

Bill No. 478
2011

By-law No. S.-

A by-law to permit I.F. Propco Holdings (Ontario) 31 Ltd. to maintain and use an encroachment upon the road allowance for York Street, City of London.

WHEREAS I.F. Propco Holdings (Ontario) 31 Ltd. (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 west side of Wellington Street, known for municipal purposes as 355 Wellington 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 brick building, the metal exhaust fan of which encroaches partially upon the road allowance for York Street, making a total in all of 6 (plus or minus) square feet;

AND WHEREAS that part of the said metal exhaust fan partially constructed upon the road allowance for York Street 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 metal exhaust fan shall remain in its present location.
2. Upon demolition or removal of the said metal exhaust fan, all parts of the encroachment upon the road allowance for York 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 west side of Wellington 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 York Street the sum of TWO DOLLARS (\$2.00) 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 21, 2011.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - November 21, 2011
Second Reading - November 21, 2011
Third Reading - November 21, 2011