

CITY OF ST. THOMAS

BY-LAW NO. 20-85

A by-law to designate a certain area
as an improvement area and to establish
a Board of Management therefor.

AS AMENDED BY

By-Law 16-86	February 3rd, 1986 (Repealed)
By-Law 58-96	June 3rd, 1996 (Replaced by B/L 9-98)
By-Law 9-98	January 5th, 1998

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BY-LAW NO. 20-85

A by-law to designate a certain area
as an improvement area and to establish
a Board of Management therefor.

WHEREAS The Municipal Act provides that the Council of a local municipality may pass by-laws designating an area as an improvement area and may by by-law establish for any such area so designated a Board of Management to which may be entrusted, subject to such limitations as the by-law may provide, the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area;

AND WHEREAS it is desirable to designate the area hereinafter described as an improvement area and to establish a Board of Management for such area for the purposes set out herein:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS AS FOLLOWS:

1. The area comprised of the land described in Schedule "A" annexed hereto and made part of this by-law is designated as an improvement area within the meaning of Section 217 of The Municipal Act, R.S.O., 1980, Chapter 302, (hereinafter called "the area").
2. There is established for the area described in said Schedule "A" to this by-law a Board of Management to be known as the "Board of Management for the St. Thomas Downtown Improvement Area" (hereinafter called "the Board").
3. There is entrusted to the Board, subject to the limitations hereinafter set out, the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area.
4. The Board shall consist of nine or more members appointed by Council, from nominees approved by the Downtown Development Board membership or put forward by the current Board of Management, one or more of whom shall be members of the Council. The remaining members shall be individuals who are assessed for realty taxes on property that is in a prescribed business property class within the area described in Schedule "A", being property owners or tenants required to pay all or part of the taxes on the property under the terms of a lease, or their nominees. A quorum shall consist of five members. (B/L 9-98)

5. Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him, provided he continues to be qualified as provided in Section 4.

6. Where a vacancy occurs from any cause, the council shall appoint a person qualified as set out in Section 4 to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

7. The members shall hold office until their successors are appointed and are eligible for reappointment on the expiration of their term of office.

8. The Board shall submit to the Council its estimates for the current year at the time and in the form prescribed by the Council and may make requisitions upon the Council for all sums of money required to carry out its powers and duties, but nothing herein divests the Council of its authority with reference to rejecting such estimates in whole or in part or providing the money for the purposes of the Board and when money is so provided by the Council the Treasurer shall, upon the certificate of the Board, pay out such money to the Board.

9. Subject to a maximum charge of \$1,100. and a minimum charge of \$50., the Council shall in each year levy a special charge upon persons in the improvement area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board.

10. The Board shall not expend any moneys not included in the estimates approved by the Council or in a reserve fund established under Section 165.

11. The Board shall not borrow money and without the prior approval of Council it may not incur any indebtedness extending beyond the current year.

12. On or before the 1st day of March in each year, the Board shall submit its annual report for the preceding year to Council, including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

13. The municipal auditor shall be the auditor of the Board and all books, documents, transactions, minutes and accounts of the Board shall, at all times, be open to his inspection.

14. The Board shall as soon as possible after its members are appointed elect a chairman and vice-chairman and appoint a secretary and treasurer, and such other officers as it may deem necessary to properly conduct the business of the Board.

15. The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board and to the City Clerk as soon as possible after the meeting convened thereby.

16. The Board shall adopt and maintain only banking arrangements and ordinary good accounting practices that are acceptable to the City Treasurer of the Corporation and keep such books of account and submit such statements from time to time as the said City Treasurer may require.

17. The fiscal year of the Board shall be the calendar year.

18. The Board shall deposit and keep on deposit with the City Treasurer, insurance policies satisfactory in all respects to the said City Treasurer, indemnifying the Corporation against public liability and property damage in respect of the activities of the Board.

19. This by-law shall not come into force or take effect until it has been approved by The Ontario Municipal Board.

20. By-Laws 31-74 and 118-80 be and the same are hereby repealed.

READ a First and Second time this 18th day of February, 1985.

