

The Corporation of the Municipality of Brockton



Come home to community

By-Law 2025-063

Being a By-Law to Enter into an Encroachment Agreement with 3 Queen Street,
Cargill, ON

Whereas the Municipal Act S.O. 2001, c 25, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by By-Law;

And Whereas the Owner, McKague Hillcrest Farm Inc. ("McKague"), of the property legally described as PT LT 24 CON A GREENOCK AS IN R235247; operating bed and breakfast and mercantile storefront in the Hamlet of Cargill within the Municipality of Brockton desires to repair a front entrance step and providing access to the front of the mercantile storefront from Concession Rd 10, Greenock.

And Whereas the Council of The Corporation of the Municipality of Brockton deems it expedient to enter into an Encroachment Agreement with McKague;

Now Therefore the Council of the Corporation of the Municipality of Brockton enacts as follows;

- 1.0 That the Council of The Corporation of the Municipality of Brockton hereby enter into an Encroachment Agreement attached hereto and that this Encroachment Agreement be marked as Schedule "A" to this By-Law and shall form an integral part of this By-Law;
- 2.0 That the Mayor and Clerk be and are hereby authorized on behalf of the Corporation to sign this Agreement and any other related documentation;
- 3.0 This By-Law shall come into full force and effect upon final passage.
- 4.0 This By-Law may be cited as the "3 Queen Street, Cargill (McKague Bed and Breakfast) Encroachment Agreement By-Law".

Read, Enacted, Signed and Sealed this 12th day of August, 2025.

Mayor – Chris Peabody

Director of Legislative and Legal Services (Clerk)
– Fiona Hamilton

Schedule "A" to By-Law 2025-063

This Agreement made this 12th day of August 2025.

Between:

The Corporation of the Municipality of Brockton
Hereinafter referred to as "The Municipality" of the First Part

And

McKague Hillcrest Farms Inc.
Hereinafter referred to as "The Licensee" of the Second Part

Whereas the Licensee is the registered owner of lands and premises situated at and known municipally as 3 Queen Street, Cargill, Ontario and legally described as, PT LT 24 CON A GREENOCK AS IN R235247, Municipality of Brockton, County of Bruce, and bearing parcel identifier number 33234-0076 (LT).

And Whereas there is erected on the said land a building with a concrete front step and entrance ramp that encroaches upon Concession Rd 10, Cargill as depicted on the plans attached hereto as Schedule "A" to this agreement;

And Whereas the Licensee is requesting permission from the Municipality of Brockton to repair and maintain the said encroachment on Concession Rd 10, Cargill, Ontario as set out in the attached plan and marked as Schedule "A" to this agreement.

Now Therefore This Agreement Witnesseth that in consideration of the premises and the covenants and agreements hereinafter contained on the part of the Licensee to be observed, fulfilled and performed, the Municipality of Brockton hereby grants to the Licensee (insofar as the Municipality can legally do so) permission to encroach on Concession Rd 10, Cargill and to maintain the encroachment as hereinafter set out.

And in Consideration of the granting of such permission, the Licensee hereby covenants and agrees with the Municipality of Brockton as follows:

1. That nothing herein contained shall be construed as giving to the Licensee anything more than permission (insofar as the Municipality can legally do so) to maintain the encroachment in its proposed position as shown on Schedule A.
2. In the event of the Municipality at any time undertaking the widening of the said Concession 10 Rd, Cargill, Ontario and in connection therewith requiring the removal of the encroachment the Municipality shall not be liable to pay any compensation whatsoever for or in respect to the encroachment upon or over the said street and the Licensee at its own cost and expense and to the satisfaction of the Municipality shall remove the encroachment from the said Concession Rd 10, Cargill, Ontario.
3. In the event of the Licensee transferring or selling the land mentioned herein or any part thereof, the Licensee shall forthwith notify in writing the Clerk of the Municipality of such transfer or sale together with the name and address of the transferee or purchaser.
4. That all such costs, charges and expenses so paid or incurred by the Municipality as aforesaid shall form and constitute a charge or lien on the said lands until fully discharged by payment thereof.
5. The Licensee further agrees that they will make no change to the existing structure within the encroachment area without the prior approval of the Municipality.
6. The Licensee further agrees that should the portion of the building encroaching on Concession Rd 10 be removed or destroyed, for whatever reason or cause, the Licensee

will not reconstruct on the encroachment area without prior approval from the Municipality.

