

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

BY-LAW NO. 2025-022

(Parts 2 and 3, Plan 30R-16334 forming a portion
of the lands known as 187 Queen Street)
Roll #2627 010 004 04100 0000

A BY-LAW TO AUTHORIZE AN ENCROACHMENT AGREEMENT
BETWEEN THE CORPORATION OF THE TOWN OF NIAGARA-
ON-THE-LAKE AND RAINER HUMMEL.

**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 25th day of March 2025 between the Town and the Owner 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 25TH DAY
OF MARCH 2025.**

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

THIS AGREEMENT made this 25th day of March 2025 pursuant to Section 71 of the Land Titles Act and authorized by By-law No. 2025-022 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")

- and -

RAINER HUMMEL
(hereinafter called the "Owner")

WHEREAS the Owner represents that they are the registered Owner of land known as Part 2 Plan 30R-16334, forming a portion of the lands known as 187 Queen 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 parts of an existing building, including a portion of foundation, parts of the two-storey structure and façade, porch, roof, eaves, downspouts and hydro appurtenances encroach onto Queen Street to the extent shown as Part 3 of Plan 30R-16334 (herein after referred to as "the Encroachment");

AND WHEREAS the Council of The Corporation of the Town of Niagara-on-the-Lake at its March 25, 2025 meeting, approved Report OPS-25-006, which authorized an agreement with the Owner with respect to the Encroachment;

AND WHEREAS the Council of the Town agrees to allow the Owner to maintain and use the Encroachment on Queen Street until such time as the 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:

An easement is hereby granted to Rainer Hummel, Owner of the lands described as Part 2 on Plan 30R-16334, to use the lands described as Part 3 on Plan 30R-16334, owned by The Corporation of the Town of Niagara-on-the-Lake, for the purpose of permitting the encroachment of a heritage designated building onto Town lands, subject to the following terms and conditions:

1. The Town shall, and it does hereby, allow the Owner, its successors, and assigns in title, as the registered Owner(s) of the Lands the privilege of maintaining and using the Encroachment in its present position until such time as the Encroachment is 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 Encroachment, and agrees to remove the Encroachment upon ninety (90) days' written notice from the Town that those lands owned by the Town which are affected by the Encroachment are required for municipal purposes.
3. The Owner agrees that the existing building including the Encroachment 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 to the Lands at their expense.
5. This Agreement shall enure to the benefit of and be binding upon the successors and assigns of the parties hereto.

6. Any notice given to the Owner hereunder shall be sufficiently given and addressed to:

Rainer Hummel
329 Four Mile Creek Road, Unit 333. P.O Box 612
St. Davids, Ontario. L0S 1P0

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 Gary Zalepa

Town Clerk Grant Bivol

RAINER HUMMEL:
Per:

Rainer Hummel
Owner

SCHEDULE "A"

LEGAL DESCRIPTION OF THE LANDS:

PART 2, PLAN 30R-16334
LT 49, TP PL 86 NIAGARA
PT LT 50, TP PL 86 NIAGARA
AS IN RO659780
NIAGARA-ON-THE-LAKE

BEING PART OF PIN 46397-0075 (LT)
LRO #30