

Bill No. 91
2013

By-law No. S.- _____

A by-law to permit Labatt Brewing Company Limited to maintain and use encroachments upon the road allowances for Richmond Street, Horton Street and Grey Street, City of London.

WHEREAS Labatt Brewing Company Limited (the "Owner") represents that it is the registered owner of certain lands and premises in the City of London, in the County of Middlesex, known for municipal purposes as 142 Horton Street East, 150 Simcoe Street and 177 and 183 Simcoe 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 1) fibre optic communications cable, 2) steam pipes and hydro duct, and 3) concrete underground service tunnel containing process piping (the "Utilities"), on and under the road allowances for 1) Horton Street, 2) Richmond Street, and 3) Richmond Street and Grey Street (the "Road Allowances"), making a total in all of 2,924 (plus or minus) square feet;

AND WHEREAS the Utilities 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 Utilities shall remain in their present locations.
2. Upon demolition or removal of the said Utilities, all parts of the encroachment upon the Road Allowances 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 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 Allowances for the sum of FOUR HUNDRED AND THIRTY-EIGHT DOLLARS AND SIXTY CENTS (\$438.60) 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 January 29, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading – January 29, 2013
Second reading – January 29, 2013
Third reading – January 29, 2013