## CORPORATION OF THE TOWN OF AMHERSTBURG

#### BY-LAW NO. <u>1998-65</u>

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#### 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:

- That the owners of the property at 142 Queen Street be 1. authorized and permitted to encroach upon the alley described and in accordance with the attached agreement.
- That the Mayor and Clerk be and they are hereby authorized to 2. sign the subject agreement and affix the Corporate Seal thereto.
- This By-law shall come into force and effect on the date of 3. the final passing thereof.

Read a first, second and third time and finally passed this 28th day of September, 1998.

Wayne Hussi Mayor Quaillour

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:

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**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:

 The Party of the First Part is the owner of the land and premises known as 142 Queen Street, Amherstburg, described as Lot
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. 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.

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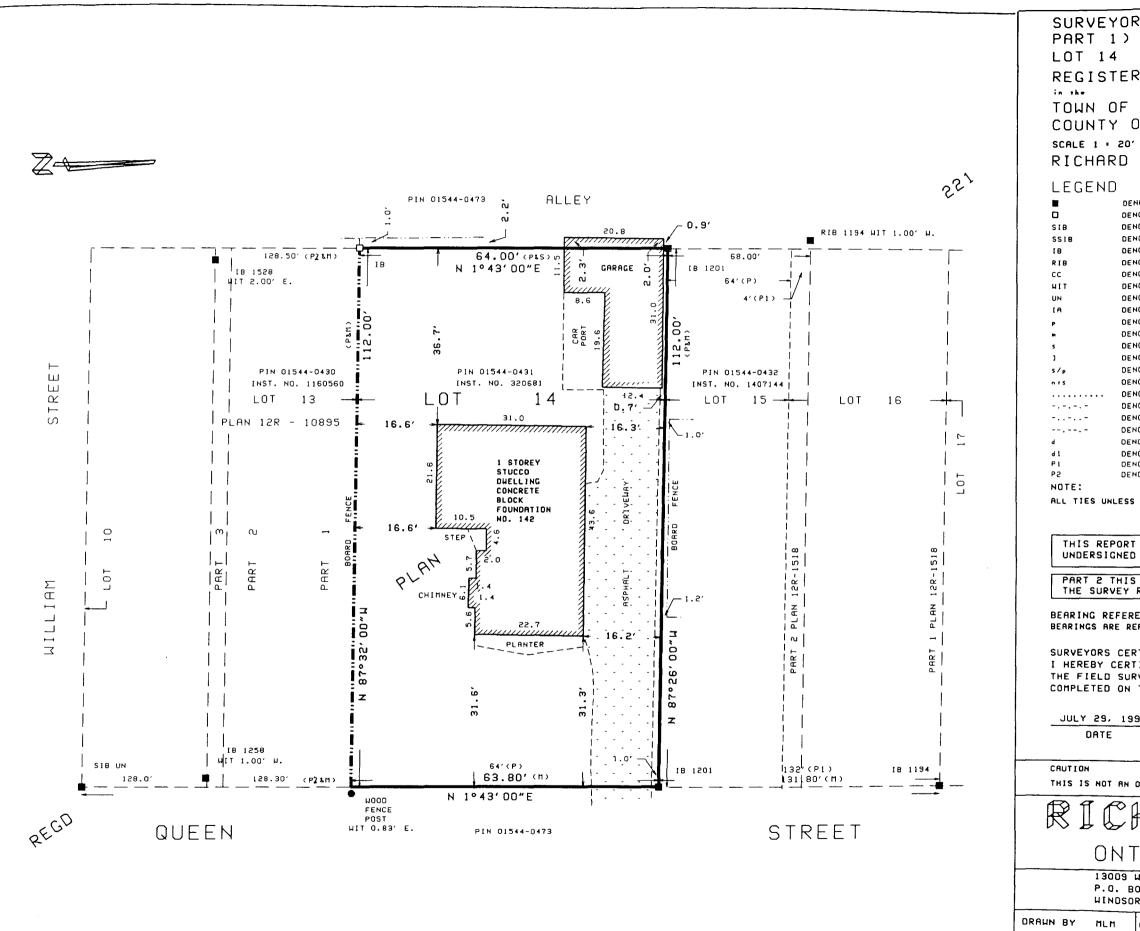
WITNESS: as to signature O Lucille Berthiaume

Luce l, uk Lucille Berthiaume

THE CORPORATION OF THE TOWN OF AMHERSTBURG

\_\_\_\_ Per: Wayne idens Alailla Per:

We have authority to bind the Corporation



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RS REAL PROPERTY REPORT PLAN OF						
RED PLAN 221						
AMHERSTBURG OF ESSEX, ONTARIO						
W. MURRAY O.L.S.						
NOTES SURVEY MONUMENT FOUND						
NOTES SURVEY MONUMUMEN <b>t set and marked 134</b> Notes Standard Iron <b>Bar</b> Notes Short Standard Iron Bar						
NOTES IRON BAR Notes Round Iron Bar Notes Cut Cross Notes Hitness	ASSOCIATION OF ONTARIO LAND SURVEYORS PLAN SUBMISSION FORM					
NOTES UNIDENTIFIED SURVEY MONUMENT NOTES INACCESSIBLE SURVEY MONUMENT NOTES PLAN 221	1186402					
NOTES MEASURED Notes set Notes perpendicul <b>ar or radial distance</b>						
NOTES SET BY PROPORTION Notes not to scale Notes overhead utility <b>hires</b> Notes chain link fence	THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY					
NOTES BOARD FENCE NOTES <b>FENCE</b> NOTES INST. NO.	ISSUED BY THE SURVEYOR In accordance with Regulation 1026, Section 29(3).					
NOTES INST. NO. NOTES 12R-1518 NOTES 12R-10895						
S OTHERWISE SHOWN ARE AT 90 TO THE SIDELINES AND ARE TO THE STUCCO/SIDING						
T WAS PREPARED FOR <b>RIDDELL AND THE</b> D ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES						
S PLAN HUST BE READ IN CONJUNCTION WITH Report dated July 29, 1998						
RENCE EFERRED TO THE ELY LIMI <b>T OF 12R10895 BEARING N1*43'E</b>						
RTIFICATE TIFY THAT RVEY REPRESENTED ON THIS PLAN WAS THE 20TH DAY OF JULY, 1998						
98						
RICHARD W. MURRAY ONTARIO LAND SURVEYOR						
ORIGINAL COPY UNLESS EMBOSSED BY SEAL						
HARD W. MURRAY						
TARIO LAND SURVEYOR						
10X 360, STATION A R, ONTARIO NOA 6L7 PH 1-519-973-5464 CHECKED BY MM FILE NO. AMH-221-14						
CHECKED BY MM FILE NO. AMH-221-14						