such, Brad-Lea Meadows requires the Municipality's consent to use its building located at 571 Richmond Street, Chatham for office space and has requested the Municipality provide this consent.

Administration is recommending that both requests from Brad-Lea Meadows Limited be approved.

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 recommendation 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

Planning Services and Infrastructure and Engineering Services were both consulted in preparation for this Report and agree with the recommendation that by-law 9799 should be repealed and deleted from title.

Financial Services was also consulted in preparation for this Report and foresaw no issues with consenting to Brad-Lea Meadow's request to change the use of the building at 571 Richmond Street, Chatham.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:

Reviewed by:

Emily Crawford
Legal Officer, Legal Services

David Taylor
Manager, Legal Services

Reviewed by:

John Norton
General Manager, Community Development

Consulted and confirmed the content of the consultation section of the report by:

Bruce McAllister
Director, Planning Services

Thomas Kelly
General Manager, Infrastructure and Engineering Services

Mike Turner
Chief Financial Officer
Finance, Budget, and Information Technology Services

Attachment(s):

Schedule "A" – By-law 9799

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Richmond Street.docx

BY-LAW NUMBER 9799

OF THE CORPORATION OF THE CITY OF CHATHAM

A By-law to permit the use of a sign upon
Richmond Street in the City of Chatham

FINALLY PASSED the 9th day of October 1990

- - - - -

WHEREAS Brad-Lea Meadows Limited has requested authority to erect a sign upon Richmond Street to serve the premises at 615 Richmond Street in the City of Chatham.

AND WHEREAS Council of the City of Chatham deems it expedient to grant such request on the conditions hereinafter set forth

BE IT THEREFORE ENACTED by the Municipal Council of The Corporation of the City of Chatham as follows:

1. Permission is hereby granted pursuant to Section 309 (3) of The Municipal Act, R.S.O. 1980, Chapter 302, to Brad-Lea Meadows Limited, its successors and assigns, being the owner from time to time of the lands described in Schedule "A" hereto annexed and forming part hereof, to place, construct, install, maintain and use a sign and appurtenances upon that portion of Richmond Street, in the City of Chatham, in the County of Kent, more particularly described in Schedule "B" hereto annexed and forming part hereof:


- (a) until such time as The Corporation of the City of Chatham may desire to use that portion of Richmond Street described in said Schedule "B" or any part thereof for road purposes, or other municipal purposes, or
- (b) until the structure presently existing thereon is demolished by fire or otherwise, or
- (c) until such time as The Corporation of the City of Chatham does not have an indemnity from the owner for the time being of the lands described in Schedule "A".

Forthwith and immediately upon the happening of any one of the aforesaid three events, the right to occupy the lands described in said Schedule "B" shall forthwith cease.

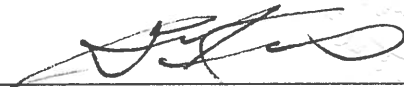
2. The owner from time to time of the lands described in Schedule "A", commencing with the said Brad-Lea Meadows Limited, its successors and assigns, shall indemnify and save harmless The Corporation of the City of Chatham, its servants, agents and employees, contractors and subcontractors from and against any and all claims, liens, damages, awards, judgments, actions and proceedings by whomsoever brought, filed or prosecuted in respect of personal injuries, including injuries causing death and in respect of loss or damage to or destruction of property which result from or arise out of the permission hereby granted and such indemnity shall be in the form annexed hereto as Schedule "C"; the indemnity annexed hereto as said Schedule "C" is the indemnity referred to in said Paragraph (c) of Paragraph 1.

