

<b>TO:</b>	<b>CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE</b>
<b>FROM:</b>	<b>JAMES P. BARBER CITY SOLICITOR</b>
<b>SUBJECT</b>	<b>1499 STONEYBROOK CRES. ENCROACHMENT AGREEMENT BY-LAW S.-5742-222 MEETING ON AUGUST 25, 2015</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the City Solicitor, the following action be taken with respect to an encroachment agreement for 1499 Stoneybrook Cres:

- a) the attached proposed By-law S.-5742-222 to repeal By-law S.-2624-248, being a by-law to “permit Ian Gibson McLay to maintain and use an encroachment upon the road allowance for 1499 Stoneybrook Crescent”, **BE INTRODUCED** for third reading and finally passed at the Municipal Council meeting on September 1, 2015.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None.

<b>BACKGROUND</b>
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On June 6, 1983 Municipal Council passed By-law S.-2624-248. This by-law authorized the owner of 1499 Stoneybrook Crescent to maintain and use an encroachment on the road allowance in front of his home. The encroachment consisted of a number of boulders that had been placed by the property owner on the road allowance. The owner entered into an encroachment agreement whereby he promised, among other things, to maintain the encroachment; to indemnify the City for any loss or damage; to maintain insurance; and to remove the encroachment upon receiving notice to do so.

As a result of a recent sale of the property, the City Clerk’s office received a request from the current property owner to repeal By-law S.-2624-248 and cancel the Encroachment Agreement on the basis that the encroachment had been removed some time ago. A visual inspection of the property confirmed that the boulders have been removed.

In order to satisfy the homeowner’s request, By-law S.-5742-222, being a by-law to repeal By-law S.-2624-248 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.-5742-222 be introduced at the Municipal Council meeting on September 1, 2015 and be given third reading and be finally passed.

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>DAVID G. MOUNTEER SOLICITOR II</b>	<b>JAMES P. BARBER CITY SOLICITOR</b>

Bill No. 276  
2015

By-law No. S.-5742-222

A by-law to repeal By-law No. S.-2624-248 entitled “A by-law to permit Ian Gibson McLay to maintain and use an encroachment upon the road allowance for 1499 Stoneybrook Crescent”.

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

1. By-law No. S.-2624-248 passed on the 6<sup>th</sup> day of June 1983, entitled “A by-law to permit Ian Gibson McLay to maintain and use an encroachment upon the road allowance for 1499 Stoneybrook Crescent” and registered in the Land Registry Office for the Registry Division of Middlesex East (no. 33) on the 13<sup>th</sup> day of June 1983, as Instrument Number 640973, is hereby repealed.
2. The encroachment agreement dated the 13<sup>th</sup> day of April 1983, between The Corporation of the City of London and Ian Gibson McLay with respect to the installation of six boulders on the boulevard within the road allowance for 1499 Stoneybrook Crescent, 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