

Bill No. 325  
2012

By-law No. S.-

A by-law to permit Tobiray Holdings Inc. and Red Brick Realty Corp. to maintain and use an encroachment upon the road allowance for Wharncliffe Road North, City of London.

WHEREAS Tobiray Holdings Inc. and Red Brick Realty Corp. (the "Owners") represent that they are the registered owners of certain lands and premises in the City of London, in the County of Middlesex, which abut on the east side of Wharncliffe Road North, known for municipal purposes as 311-319 Wharncliffe Road North, 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 building, the concrete steps, porches and railings of which encroach partially upon the road allowance for Wharncliffe Road North, making a total in all of 84 (plus or minus) square feet;

AND WHEREAS that part of the said concrete steps, porches and railings partially constructed upon the road allowance for Wharncliffe Road North is hereinafter referred to as the "encroachment";

AND WHEREAS the Owners have petitioned the Council of The Corporation of the City of London that they be allowed to maintain and use the said encroachment;

AND WHEREAS the Owners have by the said Agreement, undertaken to indemnify the City in all respects relating to the said encroachment;

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

1. The Owners, their executors, administrators, successors and assigns, are hereby allowed to use and maintain the said encroachment, for so long as the said concrete steps, porches and railings shall remain in their present location.
2. Upon demolition or removal of the said concrete steps, porches and railings, all parts of the encroachment upon the road allowance for Wharncliffe Road North shall be removed by the Owners at the expense of the Owners.
3. In the event of failure by the Owners 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 east side of Wharncliffe Road North and may be recovered in a like manner as taxes.
4. The Owners shall pay to the City Treasurer annually, so long as the said encroachment is used and maintained upon the road allowance for Wharncliffe Road North the sum of TWELVE DOLLARS AND SIXTY CENTS (\$12.60) as an annual charge or fee for such privilege and such fee or charge shall form a charge upon the lands of the Owners of the said lands, their 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 July 24, 2012.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading -  
Second Reading -  
Third Reading -