

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 1998-65

Being a By-law regarding a Highway Encroachment.

**WHEREAS** Section 210 (107) of the Municipal Act, R.S.O. 1990 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** Lucille Berthiaume has applied to the Town of Amherstburg for permission to continue an encroachment of a building into a portion of the alley to the east of Queen Street between William Street and Duff Avenue;

**AND WHEREAS** Council 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 owners of the property at 142 Queen Street be authorized and permitted to encroach upon the alley described and in accordance with 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.
3. 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 28th day of September, 1998.

  
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Mayor

  
\_\_\_\_\_  
Clerk

1st Reading: September 28, 1998

2nd Reading: September 28, 1998

3rd Reading: September 28, 1998

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

B E T W E E N:

LUCILLE BERTHIAUME, 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 142 Queen Street, Amherstburg, described as Lot 14, Registered Plan 221, Town of Amherstburg, County of Essex.

2. The Party of the Second Part is the owner of the alley, which extends along the easterly boundary of said Lot 14, Town of Amherstburg, County of Essex.

3. By plan of survey dated the 29th day of July, 1998 prepared by Richard W. Murray, Ontario Land Surveyor, and attached as Schedule "A" hereto there appears the following encroachment onto the alley:

The garage at 142 Queen Street encroaches onto the alley by 0.9 feet by 20.0 feet.

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 14, Registered Plan 221, Town of Amherstburg, County of Essex.