- 7. That for the purpose of this agreement notice may be given to the Licensee by mailing the same postpaid and addressed to the Licensee at his address last known to the said Municipal Clerk.
- 8. That for the purpose of this agreement notice may be given to the Licensee by emailing the document to kmckague@gmail.com (Kevin McKague), director of McKague Hillcrest Farms Inc.
- 9. The Licensee will always indemnify and keep indemnified the Municipality against all actions, suits, claims and demands which may be brought against or made upon the Municipality and against all loss, costs, damages, charges or expenses whatsoever of the encroachment over and upon the said Concession Rd 10, Cargill, Ontario or otherwise by reason of the exercise by the Licensee of the permission hereby granted to maintain the encroachment over and upon the said Concession Rd 10, Cargill, Ontario and the Licensee.
- 10. That this agreement and everything herein contained shall respectively ensure to the benefit of and be binding upon the said parties hereto, their heirs, executors, administrators, successors and assigns, respectively.

In Witness Whereof the Parties hereto have hereunto executed this Agreement.

The Corporation of the Municipality of Brockton



Per: _____
Mayor – Chris Peabody

Per:  _____
Clerk – Fiona Hamilton

We have the authority to bind the Corporation.

Signed, Sealed and Witnessed in the Presence of:

Per:  _____
Witness - _____

Per:  _____
Licensee/Owner – McKague Hillcrest Farms Inc.



AREA CALCULATIONS

| | | |
|-----------------------|--------|-------|
| FOUNDATION FOOTPRINT | 4201.5 | sq.ft |
| APARTMENT LIVING AREA | 1120.6 | sq.ft |
| STORE FRONT AREA | 2057.2 | sq.ft |
| GARAGE AREA | 848.6 | sq.ft |
| PORCH AREA | 175 | sq.ft |

INDEX OF PAGES

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- S2 - SITE PLAN
- P1 - PROJECT INFORMATION
- A1 - EXISTING FOUNDATION PLAN
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- A3 - EXISTING SECOND FLOOR PLAN
- A4 - FOUNDATION PLAN
- A5 - MAIN FLOOR PLAN
- A6 - SECOND FLOOR PLAN
- A7 - FLOOR FRAMING PLAN
- A8 - ROOF PLAN
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- E2 - ELEVATIONS
- E3 - ELEVATIONS
- E4 - ELEVATIONS
- D1 - CROSS SECTION
- D2 - CROSS SECTION



Kevin & Sue McKague Bed & Breakfast w/ Mercantile Storefront
4 Concession Rd 10, Cargill, ON N0G 1J0



