

Bill No. 479  
2011

By-law No. S.-

A by-law to permit BSN Group London Corporation to maintain and use an encroachment upon the road allowance for Dufferin Avenue, City of London.

WHEREAS BSN Group 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 Dufferin Avenue, known for municipal purposes as 531 Dufferin 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 is constructed a 3 storey brick building, the concrete stoop and stone retaining wall of which encroaches partially upon the road allowance for Dufferin Avenue, making a total in all of 640 (plus or minus) square feet;

AND WHEREAS that part of the said concrete stoop and stone retaining wall constructed upon the road allowance for Dufferin 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 concrete stoop and stone retaining wall shall remain in its present location.
2. Upon demolition or removal of the said concrete stoop and stone retaining wall, all parts of the encroachment upon the road allowance for Dufferin 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 Dufferin 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 Dufferin Avenue the sum of NINETY-SIX DOLLARS (\$96.00) 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