

## **ANNOUNCEMENT BY MAYOR**

**Consideration of a proposed declaration to close part of the road allowance known as: Part of Road Allowance Between Lots 6 and 7, Concession 1, Geographic Township of Dover West, Municipality of Chatham-Kent, depicted as Part 15, 24R10632.**

The property being considered to be closed legally described as: Part of Road Allowance Between Lots 6 and 7, Concession 1, Geographic Township of Dover West, Municipality of Chatham-Kent, depicted as Part 15, 24R10632.

During the week of February 3, 2020 a Notice of Intention to close the above noted road allowance was published in the Tilbury Times newspaper for a one week period and advertised on the municipal website beginning on January 28, 2020.

I will now invite any person wishing to be heard to approach the podium and give reasons why their lands will be adversely affected by this declaration to close this portion of the road allowance.

**Municipality Of Chatham-Kent**  
**Finance, Budget & Information Technology Services**  
**Financial Services**

**To:** Mayor and Members of Council  
**From:** Matt Torrance, MBA, CPA, CGA  
Director, Financial Services  
**Date:** January 28, 2020  
**Subject:** Road Closing - Bradley Farms Limited

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**Recommendation**

It is recommended that:

1. A By-law be passed to close the road allowance depicted as Part 15, Reference Plan 24R10632, being part of PIN 00776-0004.

**Background**

The Bradley family owns numerous road allowances within their large tracts of farmland on the western side of Chatham-Kent. The Bradley family has sought approval from the Municipality to formally close the road allowances and transfer them to Bradley Farms Limited.

At its meeting held December 9, 2019, Council approved a road closing by-law and transfer of road allowances to Bradley Farms Limited. As part of that report, Council approved the transfer of Part 15, 24R10632 to Bradley Farms Limited.

**Comments**

Upon preparing to register the transfer for Part 15, 24R10632, it was discovered that although the legal description for this property described the road allowance as being closed, the old road closing by-law had erroneously described and therefore closed a different portion of land. As such, in order to proceed with closing Part 15, 24R10632 as previously approved by Council and correct the error on title, administration is recommending a new by-law be passed to close the road allowance.

A notice describing the potential closure was published in the Tilbury Times for a one-week period beginning February 3, 2020 as well as on the municipal website beginning

January 28, 2020. At this time, no objections have been received; however, members of the public may ask to be heard at the February 10, 2020 Council meeting.

### **Areas of Strategic Focus and Critical Success Factors**

The recommendation in this report supports 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**

Legal Services has reviewed the legal description and the erroneous road closing by-law and has confirmed a new by-law should be passed in order to transfer the parcel to Bradley Farms Limited. Legal Services will register the by-law on title to the property upon Council's approval.

### **Financial Implications**

There are no financial implications resulting from the recommendation.

Prepared by:

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Amy McLellan, CPA, CGA  
Manager, Revenue

Reviewed by:

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Matt Torrance, MBA, CPA, CGA  
Director, Financial Services

Reviewed by:

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Gord Quinton, MBA, CPA, CGA  
Chief Financial Officer, Treasurer

