

**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:** October 28, 2020  
**Subject:** Encroachment Agreement – 132 Queen St., Chatham

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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 Director of Legal Services, for installation of a new awning attached to the commercial property being PIN 00506-0249, municipally known as 132 Queen St., Chatham.
2. The attached by-law confirming the encroachment (Appendix “B”), be approved.

**Background**

Administration has received a request from 2501013 Ontario Inc. to enter into an encroachment agreement for the purpose of mounting a new awning to the side of the commercial property located at 132 Queen St., Chatham. The awning will extend over the municipal sidewalk on Queen Street approximately 36 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 Queen Street.

**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 shall draft an encroachment agreement to be entered into between the Municipality and 2501013 Ontario 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

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

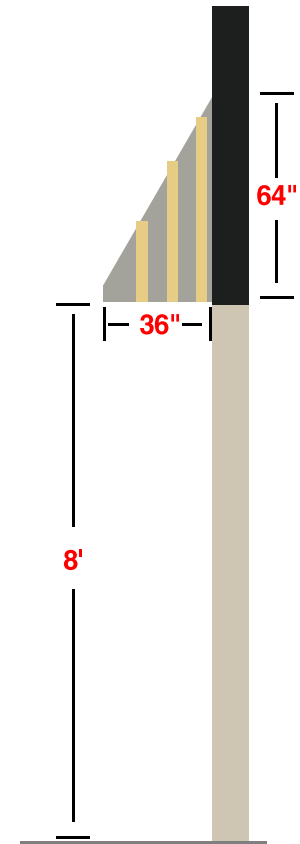
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David Taylor  
Director, Legal Services

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

c Director, Legal Services

P:\RTC\Infrastructure And Engineering\I & ES\2020\4308 - Encroachment Agreement  
132 Queen St. Chatham.Docx



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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 132 Queen Street, Chatham (PIN 00506-0249), onto Queen Street, Chatham (PIN 00504-0252).

FINALLY PASSED THE \_\_\_\_ day of \_\_\_\_\_, 2020.

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**WHEREAS** 2501013 Ontario Inc. (the “Owner”), is the registered owner of 132 Queen Street, Chatham, in the Municipality of Chatham-Kent legally described as Lot 5, Block 1, Plan 291; CHATHAM-KENT (“the Owner’s Property”).

**AND WHEREAS** the Municipality is the registered owner of Queen Street, Chatham legally described as PT RDAL BTN TWP OF HARWICH & TWP OF RALEIGH (AKA QUEEN ST ) BTN WELLINGTON ST & PARK ST; CHATHAM-KENT (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 \_\_\_\_\_, 2020.

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Mayor – Darrin Canniff

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Clerk – Judy Smith

SCHEDULE "A"

PIN 00506-0249, being 132 Queen Street, Community of Chatham, Municipality of Chatham-Kent, legally described as Lot 5, Block 1, Plan 291; CHATHAM-KENT

SCHEDULE "B"