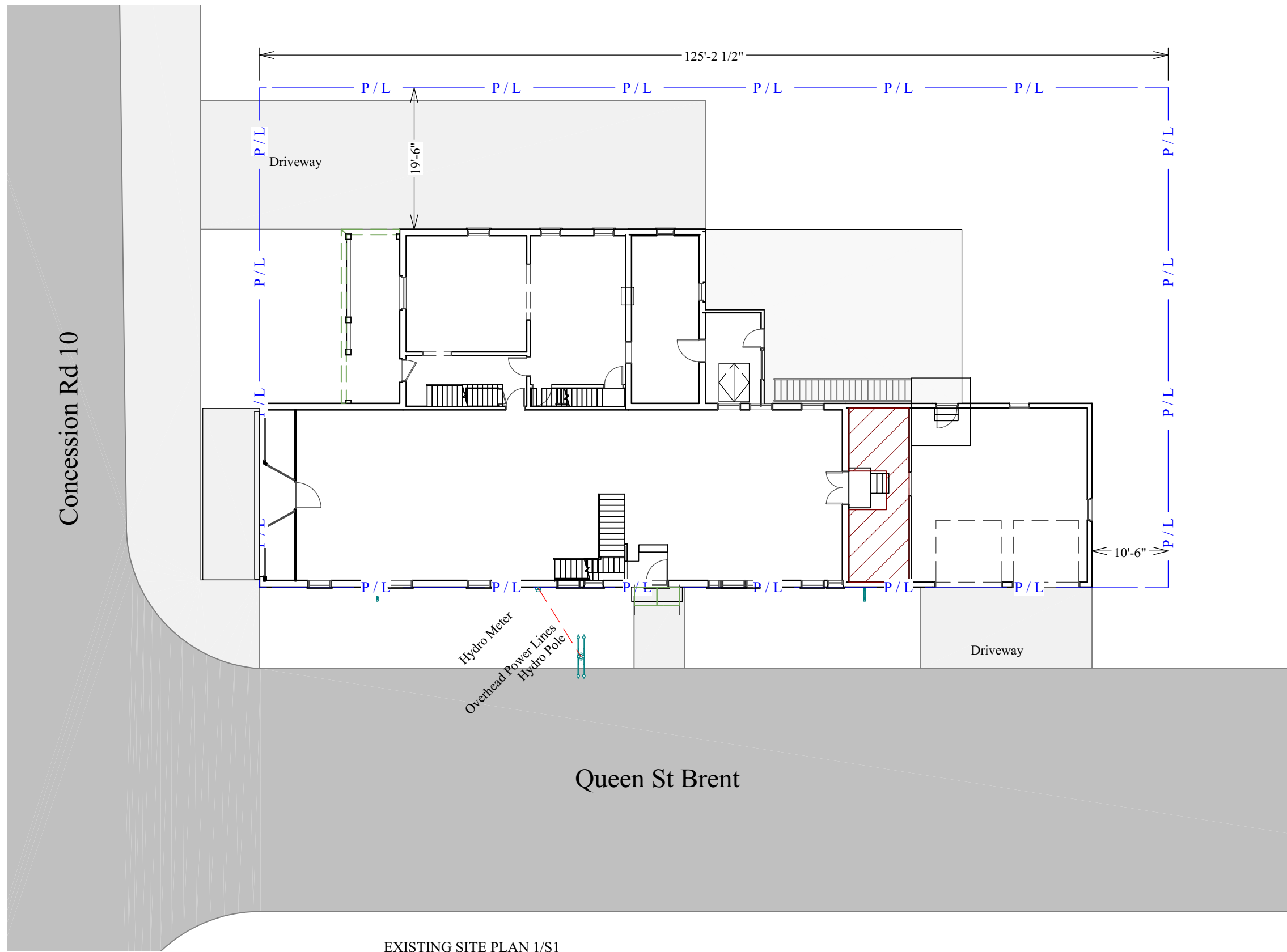
SITE PLAN NOTES;

1. Dimensions to property lines are approximate. This is not a Legal survey.
2. Provide a minimum 2% slope for adequate drainage away from the new building.
3. Provide eaves-trough connections from down spouts to Storm drains or Field tile.
4. Septic System Design and location not included, Septic design to be done by others.
5. The Contractor is responsible for site safety, protection and signage required by Canada's Occupational Health and Safety Act, including regulations under the Act.
6. In addition to the above the contractor is responsible for protection of open excavations, site equipment and vehicles.
7. The contractor is responsible for environmental protection of the site in accordance with the Occupational Health and Safety Act. Including but not limited to site environmental barriers, the storage and handling of hazardous materials, disposal of hazardous materials and managing material safety data sheets.
8. The contractor is responsible for obtaining site locates prior to excavation. Utility locates are not available or provided on this plan.
9. Landscaping contractors shall coordinate all work with other trades prior to commencing and throughout the construction process.
10. Grading to be confirmed with owner/general contractor/ project manager prior to backfill and landscaping.
11. No trees shall be cut down, altered or transplanted without notifying the township/county having jurisdiction prior. Permission if required must be obtained before any work to trees is done.
11. Dimensions shown are in feet and can be converted to meters by multiplying by 0.3048

County of Bruce 4 Concession 10 Greenock

Legend:
 - Ferry
 - Provincial Highway
 - County Road
 - County Road
 - Bridge reconstruction
 - Municipal or Other Road
 - Municipal or Other Road
 - Bridge Detour
 - Parcels air photo overlay
 - Body of Water
 - Evaluated Wetland
 - Watercourse
 - Permanent Stream
 - Interim Stream
 - Provincial Park
 - Fathom Five
 - County Forest Boundary
 - County Forest
 - Wooded Area
 - Conservation Authority Property
 - Parkland
 - Golf Course

