



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 8-2017

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### Being a By-law to Authorize the Entry into an Encroachment Agreement with the Owner of 36 Concession Road (Concession Road & Smith Street Road Allowances – Annunziata)

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**Whereas** By-law No. 89-07, as amended, establishes a policy for encroachments on municipal road allowances, and

**Whereas** Report No. CS-02-2017 was considered at the Council-in-Committee meeting of January 16, 2017, and subsequently authorized and approved by Council to permit the existing ornamental wrought iron period fence to continue to encroach on the Concession Road and Smith Street road allowances, appurtenant to the building located at 36 Concession Road, and the entry into an Encroachment Agreement, including an indemnity clause and Notice registered on title, subject to certain conditions, and

**Whereas** it is deemed desirable to enter into an Encroachment Agreement with the owner of 36 Concession Road, subject to certain conditions;

**Now therefore** the Council of the Town of Fort Erie enacts as follows:

- 1. That** the entry into an Encroachment Agreement including an indemnity clause, with the owner of 36 Concession Road to permit the continued use and maintenance of the existing ornamental wrought iron period fence on the Concession Road and Smith Street road allowances, appurtenant to the building located at 36 Concession Road, in a form acceptable to the Town Solicitor, is authorized and approved.
- 2. That** the requirement and cost of a Reference Plan prepared and deposited on title by an Ontario Land Surveyor, as required by Section 12.3 (i) of the Municipal Road Allowance Encroachment Policy By-law No. 89-07, as amended, is waived.
- 3. That** in the event the owner does not enter into the Encroachment Agreement within ninety (90) days of passage of this By-law, then the fence shall be required to be removed within thirty (30) days thereafter from both road allowances.
- 4. That** the Mayor and Clerk are authorized and directed to execute the Encroachment Agreement and any other documents necessary to implement the intent of this By-law and affix the corporate seal thereto, provided the owner has first paid in full all fees and expenses required pursuant to By-law No. 89-07, as amended, save and except the requirement of a Reference Plan as aforesaid.
- 5. That** the Town Solicitor shall register a Notice on the title, at the owner's expense.

6. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 23<sup>rd</sup> day of January, 2017.**

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Mayor

\_\_\_\_\_  
Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 8-2017 of the said Town. Given under my hand and the seal of the said Corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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