

Bill No. 459
2012

By-law No. S.-_____

A by-law to permit BSN London Corporation to maintain and use an encroachment upon the road allowance for Covent Market Place, Dundas Street, Richmond Street, City of London.

WHEREAS BSN London Corporation (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 Dundas Street, known for municipal purposes as 151 Dundas 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 5 storey brick and glass building, of which there are several encroachments onto the road allowance for Covent Market Place, Dundas Street and Richmond Street making a total in all of 778 (plus or minus) square feet, listed as follows:

Covent Market Place – 5 storey brick and glass building and metal clad roof structure,
Dundas Street – 5 storey brick and glass building, concrete roof overhang, concrete ledge above entrance, brick columns, metal clad canopy, proposed metal canopy, proposed metal ribbon, and
Richmond Street – concrete roof overhang, concrete ledge above entrance, brick columns.

AND WHEREAS those parts of the building constructed upon the road allowance for Covent Market Place, Dundas Street and Richmond Street are 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 5 storey brick and glass building shall remain in its present location.
2. Upon demolition or removal of the said 5 storey brick and glass building, all parts of the encroachment upon the road allowance for Covent Market Place, Dundas Street and Richmond 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 Dundas 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 road allowance for Covent Market Place, Dundas Street and Richmond Street the sum of ONE HUNDRED AND SIXTEEN DOLLARS AND SEVENTY CENTS (\$116.70) 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 November 20, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading – November 20, 2012
Second reading – November 20, 2012
Third reading – November 20, 2012