Notes:
 This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION



EXISTING SITE PLAN 1/S1
 SCALE: 1" = 20FT

SCHULTZ DESIGN & DRAFTING
 PERMIT READY DESIGN

48 Charles St, Wingham ON N0G 2W0
 nathan@schultzdesign.ca
 SchultzDesign.ca



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in Div C of the Ontario Building Code to be a Designer.
Nathan Schultz BCIN: 39303
Schultz Design and Drafting BCIN: 101620
 Signature: *Nathan Schultz*

| | |
|-------------------------------------|---|
| Project Title | Kevin & Sue McKague 4-Suite Bed & Breakfast & Mercantile Storefront |
| Project Location | 4 Concession Rd 10, Cargill, ON N0G 1J0 |
| Property Owner | Kevin & Sue McKague |
| Project Manager/ General Contractor | Kevin & Sue McKague |

| | |
|-------------|----------------|
| Scale: | 1" = 20' |
| Date: | April 19, 2025 |
| Drawn By: | Nathan Schultz |
| Project No. | 2025-019 |

| Drawing Status & Revisions | |
|----------------------------|--|
| Date | Description |
| 04-19-25 | Preliminary Drawings For Review Only |
| 04-26-25 | Preliminary Drawings For Review Only |
| 04-30-25 | Preliminary Drawings For Review Only |
| 05-02-25 | Final Permit Drawings - Issued For Permit |
| 06-04-25 | Revised Drawings - Issued For Permit |
| 06-22-25 | Revised Drawings - Issued For Permit (Egress Requirements) |
| 07-16-25 | Revised Drawings - Issued For Permit (Front Step) |