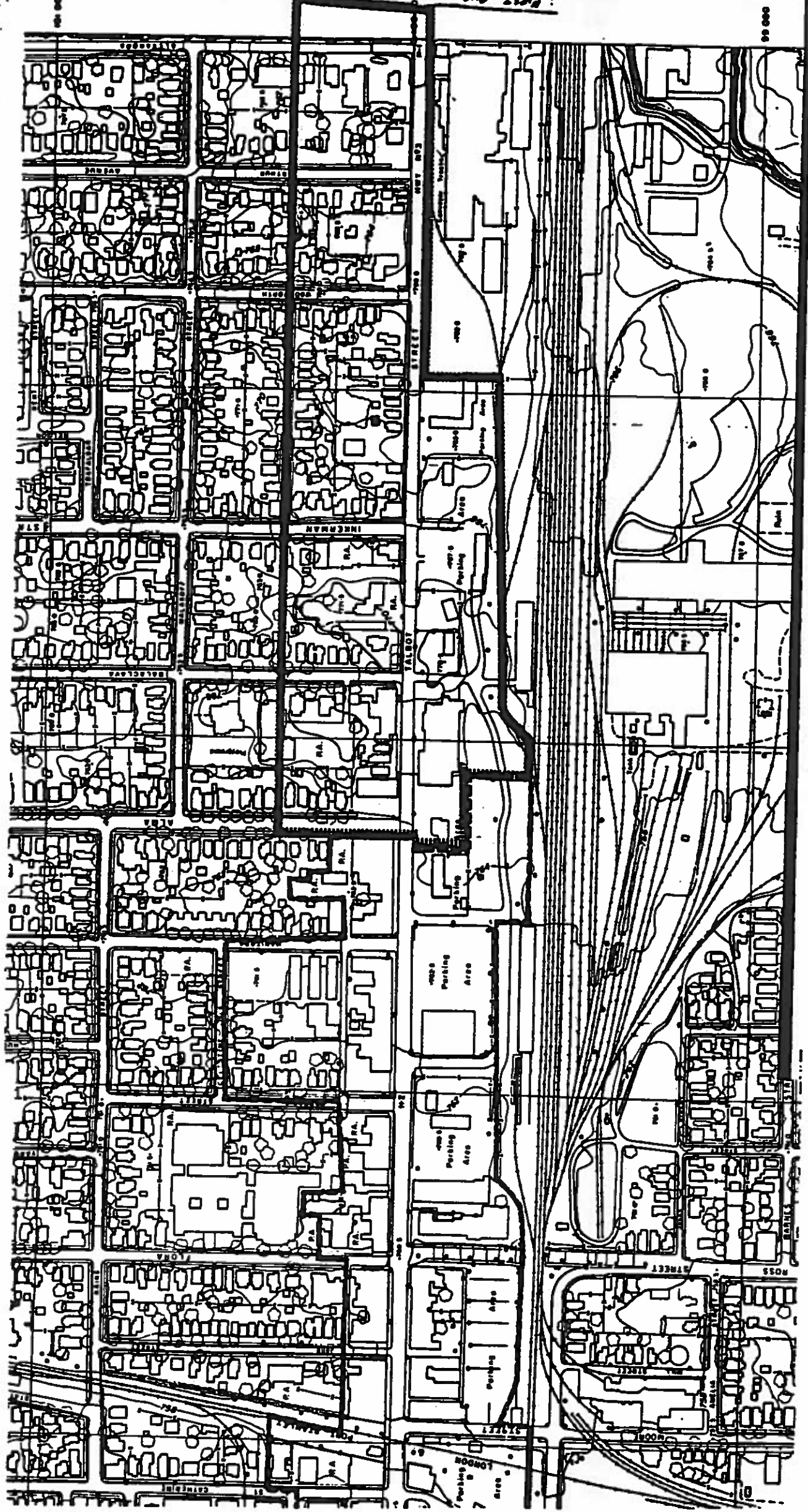
READ a Third time and Finally passed this 18th day of February, 1985.

