



The Corporation of the Town of Fort Erie By-law 38-2025

Being a By-law to Authorize the Entry into a Temporary Heritage Conservation Easement Agreement with Cherry Hill Club Limited 912 Cherry Hill Boulevard North

Whereas Cherry Hill Club Limited is the registered owner of the lands and premises municipally known as 912 Cherry Hill Boulevard North in the community of Ridgeway, within the Town of Fort Erie, which is legally described as Lot 26 Conc 3 Lake Erie; Lot 27 Conc 3 Lake Erie; Fort Erie; Regional Municipality of Niagara (the "Property"); and

Whereas one of the purposes of the Ontario Heritage Act, R.S.O. 1990, c. O.18, is to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario; and

Whereas that the Owner intends to apply for a site plan control application and building permits for the Property to undertake renovations and additions; and

Whereas In accordance with Section 37(1) of the Ontario Heritage Act, R.S.O. 1990, c.O.18 the Town may enter into agreement, covenants and easements with owners of real property for the conservation, protection and preservation of heritage in Ontario; and

Whereas Sections 37(2) and 37(3) of the Ontario Heritage Act provide that such covenants and easements entered into by the Town, when registered in the Land Registry Office against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be enforced by the Town or its assignee against the owner or any subsequent owners of the real property even where the Town owns no other land which would be accommodated or benefited by such covenants and easements; and

Whereas The Owner and the Town desire to conserve certain heritage resources on the Property as set out in this Agreement and the Schedules thereto with the intent of protecting certain items on the existing clubhouse; and

Whereas Report PBBS-18-2025 was considered at the Council-in-Committee Meeting held on March 17, 2025, and subsequently approved by Council, to authorize entry into a Temporary Conservation Easement Agreement with Cherry Hill Club Limited; and

Whereas to this end, the Owner and the Town agree to enter into this Heritage Easement Agreement (hereinafter called the "Agreement"), which shall be temporary in nature existing until such time as a Site Plan Agreement for the development of the Property is registered on title and a new designating by-law for the part legally described as Part of Lot 27 Conc. 3 Lake Erie Bertie designated as Part 1 on 59R-18347 has been passed under Section 29 of the Ontario Heritage Act and brought into force and effect, after which the easement will be released, in accordance with the terms of this Agreement; and

Whereas The Owner is entering into this Agreement voluntarily and in good faith to ensure the preservation and protection of the heritage resources identified herein; and

Whereas it is deemed desirable to enter into a Temporary Heritage Conservation Easement Agreement with Cherry Hill Club Limited for 912 Cherry Hill Boulevard North;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. **That** the entry into a Temporary Heritage Conservation Easement Agreement with Cherry Hill Club Limited for 912 Cherry Hill Boulevard North, is authorized and approved.
- 2. **That** the Mayor and Clerk are authorized and directed to execution the Temporary Heritage Conservation Easement Agreement, in a form satisfactory to the Town’s solicitor, and to affix the corporate seal thereto.
- 3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 28th day of April 2025.

Mayor

Clerk