



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 14-2019

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### Being a By-law to Authorize the Entry into an Encroachment Agreement with the Owner of 3823 Terrace Lane (Front Avenue Road Allowance 1322977 Ontario Inc. – Peter Coutu)

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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. COA-19/LC-14-2018 was considered and recommendation number 3 therein was defeated and a further recommendation was approved at the Council-in-Committee meeting of November 13, 2018, to permit the construction of a covered patio on the first floor that will encroach upon the Front Avenue road allowance, appurtenant to the building located at 3823 Terrace Lane, 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 3823 Terrace Lane,

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

1. **That** the entry into an Encroachment Agreement with the owner of 3823 Terrace Lane to permit the construction of a covered patio on the first floor that will encroach upon the Front Avenue road allowance, appurtenant to the building located at 3823 Terrace Lane, in a form acceptable to the Town Solicitor, is authorized and approved.
2. **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 approval is revoked and the construction of a covered patio on the first floor will not be permitted.
3. **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 obtained, at its own expense, a registered Reference Plan identifying the encroachment and has paid in full all fees and expenses required pursuant to By-law No. 89-07, as amended.
4. **That** the Town Solicitor shall register the Encroachment Agreement on the title, at the owner's expense.

5. **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 11<sup>th</sup> day of February, 2019.**

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Mayor

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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. 14-2019 of the said Town. Given under my hand and the seal of the said Corporation, this                      day of                      , 20