

Bill No. 434  
2013

By-law No. S.-\_\_\_\_\_

A by-law to permit Matthew Fremlin Furmston and Monique Ingrid Furmston to maintain and use an encroachment upon the road allowance for Waterloo Street, City of London.

WHEREAS Matthew Fremlin Furmston and Monique Ingrid Furmston (the "Owners") represent that they are the registered owners of certain lands and premises in the City of London, in the County of Middlesex, which abut on the north side of St. James Street, known for municipal purposes as 340 St. James Street, in the said City of London, and which are more particularly described in a certain agreement attached hereto as Schedule "A" (the "said lands");

AND WHEREAS it has been ascertained that there is constructed a 2 storey brick dwelling, the proposed eavestrough, fascia and footings of the proposed garage to the north of the dwelling will encroach upon the road allowance for Waterloo Street, making a total in all of 32 (plus or minus) square feet;

AND WHEREAS that part of the said proposed eavestrough, fascia and footings of the proposed garage which will be partially constructed upon the road allowance for Waterloo Street is hereinafter referred to as the "encroachment";

AND WHEREAS the Owners have petitioned the Council of The Corporation of the City of London that they be allowed to maintain and use the said encroachment;

AND WHEREAS the Owners have by the said Agreement, undertaken to indemnify the City in all respects relating to the said encroachment;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Owners, their executors, administrators, successors and assigns, are hereby allowed to use and maintain the said encroachment, for so long as the said proposed garage shall remain in its future location.
2. Upon demolition or removal of the said proposed garage, all parts of the encroachment upon the road allowance for Waterloo Street shall be removed by the Owners at the expense of the Owners.
3. In the event of failure by the Owners to remove the encroachment as required by Clause 2 hereof, the same may be removed by the forces of the City and the cost of said removal shall be a first lien upon the Owners' lands abutting on the north side of St. James Street and may be recovered in a like manner as taxes.
4. The Owners shall pay to the City Treasurer annually, so long as the said encroachment is used and maintained upon the road allowance for Waterloo Street the sum of FOUR DOLLARS AND EIGHTY CENTS (\$4.80) as an annual charge or fee for such privilege and such fee or charge shall form a charge upon the lands of the Owners of the said lands, their executors, administrators, successors and assigns, and upon default of payment after reasonable notice may be recovered as a lien upon the said lands in a like manner as taxes.

5. Nothing herein contained shall limit the covenants and agreements between the parties herein, as set out in the attached Schedule "A".

6. This by-law comes into force on the day it is passed.

PASSED in open Council on October 22, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First reading – October 22, 2013  
Second reading – October 22, 2013  
Third reading – October 22, 2013