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

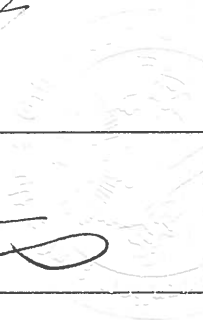
READ A FIRST, SECOND AND THIRD TIME this 9th day of
October 1990



Mayor



Clerk



SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the City of Chatham, formerly Township of Raleigh, County of Kent and Province of Ontario, being composed of part of Lots 21 and 22, First or Front Concession, in the said Township and being more particularly described as follows:

COMMENCING at a point where the line between the said Lots 21 and 22 intersects the North-westerly limit of the public highway known as Richmond Street, the said limit being defined in Deposit Plan No. 145 for the County of Kent;

THENCE South $49^{\circ} 46' 50''$ West along the said North-westerly limit of Richmond Street, three hundred and eighty-eight and twenty-seven one-hundredths feet (388.27) to a point;

THENCE North $42^{\circ} 14' 50''$ West six hundred and twenty-one and eighty-one hundredths feet (621.81') to a point in the South-easterly Limit of the right-of-way of the Canadian Pacific Railway;

THENCE North $54^{\circ} 41' 10''$ East along the last mentioned limit, six hundred and seven and ninety-five one-hundredths feet (607.95') to a point;

THENCE South $43^{\circ} 00'$ East, parallel to the line between Lots 21 and 22, fifty-nine feet (59') to a point;

THENCE South $47^{\circ} 00'$ West, seventy-four and thirty-nine one hundredths feet (74.39') to a point;

THENCE South $43^{\circ} 00'$ East, one hundred and ninety-five and eighteen one hundredths feet (195.18') to a point;

THENCE South $47^{\circ} 00'$ West, one hundred and forty-eight and fifty-one hundredths feet (148.51') to a point in the line between the said Lots 21 and 22;

THENCE South $43^{\circ} 00'$ East along the last mentioned line three hundred and five and thirty-two one hundredths feet (305.32') to the Point of Commencement.

This is Schedule "A" to
By-law 9799 passed October
9, 1990



Mayor



Clerk

SCHEDULE "B"

PART OF RICHMOND STREET

COMMENCING at a point on the Southeast limit of Part 4 according to Reference Plan 24R1783 distant two hundred and three feet (203') southwesterly from the limit between Lots 21 and 22 in the Front Concession (formerly Raleigh Township) City of Chatham:

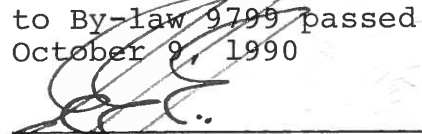
THENCE southwesterly along the southeast limit of Part 4 a distance of ten feet (10') to a point;

THENCE southeasterly at right angles to the southeasterly limit of Part 4 a distance of twenty feet (20') to a point;

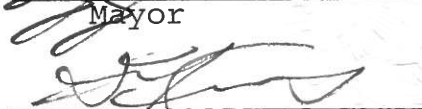
THENCE northeasterly parallel to the southeasterly limit of Part 4 a distance of ten feet (10');

THENCE northwesterly a distance of twenty feet (20') to the point of commencement.

This is Schedule "B"
to By-law 9799 passed
October 9, 1990



Mayor



Clerk

SCHEDULE "C"

KNOW ALL MEN BY THESE PRESENTS that in consideration of The Corporation of the City of Chatham having enacted By-law Number _____ of The Corporation of the City of Chatham, and in consideration of The Corporation of the City of Chatham permitting _____ to enjoy the rights and privileges granted by said By-law Number _____ and in further consideration of the sum of ONE DOLLAR (\$1.00) now paid by The Corporation of the City of Chatham to

the receipt whereof is hereby acknowledged, the undersigned does hereby indemnify and save harmless The Corporation of the City of Chatham of and from all and any manner of action and actions, cause and causes of action, suits, debts, duties, dues, accounts, covenants, contracts, demands or other proceedings of every nature or kind whatsoever at law or in equity which may be brought against The Corporation of the City of Chatham for permitting the undersigned or acquiescing in the undersigned to place, maintain and use the structures encroaching upon that portion of _____ as more particularly described in Schedule "B" in said By-law Number _____, and this indemnity shall continue and remain in full force and effect until such time as said By-law Number _____ is repealed.

IN WITNESS WHEREOF the undersigned has hereunto affixed its corporate seal duly attested by the hand of its proper signing authority in that behalf.

Witness

per _____

per _____

This is Schedule "C" to
By-law 9799 passed October
9, 1990



Mayor



Clerk

