

Municipality Of Chatham-Kent
Infrastructure and Engineering Services
Public Works

To: Mayor and Members of Council
From: Ryan Brown, P.Eng,
Director of Public Works
Date: February 5, 2021
Subject: Encroachment Agreement – 213 King Street West, Chatham

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 Director of Legal Services, for the construction of an accessible entrance on the sidewalk adjacent to the commercial property being PIN 00505-0253, municipally known as 213 King Street West, Chatham.
2. The attached by-law confirming the encroachment (Appendix “B”), be approved.

Background

Administration has received a request from the owners of Turns & Tales to enter into an encroachment agreement for the purpose of constructing an accessible entrance outside the commercial property located at 213 King Street West, Chatham. Turns and Tales is not the owner of the property, but rather a tenant. As a result, the owner of 213 King Street West, being National Trust Company, will also be a party to the encroachment agreement.

This request was received several months ago through the Technical Advisory Committee (TAC), and administration and the owners have been working on the details of the design and agreement since. The encroachment will extend over the municipal sidewalk on King Street West approximately 8 feet $\frac{3}{4}$ inches wide and 23 feet long.

Comments

After reviewing the encroachment described in Appendix “A” (attached), changes were made to allow for maintenance of the existing infrastructure (sidewalk snow removal) as well as adequate accessibility clearance between the proposed ramp and the existing street light pole in the vicinity 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 support 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 will draft an encroachment agreement to be entered into between the Municipality, the owners of Turns & Tales, and the registered property owner of 213 King Street West, Chatham upon Council approval of this encroachment.

Financial Implications

All costs for retaining and supervising a contractor to complete this work will be borne by the property owner, and subject to final approval by the Municipality. There are no financial implications to the Municipality resulting from the recommendations.

Prepared by:

Ryan Brown, P.Eng.
Director, Public Works

Reviewed by:

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

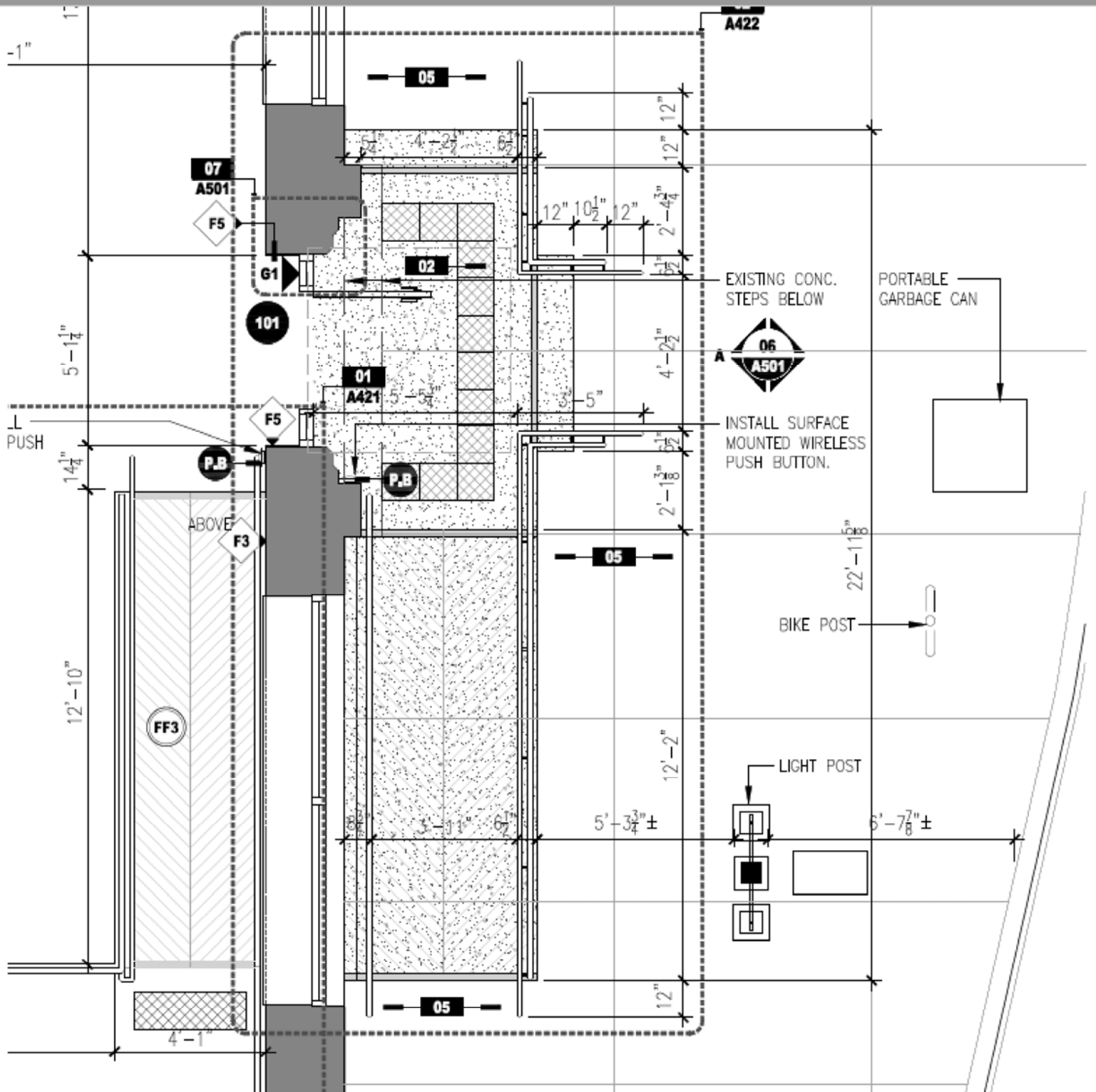
Consulted and confirmed the content of the consultation section of the report by:

