

Bill No. 347
2013

By-law No. S.-

A by-law to permit Western Fair Association to maintain and use an encroachment upon the road allowance for King Street, City of London.

WHEREAS Western Fair Association (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 north side of King Street, known for municipal purposes as 814-826 King Street and 412 Rectory Street, in the said City of London, and which are more particularly described in a certain agreement attached hereto as Schedule "A" to this by-law (the "said lands");

AND WHEREAS it has been ascertained that there are constructed 3 decorative concrete walls which encroach upon the road allowance for King Street, making a total in all of 65 (plus or minus) square feet;

AND WHEREAS the said decorative concrete walls constructed upon the road allowance for King 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 attached Agreement, undertaken to indemnify The Corporation of the City of London (the "City") in all respects relating to the said encroachment;

NOW THEREFORE 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 decorative concrete walls shall remain in their present location.
2. Upon demolition or removal of the said decorative concrete walls, all parts of the encroachment upon the road allowance for King 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 north side of King 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 King Street the sum of NINE DOLLARS AND SEVENTY-FIVE CENTS (\$9.75) 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 attached Schedule "A".

6. This by-law comes into force and effect on the day it is passed.

PASSED in open Council on July 30, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading – July 30, 2013
Second reading – July 30, 2013
Third reading – July 30, 2013