

Bill No. 116
2014

By-law No. S.-_____

A by-law to permit 1743179 Ontario Inc. to maintain and use an encroachment upon the road allowance for Dundas Street, City of London.

WHEREAS 1743179 Ontario Inc. (the "Owner") represent 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 Dundas Street, known for municipal purposes as 1850-1862 Dundas 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 will be constructed a 1 storey car wash, the overhangs and footings of which encroach upon the road allowance for Dundas Street, making a total in all of 81.2 (plus or minus) square feet;

AND WHEREAS that part of the said proposed car wash partially constructed upon the road allowance for Dundas 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 car wash shall remain in its future location.
2. Upon demolition or removal of the said car wash, all parts of the encroachment upon the road allowance for Dundas 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 north side of Dundas 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 Dundas Street the sum of TWELVE DOLLARS AND EIGHTEEN CENTS (\$12.18) 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. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on February 25, 2014.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading - February 25, 2014
Second reading - February 25, 2014
Third reading - February 25, 2014