David Taylor
Director, Legal Services

Attachments: Appendix A – Proposed Drawings
Appendix B – Draft By-law

c Director, Legal Services

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213 King Street West Chatham.Docx



BY-LAW NUMBER _____

OF THE CORPORATION OF THE
MUNICIPALITY OF CHATHAM-KENT

A by-law to permit the encroachment of an accessible entrance ramp and steps on the sidewalk adjacent to the commercial property being PIN 00505-0253, municipally known as 213 King Street West, Chatham.

FINALLY PASSED THE ___ day of _____, 2021.

WHEREAS the Municipality is the registered owner of PIN 00505-0237 in Chatham, forming part of King Street West, Chatham.

AND WHEREAS Turns & Tales (the "Tenant") wishes to construct an accessible entrance ramp and steps on the sidewalk adjacent the commercial property located at 213 King Street West in Chatham, being PIN 00505-0253 depicted in Schedule "B" attached hereto which will form what is hereinafter referred to as the "Encroachment".

AND WHEREAS the Tenant with the permission of the Owner has applied for permission to install and 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 install and maintain the Encroachment on the sidewalk until the Corporation of the Municipality of Chatham-Kent in its sole and absolute discretion requires possession of the sidewalk for municipal purposes or until the Owner removes the Encroachment from the sidewalk, 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 Tenant and 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. This By-law affects the lands described in Schedule "A" annexed hereto.
5. 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 _____, 2021.

Mayor – Darrin Canniff

Clerk – Judy Smith

SCHEDULE "A"

PIN 00505-0253 municipally known as 213 King Street West in Chatham, owned by National Trust Company.

Legal Description: PT LT 1-3 BLK C PL OLD SURVEY PT 1, 2, 8, 12, 16, 17 & 19, 24R3662; TOGETHER WITH R.O.W.OVER PART OF LOTS 1 & 2, BLOCK C, OLD SURVEY, DESIGNATED AS PARTS 6 & 7, 24R3662, AS IN 437388; S/T 437388E; CHATHAM-KENT

SCHEDULE "B"

For the purposes of this By-Law, the "sidewalk" is comprised of the part of PIN 00505-0237 being King Street West outlined below.

