

THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. 54XX-22
(409 Mississagua Street)
Roll #26 27 010 005 146 00

A BY-LAW TO AUTHORIZE AN ENCROACHMENT AGREEMENT
BETWEEN THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-
LAKE AND DAVID AND JOHANNA MAHAL

**BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF
NIAGARA-ON-THE-LAKE** as follows:

- 1. THAT the agreement dated the 20th day of June, 2022 between The Corporation of The Town of Niagara-on-the-Lake and David and Johanna Mahal be and the same is hereby approved.
- 2. THAT the Lord Mayor and Clerk be authorized to affix their hands and the Corporate Seal.
- 3. THAT this by-law shall come into force and take effect immediately upon the passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 20TH DAY
OF JUNE 2022**

LORD MAYOR BETTY DISERO

TOWN CLERK RALPH WALTON

THIS AGREEMENT made this 20th day of June, 2022, pursuant to Section 71 of the Land Titles Act, and authorized by By-law No. 54XX-22 of The Corporation of The Town of Niagara-on-the-Lake.

BETWEEN:

THE CORPORATION OF THE TOWN
OF NIAGARA-ON-THE-LAKE
(hereinafter called the "Town")

OF THE FIRST PART

- and -

DAVID AND JOHANNA MAHAL
(hereinafter called the "Owner")

OF THE SECOND PART

WHEREAS the Owner represents that they are the registered Owner of lands known as 409 Mississagua Street, in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, as described in Schedule 'A' attached hereto, hereinafter referred to as "the lands";

AND WHEREAS an existing building including parts of the foundation, the storey-and-a-half structure, eaves, downspouts, porch, wooden and stone steps, hydro appurtenances and plantings on the lands encroach onto William Street;

AND WHEREAS the Council of The Corporation of the Town of Niagara-on-the-Lake at its May 17, 2021 meeting, approved Report OPS-21-014, which authorized an encroachment agreement with the Owner;

AND WHEREAS the Council of the Town agrees to allow the Owners to maintain and use the said encroachment on William Street until such time as the said encroachment is demolished, removed or destroyed;

NOW THEREFORE in consideration of the premises and the covenants and agreements hereinafter to be performed, the parties hereto mutually covenant and agree with each other as follows:

1. The Town shall and it does hereby allow the Owner, successors, and assigns in title, as the registered Owner(s) of Part 2, Registered Plan 30R-15846 and known as 409 Mississagua Street the privilege of maintaining and using the encroaching portions of the existing building and appurtenances, now in their present position being Part 1 of Registered Plan **30R-15935** as shown on Schedule B, until such time as the said encroachments are demolished, removed, or destroyed.
2. The Owner accepts all risk and responsibility for the encroachment and will at all times keep the Town effectively indemnified against all manner of actions, causes of action, claims, demands, losses, costs, damages, and expenses of whatsoever nature and kind as may be suffered by or occasioned to the Town in any manner howsoever by reason of the existence of the said encroachment, and agrees to remove the said encroachment on ninety (90) days notice from the Town that the lands owned by the Town are required for Municipal purposes.
3. The Owner agrees that existing building including the encroaching parts of the foundation, the storey-and-a-half structure, eaves, downspouts, porch, wooden and stone steps, hydro appurtenances and plantings, shall be maintained at the total expense of the Owner.
4. The Owner herein agrees and consents to the registration of this Agreement against the title of the said lands at their expense.
5. This Agreement shall ensure to the benefit of and be binding upon the successors and assigns of the parties hereto.

Any notice given hereunder shall be sufficiently given and addressed to:

David & Johanna Mahal
Box 373, 409 Mississagua Street
Niagara-on-the-Lake, ON L0S 1J0

IN WITNESS WHEREOF the Owners have hereunto set their hands and the Town has caused its Corporate Seal to be hereunto affixed under the hands of its proper signing officers.

SIGNED, SEALED, AND DELIVERED
In the presence of:

THE CORPORATION OF THE TOWN
OF NIAGARA-ON-THE-LAKE:
Per:

LORD MAYOR BETTY DISERO

TOWN CLERK RALPH WALTON

We have the authority to bind the
Corporation.

