

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE
FROM:	JAMES P. BARBER CITY SOLICITOR
SUBJECT	ENCROACHMENT AGREEMENT NORTHWEST CORNER OF DUNDAS AND BURBROOK STREETS BY-LAW S.-5743-223 MEETING ON AUGUST 25, 2015

RECOMMENDATION

That, on the recommendation of the City Solicitor, the following action be taken with respect to an encroachment agreement for the northwest corner of Dundas and Burbrook Streets:

- a) the attached proposed By-law S.-5743-223 to repeal By-law S.-307-267, being a by-law to “authorize the execution of an agreement with British American Oil Company Limited to maintain and use a pole for supporting a sign at N.W. Dundas & Burbrook Streets”, **BE INTRODUCED** for third reading and finally passed at the Municipal Council meeting on September 1, 2015.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None.

BACKGROUND

On July 3, 1956 Municipal Council passed By-law S.-307-267. This by-law authorized the execution of an agreement with British American Oil Company Limited to maintain and use a pole for supporting a sign at N.W. Dundas & Burbrook Streets. The owner entered into an encroachment agreement whereby it promised, among other things, to maintain the encroachment; to indemnify the City for any loss or damage; and to remove the encroachment upon receiving notice to do so. Over the intervening years the property came to be owned by Kellogg Canada Inc.

As a result of a recent sale of the Kellogg property, the City Clerk’s office received a request from the current property owner to repeal By-law S.-307-267 and cancel the Encroachment Agreement on the basis that the pole and sign had been removed some time ago. A visual inspection of the property confirmed that the pole and sign had been removed.

In order to satisfy the owner’s request, By-law S.-5743-223, being a by-law to repeal By-law S.-307-267 was introduced at the Municipal Council meeting on July 28, 2015 and given two readings. In light of the fact that the encroachment has been removed, it is recommended that By-law S.-5743-223 be introduced at the Municipal Council meeting on September 1, 2015 and be given third reading and be finally passed.

PREPARED BY:	RECOMMENDED BY:
DAVID G. MOUNTEER SOLICITOR II	JAMES P. BARBER CITY SOLICITOR

Bill No. 277
2015

By-law No. S.-5743-223

A by-law to repeal By-law No. S.-307-267 entitled “A by-law to authorize the execution of an agreement with British American Oil Company Limited to maintain and use a pole for supporting a sign at N.W. Dundas & Burbrook Streets”.

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

1. By-law No. S.-307-267 passed on the 3rd day of July 1956, entitled “A by-law to authorize the execution of an agreement with British American Oil Company Limited to maintain and use a pole for supporting a sign at N.W. Dundas & Burbrook Streets” and registered in the Land Registry Office for the Registry Division of Middlesex East (no. 33) on the 13th day of July 1956, as Instrument Number 84725, is hereby repealed.
2. The agreement between The Corporation of the City of London and British American Oil Company Limited, approved and authorized by By-law S.-307-267 with respect to the construction, use and maintenance of a pole at N.W. Dundas and Burbrook, is terminated.
3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on September 1, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – July 28, 2015
Second Reading – July 28, 2015
Third Reading – September 1, 2015