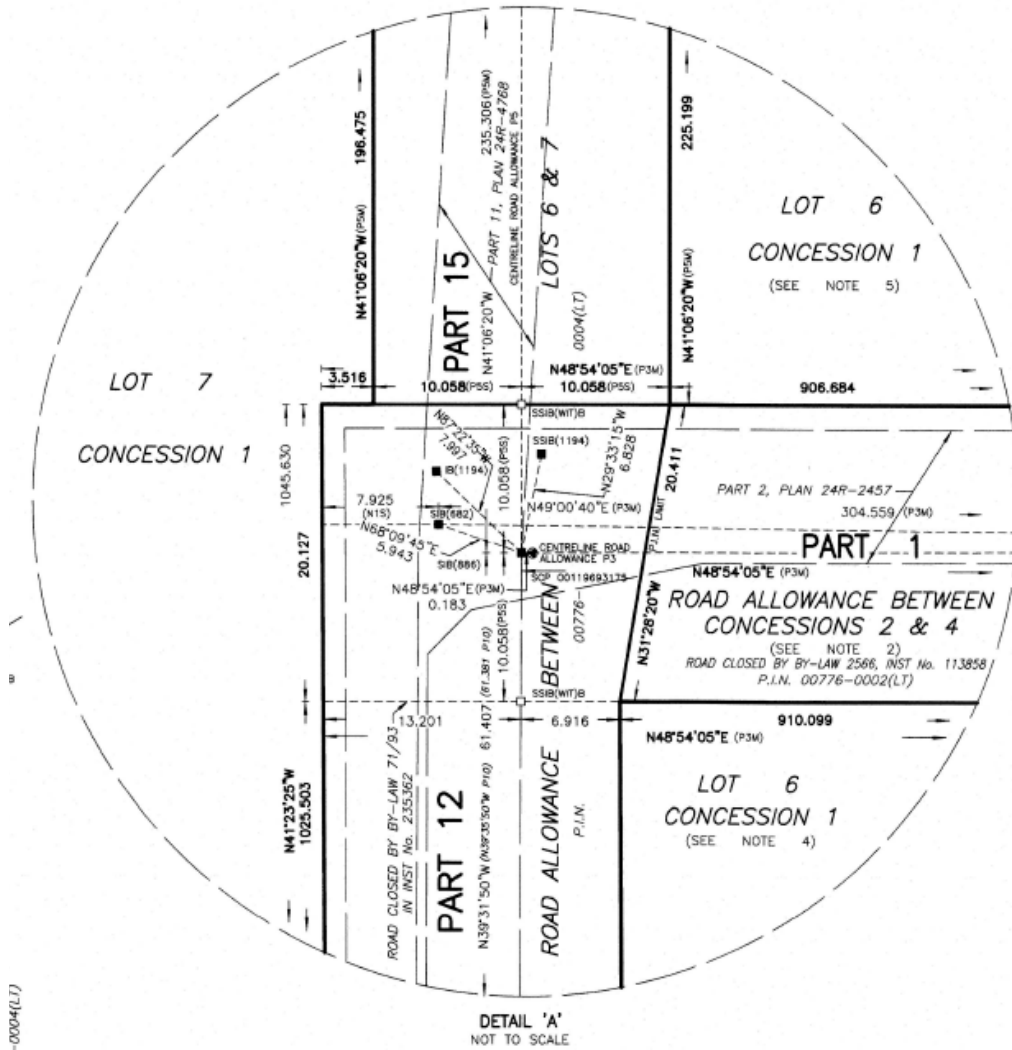
Attachments: Depiction of Part 15, 24R10632  
Draft bylaw

C: Manager, Legal Services

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Road Closing - Bradley Farms Limited

Attachment: Depiction of Part 15, 24R10632, to be closed



-0004(LT)

**BY-LAW NUMBER - 2020**  
**OF THE CORPORATION OF THE**  
**MUNICIPALITY OF CHATHAM-KENT**

A By-law to provide for the closing of part of the road allowance described as Part of Road Allowance Between Lots 6 and 7, Concession 1, Geographic Township of Dover West, Municipality of Chatham-Kent, depicted as Part 15, 24R10632, being part of Property Identification Number 00776-0004.

**FINALLY PASSED THE 10<sup>th</sup> day of February, 2020.**

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**WHEREAS** Council of the Municipality of Chatham-Kent wishes to close the road allowance, legally described as: Part of Road Allowance Between Lots 6 and 7, Concession 1, Geographic Township of Dover West, Municipality of Chatham-Kent, depicted as Part 15, 24R10632, pursuant to the provisions of Section 34 of the Municipal Act, 2001, R.S.O. 2001, Chapter 25 and amendments thereto provides that the Council of a municipality may pass by-laws to close Public Highways.

**AND WHEREAS** notice of the proposed By-Law for the closing of the road allowance was published in the Tilbury Times newspaper, which the publication appeared beginning the week of February 3, 2020 for a one week period.

**AND WHEREAS** notice of the proposed By-Law for the closing of the unopened road allowance has been advertised on the Chatham-Kent website since January 28, 2020.

**AND WHEREAS** the said notice did provide that any person who claims that his land might be prejudicially affected by the By-Law will be heard either in person or by his counsel on the day fixed and set out in the said Notice, namely February 10, 2020.

**AND WHEREAS** Council heard all parties that requested to speak about their concerns regarding this By-Law.

**AND WHEREAS** after considering the matter of the proposed By-Law, Council authorized passage.

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

1. That portion of the road, legally described as Part of Road Allowance Between Lots 6 and 7, Concession 1, Geographic Township of Dover West, Municipality of Chatham-Kent, depicted as Part 15, 24R10632, be closed.
2. That the Mayor and Clerk are hereby authorized and directed to execute on behalf of the Municipality of Chatham-Kent and to seal with the seal thereof any and all documents necessary to implement the foregoing.

THIS By-law shall come into full force and effect upon the day on which it is registered at the Land Registry Office of Kent (No. 24).

READ A FIRST, SECOND AND THIRD TIME this 10<sup>th</sup> day of February, 2020.

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Mayor – Darrin Canniff

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Clerk – Judy Smith