Per:

DAVID MAHAL

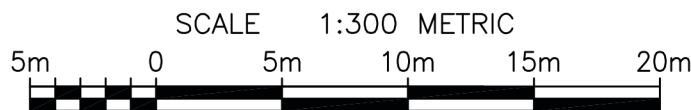
JOHANNA MAHAL

SCHEDULE "A"

PIN: 46396-0146 (LT)

LEGAL DESCRIPTION: Part Lot 247, Registered Plan No. TP 86, Part 2, 30R-15846, Town of Niagara-on-the-Lake.

PLAN OF SURVEY
PART OF WILLIAM STREET
REGISTERED PLAN No. TP 86
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA



THE INTENDED PLOT SIZE OF THIS PLAN IS
559mm IN WIDTH BY 432mm IN HEIGHT
WHEN PLOTTED AT A SCALE OF 1:300

SCHEDULE -- LAND TITLES					
PART	LOT	PLAN	P.I.N.	AREA (m²)	NAME OF MOST RECENT TRANSFEREE
1	PART OF WILLIAM STREET	REGISTERED PLAN No. TP 86	PART OF 46396-0106(LT)	56.1	THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE LAKE

Schedule B

Please Note: This schedule is a **draft** for the purposes of Council and will be replaced with an updated Registered Plan showing the footprint of the proposed encroachment on Part 1.