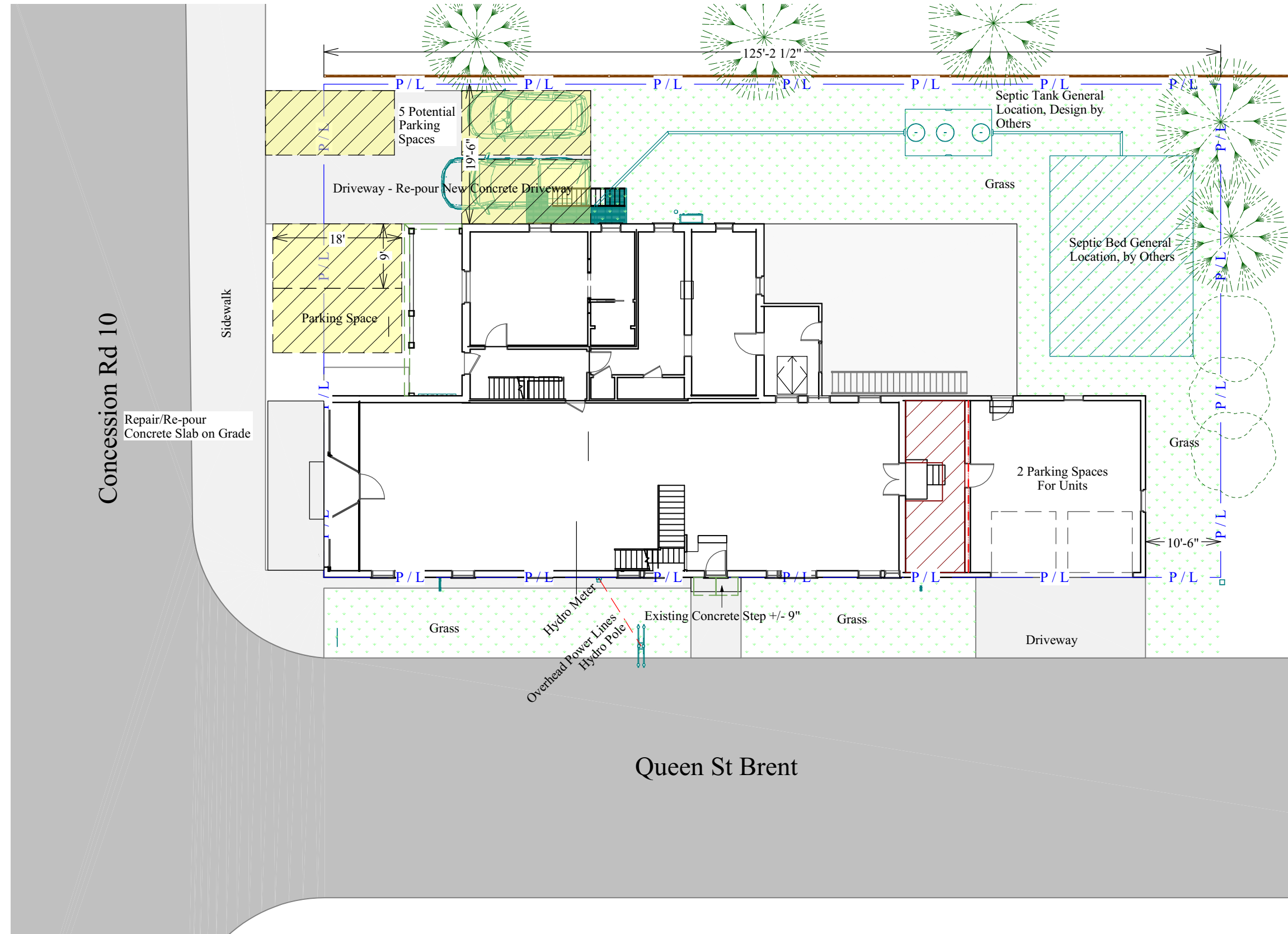
Existing Site Plan

S1

Page

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- SITE PLAN NOTES;**
1. Dimensions to property lines are approximate. This is not a Legal survey.
 2. Provide a minimum 2% slope for adequate drainage away from the new building.
 3. Provide eaves-trough connections from down spouts to Storm drains or Field tile.
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County of Bruce 4 Concession 10 Greenock

Legend

- Ferry
- Provincial Highway
- County Road
- County Road
- County Road
- Bridge reconstruction
- Municipal or Other Road
- Municipal or Other Road
- Municipal or Other Road
- Bridge Detour
- Parcels air photo overlay
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- Evaluated Wetland
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- Intermittent Stream
- Provincial Park
- Fathom Five
- County Forest Boundary
- County Forest
- Wooded Area
- Conservation Authority Property
- Parkland
- Golf Course

Notes

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Scale: 1:500

SITE PLAN 1/S2
SCALE: 1" = 20FT

SCHULTZ DESIGN & DRAFTING
PERMIT READY DESIGN

48 Charles St, Wingham ON N0G 2W0
nathan@schultzdesign.ca
SchultzDesign.ca

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in Div C of the Ontario Building Code to be a Designer.

Nathan Schultz BCIN: 39303
Schultz Design and Drafting BCIN: 101620

Signature: *Nathan Schultz*

| | | |
|--|---|---------------------------------|
| Project Title | Kevin & Sue McKague 4-Suite Bed & Breakfast & Mercantile Storefront | Scale: 1" = 20' |
| Project Location | 4 Concession Rd 10, Cargill, ON N0G 1J0 | Date: April 19, 2025 |
| Property Owner | Kevin & Sue McKague | Drawn By: Nathan Schultz |
| Project Manager/ General Contractor | Kevin & Sue McKague | Project No. 2025-019 |

| Drawing Status & Revisions | |
|----------------------------|--|
| Date | Description |
| 04-19-25 | Preliminary Drawings For Review Only |
| 04-26-25 | Preliminary Drawings For Review Only |
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| 05-02-25 | Final Permit Drawings - Issued For Permit |
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| 07-16-25 | Revised Drawings - Issued For Permit (Front Step) |

Site Plan

S2

Page



Fire Escape Stair as per 3.4.7.OBC



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in Div C of the Ontario Building Code to be a Designer.
Nathan Schultz BCIN: 39303
Schultz Design and Drafting BCIN: 101620
 Signature: *Nathan Schultz*

| | |
|------------------------------------|---|
| Project Title | Kevin & Sue McKague 4-Suite Bed & Breakfast & Mercantile Storefront |
| Project Location | 4 Concession Rd 10, Cargill, ON N0G 1J0 |
| Property Owner | Kevin & Sue McKague |
| Project Manager/General Contractor | Kevin & Sue McKague |

| | |
|-------------|----------------|
| Scale: | 3/16" = 1' |
| Date: | April 19, 2025 |
| Drawn By: | Nathan Schultz |
| Project No. | 2025-019 |

| Drawing Status & Revisions | |
|----------------------------|--|
| Date | Description |
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South Elevation

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