

Bill No. 76
2012

By-law No. S.-

A by-law to permit Western Fair Association to maintain and use an encroachment upon the lane running west of Ontario Street, City of London.

WHEREAS Western Fair Association (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 south side of the lane running west of Ontario 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 storm sewer and manholes, which encroach upon the lane running west of Ontario Street, making a total in all of 1,200 (plus or minus) square feet;

AND WHEREAS that part of the said storm sewer and manholes constructed upon the lane running west of Ontario 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;

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 storm sewer and manholes shall remain in their present location.
2. Upon demolition or removal of the said storm sewer and manholes, all parts of the encroachment upon the lane running west of Ontario 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 south side of the lane running west of Ontario 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 lane running west of Ontario Street the sum of ONE HUNDRED AND EIGHTY DOLLARS (\$180.00) 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 set out in the said Schedule "A".

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

PASSED in open Council on January 31, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading - January 31, 2012
Second reading - January 31, 2012
Third reading - January 31, 2012