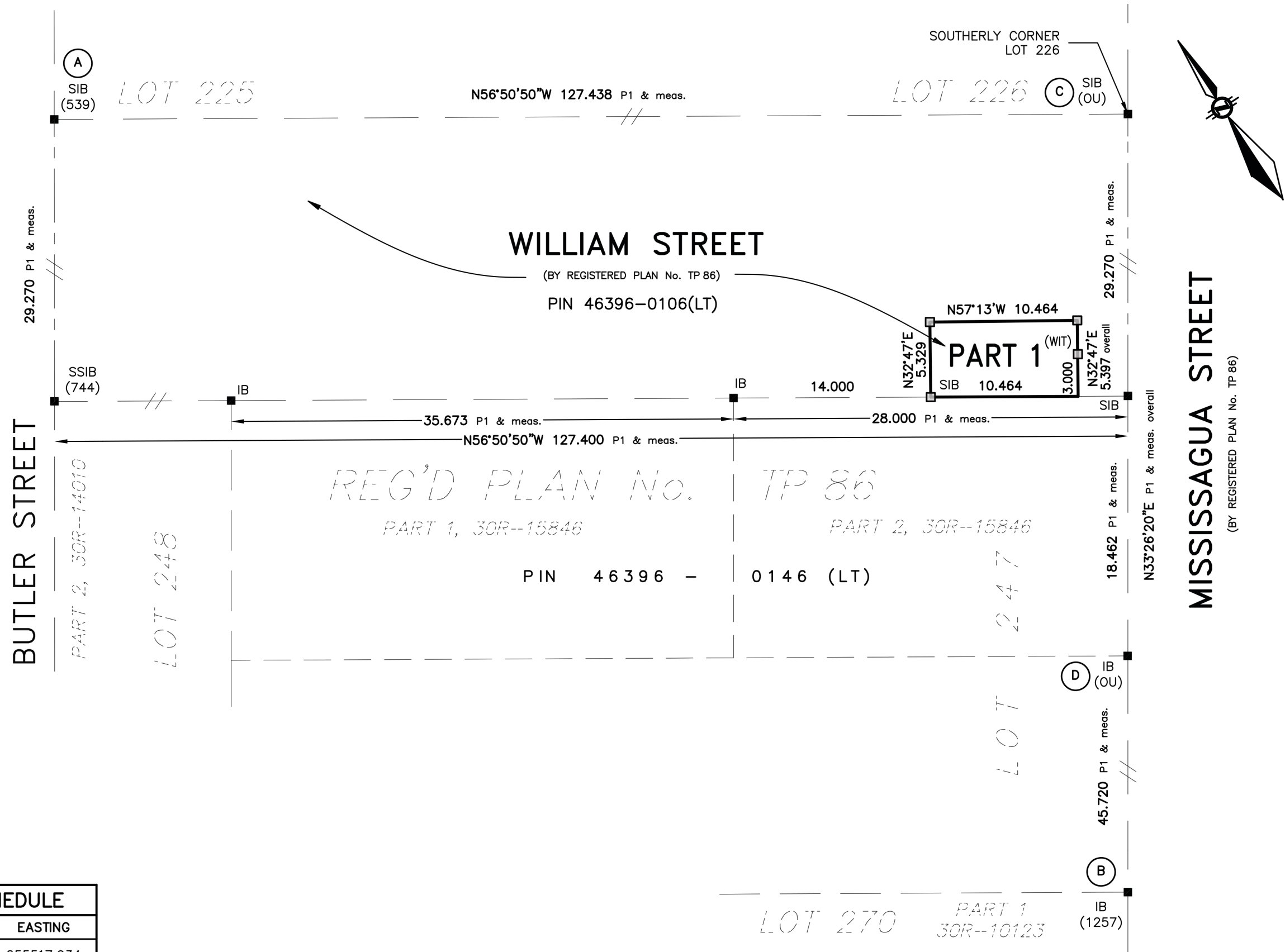
PLAN 30R-15935

Received and deposited

April 26th, 2022

Joanne Disimone

Representative for the
Land Registrar for the
Land Titles Division of
Niagara North (No.30)



LEGEND	
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT PLANTED
IB	DENOTES IRON BAR
SIB	DENOTES STANDARD IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
(539)	DENOTES D. G. URE, O.L.S.
(744)	DENOTES R. J. MATTHEWS, O.L.S.
(1257)	DENOTES RICHARD LAROCQUE, O.L.S.
(OU)	DENOTES ORIGIN UNKNOWN
(WIT)	DENOTES WITNESS
PIN	DENOTES PROPERTY IDENTIFIER NUMBER
meas.	DENOTES MEASURED
REG'D	DENOTES REGISTERED
P1	DENOTES REFERENCE PLAN No. 30R-15846

BEARING NOTE	
BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS (A) AND (B) BY REAL-TIME NETWORK OBSERVATIONS (LEICA SMARTNET) AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00'W LONGITUDE, ZONE 17, UNIVERSAL TRANSVERSE MERCATOR (6° UTM). THESE VALUES ARE NAD83 (CSRS v7) EPOCH 2010.0 REFERENCE SYSTEM.	

METRIC NOTE	
DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.	
DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE USED TO COMPUTE GRID CO-ORDINATES BY MULTIPLYING THE DISTANCES BY A COMBINED SCALE FACTOR OF 0.99989005.	

GENERAL NOTES	
1. ALL FOUND MONUMENTS ARE (1257) UNLESS SHOWN OTHERWISE.	
2. ALL SET MONUMENTS ARE IRON BARS UNLESS SHOWN OTHERWISE.	

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:	
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.	
2. THIS SURVEY WAS COMPLETED ON THE 6 th DAY OF APRIL, 2022.	
DATE: APRIL 6, 2022	BRENT LAROCQUE ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS
PLAN SUBMISSION FORM NUMBER 2066378

RICHARD LAROCQUE LIMITED
ONTARIO LAND SURVEYORS & CONSULTANTS
12 LYMAN STREET, ST. CATHARINES, ONTARIO
905-688-1413
6385 COLBORNE STREET, NIAGARA FALLS, ONTARIO
905-358-8400
www.larocquegroup.ca

DATE : APRIL 6, 2022 -- -- FILE No. : 2017-056B --
DWG.FILE : 2017-056B-05

CO-ORDINATE SCHEDULE		
POINT ID.	NORTHING	EASTING
A	4790912.917	655517.934
B	4790765.257	655573.125
C	4790843.234	655624.617
D	4790803.428	655598.306
ALL CO-ORDINATES ARE IN METRES, ARE RELATED TO UTM ZONE 17 (81°W LONGITUDE) NAD83 (CSRS v7) EPOCH 2010.0 AND HAVE A RELATIVE ACCURACY TO MEET THE REQUIREMENTS OF AN URBAN AREA AT 95% CONFIDENCE LEVEL. THE CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		