

Bill No. 459
2013

By-law No. S.-_____

A by-law to permit 1803494 Ontario Inc. to maintain and use an encroachment upon the road allowance for Princess Avenue, City of London and to repeal by-law S.-5593-280 which is a by-law to permit Mary Theresa Hepburn to maintain and use an encroachment upon the road allowance for Princess Avenue, City of London.

WHEREAS 1803494 Ontario Inc. (the "Owner") represents that it is the registered owner of certain lands and premises in the City of London, in the County of Middlesex, which abut on the north side of Princess Avenue, known for municipal purposes as 626 Princess Avenue, 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 house, the wood steps and railing of which encroach partially upon the road allowance for Princess Avenue, making a total in all of 9 (plus or minus) square feet;

AND WHEREAS that part of the said wood steps and railing partially constructed upon the road allowance for Princess Avenue is hereinafter referred to as the "encroachment";

AND WHEREAS the Owner has petitioned the Council of The Corporation of the City of London that it be allowed to maintain and use the said encroachment;

AND WHEREAS the Owner has 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 Owner, its executors, administrators, successors and assigns, are hereby allowed to use and maintain the said encroachment, for so long as the said two storey brick house shall remain in its present location.
2. Upon demolition or removal of the said two storey brick house, all parts of the encroachment upon the road allowance for Princess Avenue shall be removed by the Owner at the expense of the Owner.
3. In the event of failure by the Owner 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 Owner's lands abutting on the north side of Princess Avenue and may be recovered in a like manner as taxes.
4. The Owner shall pay to the City Treasurer annually, so long as the said encroachment is used and maintained upon the road allowance for Princess Avenue the sum of TWO DOLLARS (\$2.00) as an annual charge or fee for such privilege and such fee or charge shall form a charge upon the lands of the Owner of the said lands, its 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 attached in Schedule "A".

6. By-law No. S.-5593-280, being a by-law to permit Mary Theresa Hepburn to maintain and use an encroachment upon the road allowance for Princess Avenue, City of London is hereby repealed.

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

PASSED in open Council on November, 19 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading - November, 19 2013
Second reading - November, 19 2013
Third reading - November, 19 2013