

Bill No. 437
2012

By-law No. S.-_____

A by-law to permit The Roman Catholic Episcopal Corporation of the Diocese of London in Ontario to maintain and use an encroachment upon the road allowance for Epworth Avenue, City of London.

WHEREAS The Roman Catholic Episcopal Corporation of the Diocese of London in Ontario (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 Epworth Avenue, known for municipal purposes as 295 Epworth Avenue, 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 bus shelter, bench, garbage receptacle and sign, which will encroach upon the road allowance for Epworth Avenue, making a total in all of 113 (plus or minus) square feet;

AND WHEREAS that part of the said bus shelter, bench, garbage receptacle and sign constructed upon the road allowance for Epworth Avenue 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;

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 bus shelter, bench, garbage receptacle and sign shall remain in its present location.
2. Upon demolition or removal of the said bus shelter, bench, garbage receptacle and sign, all parts of the encroachment upon the road allowance for Epworth Avenue 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 Epworth Avenue 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 Epworth Avenue the sum of SIXTEEN DOLLARS AND NINETY-FIVE CENTS (\$16.95) 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 October 30, 2012

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading – October 30, 2012
Second reading – October 30, 2012
Third reading – October 30, 2012