Peter J. Leack

City Clerk

D. Tarry

Mayor



*EXISTING IMPROVEMENT AREA IS IN SOLID LINES AND THE EXPANDED AREA IS IN HEAVY SOLID LINES

In the City of St. Thomas, in the County of Elgin being the lands more particularly described as follows:

FIRSTLY:

PREMISING that for the purposes of the 32nd, 33rd, 34th, 35th and 36th courses of the following description that the bearing of the northerly limit of Talbot Street as shown on Registered Plan 43 is North $89^{\circ} 43' 30''$ West and that the bearings in the 32nd, 33rd, 34th, 35th and 36th courses relate thereto.

PREMISING that for the purpose of the 43rd course of the following description that the bearing of Moore Street as shown on said Plan 43 is North $1^{\circ} 29' 30''$ East and that the bearing in the 43rd course relates thereto.

COMMENCING at the intersection of the easterly limit of New Street and the southerly limit of Curtis Street as shown on Registered Plan 3;

THENCE easterly along the southerly limit of Curtis Street as shown on Registered Plans 3 and 37 and the southerly limit of Curtis Street as shown on said Plan 37 produced easterly to its intersection with the westerly limit of Lot 3 on the east side of St. Catherine Street as shown on said Plan 43;

THENCE northerly along the westerly limit of said Lot 3 to the northwest angle thereof;

THENCE easterly along the northerly limit of said Lot 3 and said northerly limit produced to its intersection with the easterly limit of the Canadian National Railway (formerly the L. & P.S.) right-of-way as of November 1st, 1973;

THENCE southerly along the easterly limit of the said Canadian National Railway right-of-way to its intersection with the northerly limit of a lane as shown on Plan 62 produced westerly;

THENCE easterly along the northerly limit of said lane and said lane produced easterly to its intersection with the westerly limit of Lot 1 north on Talbot Street, west of Flora Street as shown on said Plan 43;

THENCE southerly along the westerly limit of said Lot 1, 4 feet more or less to its intersection with the northerly limit of a right-of-way, said point of intersection being 126 feet northerly along the westerly limit of said Lot 1 from the northerly limit of Talbot Street as shown on said Plan 43;

THENCE easterly along the northerly limit of said right-of-way and said right-of-way produced to its intersection with the easterly limit of Flora Street as shown on said Plan 43;

THENCE northerly along the said easterly limit of Flora Street to a point 5 feet southerly from the northwest angle of Lot 7, east of Flora Street as shown on Registered Plan 121;

THENCE easterly parallel to the northerly limit of said Lot 7 to the easterly limit thereof;

THENCE northerly along the easterly limit of Lots 7 and 8 to the northeast angle of Lot 8, said point being 247 feet north of the northerly limit of Talbot Street measured along the westerly limit of Lot D according to said Plan 43;

THENCE easterly parallel to the northerly limit of Talbot Street, 66 feet to the easterly limit of said Lot D;

THENCE southerly along the easterly limit of Lot D, which is also the westerly limit of Lot E, Plan 43, to a point $123' 3''$ north along said limit from the northerly limit of Talbot Street;

THENCE easterly in a straight line to a point which is measured 11' 3¼" perpendicular to the easterly limit of said Lot E and 129' 1½" measured perpendicular to the northerly limit of Talbot Street;

THENCE northerly parallel to the easterly limit of said Lot E, 3' 1½" to a point;

THENCE easterly parallel to the northerly limit of Talbot Street 11' 3¼" to the easterly limit of said Lot E;

THENCE northerly along the easterly limit of said Lot E to the southwest angle of Lot 4, west of Horton Street, Plan 43;

THENCE easterly along the southerly limit of said Lot 4 and said limit produced to its intersection with the easterly limit of Horton Street as shown on said Plan 43;

THENCE northerly along the said easterly limit of Horton Street to its intersection with the southerly limit of Celestine Street as shown on such Plan;

