

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 1998-42

Being a By-law regarding a highway encroachment.

WHEREAS Section 210 (107) of The Municipal Act, RSO 1990, Chapter M.45 authorizes Council to pass by-laws allowing any person owning any building or other erection that by inadvertence has been wholly or partially erected upon any highway, to maintain and use such erection thereof;

AND WHEREAS Council has been satisfied that the owner of the property located at 284 Ramsay Street, being Lot 21 on the west side of Ramsay Street, Plan 1, has by inadvertence erected a front step which encroaches onto Ramsay Street by a distance of 3.3 feet, and deems it expedient to authorize and permit the continuation of same as per agreement attached hereto.

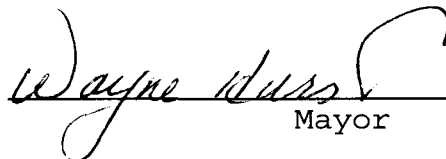
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF

THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:

1. That the owner of the property at 284 Ramsay Street be authorized and permitted to encroach upon Ramsay Street with a front step as described above as per conditions of the attached agreement.
2. That the Mayor and Clerk be and they are hereby authorized to sign the subject agreement and affix the Corporate Seal thereto.

This by-law shall come into force and effect on the date of the final passing thereof.

Read a first, second and third time and finally passed this 13th day of July, 1998



Mayor



Clerk

1st Reading: July 13, 1998

2nd Reading: July 13, 1998

3rd Reading: July 13, 1998

Certified to be a true copy of By-law No. 1998-42 passed by the Council of the Town of Amherstburg on the 13th day of July, 1998.

THIS AGREEMENT made the 16th day of June, 1998.

B E T W E E N:

WILLIAM HENRY WILEY and JANE WILKIE WILEY, of the Town of Amherstburg, in the County of Essex and Province of Ontario,

hereinafter called the PARTY OF THE FIRST PART

- and -

THE CORPORATION OF THE TOWN OF AMHERSTBURG

hereinafter called the PARTY OF THE SECOND PART

WHEREAS:

1. The Party of the First Part is the owner of the land and premises known as 284 Ramsey Street, Amherstburg, described as Lot 21 on the West side of Ramsey Street, Registered Plan 1, Town of Amherstburg, County of Essex.

2. The Party of the Second Part is the owner of the road allowance known as Ramsey Street, which extends along the easterly boundary of said Lot 21, Town of Amherstburg, County of Essex.

3. By plan of survey dated the 7th day of May, 1998 prepared by John B. Smeeton of John B. Smeeton Ontario Inc., Ontario Land Surveyor, and attached as Schedule "A" hereto there appears the following encroachment onto the road Allowance known as Ramsey Street:

The concrete porch and steps of the building known as 284 Ramsey Street encroaches onto Ramsey Street by 3.3 feet at the south corner and 3.2 feet at the north corner of the said porch and steps.

4. The said Party of the second Part has agreed that the encroachment set out in paragraph 3 may continue only in accordance with the terms of this agreement.

NOW THIS AGREEMENT WITNESSES that the encroachment may continue but shall be deemed to be with the licence of the Party of the Second Part to the intent that the Party of the First Part shall not acquire any easement or other proprietary rights in the said Road Allowance. This licence may be revoked and ended by six months notice in writing by the Party of the Second Part, or its successors in title, and delivered to the premises.

The Party of the First Part undertakes to register this Agreement against their lands known as Lot 21 on the west side of Ramsey Street, Registered Plan 1, Town of Amherstburg, County of Essex.

This agreement shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the Parties respectively.

IN WITNESS WHEREOF the Parties of the First and Second Part have hereunto affixed their hands and seals.

WITNESS:
Barlene Sprague
as to signature of William
Henry Wiley and Jane
Wilkie Wiley

William Henry Wiley
William Henry Wiley

Jane Wilkie Wiley
Jane Wilkie Wiley

THE CORPORATION OF THE TOWN OF
AMHERSTBURG

Per: Wayne Auest

Per: DeLaurion

We have authority to bind the Corporation 11

SURVEYOR'S REAL PROPERTY REPORT PART I

PLAN OF SURVEY OF
LOT 21 WEST SIDE OF
 RAMSEY STREET

REGISTERED PLAN 1

IN THE
TOWN OF AMHERSTBURG
COUNTY OF ESSEX

SCALE: 1" = 20'



JOHN B. SMEETON O.L.S.
 © COPYRIGHT 1998

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. This survey and plan are correct and in accordance with The Surveys Act, The Surveyor's Act and The Registry Act and the regulations made thereunder.
 2. This survey was completed on May 6, 1998
- Dated: May 7, 1998

John B. Smeeton

JOHN B. SMEETON
 ONTARIO LAND SURVEYOR

JOHN B. SMEETON ONTARIO INC.
 ONTARIO LAND SURVEYOR
 76 University Ave. W.
 Windsor, Ontario
 N9A 5N7

NOTES:

