

Bill No. 105  
2014

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

A by-law to permit Rital Limited to maintain and use an encroachment upon the road allowance for Mill Street, City of London.

WHEREAS Rital Limited (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 west side of Richmond Street, known for municipal purposes as 671 Richmond 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 three storey brick and frame building, the building, wood and brick entrance, steps and railings, concrete steps and metal railings, concrete and metal areaway with metal railings and ceramic tile clad steps of which encroach upon the road allowance for Mill Street, making a total in all of 430 (plus or minus) square feet;

AND WHEREAS that part of the said building, wood and brick entrance, steps and railings, concrete steps and metal railings, concrete and metal areaway with metal railings and ceramic tile clad steps partially constructed upon the road allowance for Mill Street 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 three storey brick and frame building shall remain in its present location.
2. Upon demolition or removal of the said three storey brick and frame building, all parts of the encroachment upon the road allowance for Mill Street 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 west side of Richmond Street 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 Mill Street the sum of SIXTY-FOUR DOLLARS AND FIFTY CENTS (\$64.50) 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 the said Schedule "A".

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

PASSED in open Council on February 11, 2014.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First reading - February 11, 2014  
Second reading - February 11, 2014  
Third reading - February 11, 2014