THENCE easterly along the said southerly limit of Celestine Street to its intersection with the easterly limit of Horton Market as shown on Registered Plan 115;

THENCE southerly along the said easterly limit of Horton Market to its intersection with the southerly limit of Lot 64 west of Manitoba Street, Plan 115;

THENCE easterly along the southerly limit of said Lot 64 to the southeast angle thereof;

THENCE northerly along the easterly limit of said Lot 64 and the westerly limits of Lots 1, 4 and 5, west of Alma Street, Plan 43 to a point in the westerly limit of said Lot 5 which point is 5' 5¾" measured along said limit from the southwest angle thereof;

THENCE south 88° 50' 30" east a distance of 64' 4" to a point;

THENCE south 0° 32' 30" west a distance of 54' 27⁄8" to a point;

THENCE south 88° 50' 30" east along the line between the north and south halves of said Lot 4, 14' 6⁄8" to a point;

THENCE south 0° 32' 30" west to a point which is 195.5 feet measured northerly at right angles to the northerly limit of Talbot Street as shown on said Plan 43;

THENCE easterly parallel to the said northerly limit of Talbot Street 100 feet to the westerly limit of Alma Street as shown on said Plan 43;

THENCE southerly along the said westerly limit of Alma Street and said limit produced to its intersection with the southerly limit of Talbot Street as shown on said Plan 43;

THENCE westerly along the southerly limit of Talbot Street, a distance of 44.85 feet more or less to a point in the southerly limit of Talbot Street that is 467.25 feet westerly along said limit from its intersection with the westerly limit of Balaclava Street produced southerly as shown on said Plan 43;

THENCE southerly at right angles to the southerly limit of Talbot Street, a distance of 150 feet to a point;

THENCE south 88° 43' 30" east, a distance of 216.75 feet to a point;

THENCE south 0° 16' 30" west, a distance of 160 feet to a point;

THENCE north 88° 43' 30" west, a distance of 390.25 feet to a point;

THENCE north 0° 16' 30" east, a distance of 90 feet more or less to a point that is 220 feet measured southerly at right angles from the northerly limit of Talbot Street as shown on said Plan 43;

THENCE north $89^{\circ} 43' 30''$ west and parallel to the northerly limit of Talbot Street to a point which is 206 feet measured easterly at right angles to the easterly limit of Ross Street as shown on said Plan 43;

THENCE southerly parallel with the said easterly limit of Ross Street, a distance of 31 feet;

THENCE southwesterly in a straight line to a point which is 135 feet easterly from said easterly limit of Ross Street measured perpendicular thereto and 261 feet southerly from the southerly limit of Talbot Street measured perpendicular thereto;

THENCE southerly parallel with the said easterly limit of Ross Street, a distance of 22 feet to a point;

THENCE westerly parallel with the southerly limit of Talbot Street, 135 feet more or less to the said easterly limit of Ross Street;

THENCE southerly along the said easterly limit of Ross Street, 26 feet more or less to where said limit is intersected by a line drawn parallel to the southerly limit of Talbot Street as shown on Registered Plan 19 at a distance of 9 feet south of the northerly limit of Lot 12, west of Ross Street, Plan 19;

THENCE westerly along said line measured 9 feet south of the northerly limit of said Lot 12 which line is also 54 feet south of the northerly limit of Lot 14, Plan 19 and along the southerly limits of Lots 7, 8 and 9 according to Registered Plan 118, to a point in the southwest angle of said Lot 9;

THENCE north $53^{\circ} 01' 51''$ west a distance of 131 feet more or less to the intersection of the westerly limit of Lot 96, east of Moore Street according to said Plan 43;

THENCE southerly along the said easterly limit of Moore Street to the northerly limit of the right-of-way owned as of November 1, 1973 by the Canada Southern Railway Company;

THENCE westerly in a straight line to the point of intersection of the easterly limit of William Street as shown on Plan 3 and the right-of-way owned as of November 1, 1973 by the Canada Southern Railway Company;

THENCE northerly along the said easterly limit of William Street and the projection northerly thereof to the northerly limit of Talbot Street as shown on said Plan 3;

THENCE westerly along the northerly limit of Talbot Street to its intersection with the easterly limit of New Street as shown on said Plan 3;

THENCE northerly along the said easterly limit of New Street to the place of commencement.