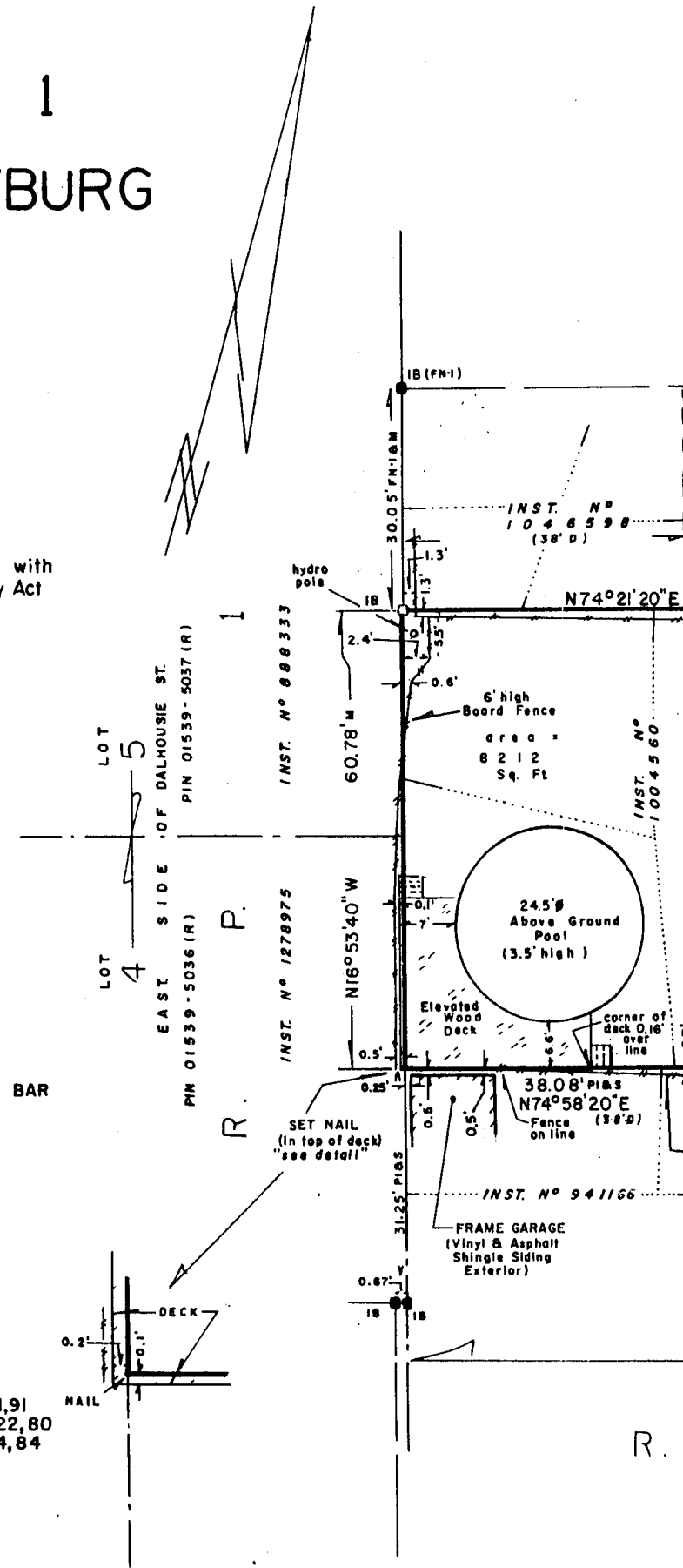
- DENOTES SET SURVEY MONUMENT
- DENOTES FOUND SURVEY MONUMENT
- FD DENOTES FOUND
- SIB DENOTES 0.08' SQ. x 4' LONG STANDARD IRON BAR
- SSIB DENOTES 0.08' SQ. x 2' LONG SHORT STANDARD IRON BAR
- IB DENOTES 0.05' SQ. x 2' LONG IRON BAR
- IBS DENOTES 0.05' DIAMETER x 2' LONG IRON BAR
- WIT DENOTES WITNESS SURVEY MONUMENT
- P DENOTES PLAN
- M DENOTES MEASURED DISTANCE or BEARING
- D DENOTES DEED DISTANCE or BEARING
- S DENOTES SET DISTANCE or BEARING
- J DENOTES PERPENDICULAR TIE
- r DENOTES RADIAL TIE
- (OU) DENOTES ORIGIN UNKNOWN
- PIN DENOTES PROPERTY IDENTIFICATION NUMBER
- (1528) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER & BEZAIRE INC. O. L. S.
- (1201) DENOTES R. A. CLARKE O. L. S.
- (1194) DENOTES J. B. SMEETON O. L. S.
- FN-1 DENOTES SURVEY FIELD NOTES By (1528) DATED MAY 1, 91
- P1 DENOTES PLAN OF SURVEY BY (1194) DATED APR. 22, 80
- P2 DENOTES PLAN OF SURVEY BY (1194) DATED JULY 4, 84

DISTANCES SHOWN ON THIS PLAN ARE IN FEET
 AND CAN BE CONVERTED TO METRES
 BY MULTIPLYING BY 0.3048.

BEARING REFERENCE:

BEARINGS ARE ASTRONOMIC AND ARE REFERRED
 TO THE WESTERN LIMIT OF RAMSEY STREET
 SHOWN AS HAVING A BEARING OF N15°46'10"W
 ON FN-1 (see above notes).

PART 2
 THIS PLAN MUST BE READ IN
 CONJUNCTION WITH SURVEY REPORT
 DATED MAY 8, 1998.



98-22886
 T570/26,30

CLIENT: ANDREW WI