



The Municipal Corporation of the Town of Fort Erie

By-law No. 130-2018

Being a By-law to Authorize the Entry into and Execution of an Encroachment Agreement with the Owner of 476 Lakeside Drive (Lakehurst Avenue Road Allowance – DeCarlo)

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

Whereas Report No. CS-15-2018 was considered and defeated and further recommendations were approved at the Council-in-Committee meeting of October 1, 2018, to permit the existing fence to continue to encroach on the Lakehurst Avenue road allowance, appurtenant to the building located at 476 Lakeside Drive, and the entry into an Encroachment Agreement, subject to certain conditions, and

Whereas it is deemed desirable to enter into an Encroachment Agreement with the owner of 476 Lakeside Drive, subject to certain conditions,

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the entry into an Encroachment Agreement with the current owner of 476 Lakeside Drive, to permit the existing fence, appurtenant to the building located at 476 Lakeside Drive, to continue to encroach on the Lakehurst Avenue road allowance, provided that the fence shall be moved or removed when the property is sold, in a form acceptable to the Town Solicitor, is authorized and approved.
2. **That** the requirement 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 the road allowance.
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 owners' 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 9th day of October, 2018.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 130-2018 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20