SECONDLY:

COMMENCING at the intersection of the easterly limit of New Street and the southerly limit of Curtis Street as shown on Registered Plan 3;

THENCE westerly along the westerly production of the southerly limit of Curtis Street to its intersection with the left bank of Kettle Creek which is the westerly limit of the City of St. Thomas;

THENCE southerly and westerly along the said bank of Kettle Creek to its intersection with the northerly production of the easterly limit of Stanley Street as shown on Registered Plan 21;

THENCE southerly along the said northerly production of the easterly limit of Stanley Street as shown on Registered Plan 21;

THENCE southerly along the said northerly production of the easterly limit of Stanley Street and along the easterly limit of Stanley Street to the northerly limit of the right-of-way owned as of November 1, 1973 by the Canada Southern Railway Company;

THENCE easterly along the said northerly limit of the right-of-way owned as of November 1, 1973 by the Canada Southern Railway Company to its' intersection with the east limit of William Street as shown on Plan 3;

THENCE northerly along the easterly limit of William Street and the projection northerly thereof to the northerly limit of Talbot Street as shown on said Plan 3;

THENCE westerly along the northerly limit of Talbot Street to its' intersection with the easterly limit of New Street as shown on said Plan 3;

THENCE northerly along the said easterly limit of New Street to the place of commencement.

THIRDLY:

COMMENCING at the intersection of the westerly limit of Alma Street with the northerly limit of Talbot Street as shown on Registered Plan 43;

THENCE northerly along the westerly limit of Alma Street to the north east corner of Lot 4 according to said Plan 43;

THENCE easterly along a line parallel to the northerly limit of Talbot Street to the easterly limit of Inkerman Street as shown on Registered Plan 193;

THENCE northerly along the east limit of Inkerman Street to its intersection with the south limit of Weldon Avenue as shown on Registered Plan 193;

THENCE easterly along the southerly limit of Weldon Avenue and its easterly production to the intersection with the easterly limit of Woodworth Avenue;

THENCE northerly along the easterly limit of Woodworth Avenue to a point which is the north west corner of Lot 5 according to Registered Plan 79;

THENCE easterly along a line produced along the northerly limit of Lot 5, 50, 59, 104 and 113 all according to Registered Plan 79, to a point in the westerly limit of First Avenue;

THENCE southerly along the westerly limit of First Avenue produced to the south limit of Talbot Street, as shown on Registered Plan 65;

THENCE westerly along the south limit of Talbot Street to a point 1,039.5 feet west of the westerly limit of First Avenue;

THENCE southerly at right angles to the south limit of Talbot Street a distance of 182.98 feet to a point;

THENCE westerly 126.27 feet along a line to a point which is distant 191.16 feet south of the south limit of Talbot Street;

THENCE westerly along a line parallel to the south limit of Talbot Street to a point in the southerly projection of the westerly limit of Balaclava Street as shown on Registered Plan 43; said point being 191.16 feet south of the south limit of Talbot Street;

THENCE westerly along a diagonal line to a point distant 280 feet more or less said point being distant 210 feet from the south limit of Talbot Street;

THENCE northerly $0^{\circ} 16' 30''$ east a distance of 160 feet to a point;

THENCE north $88^{\circ} 43' 30''$ west a distance of 216.75 feet to a point;

THENCE northerly at right angles to Talbot Street a distance of 150 feet to a point in the southerly limit of Talbot Street;

THENCE easterly along the southerly limit of Talbot Street a distance of 44.85 feet more or less to a point which is the intersection of the said southerly limit of Talbot Street with the southerly production of the west limit of Alma Street as shown on Registered Plan 43;

THENCE northerly along the southerly projection of the westerly limit of Alma Street to the point of commencement.