



**CORPORATION OF THE TOWN OF INGERSOLL
BY-LAW NO. 08-4427**

**A by-law to authorize the execution of an Encroachment Agreement between
The Town of Ingersoll and Devcor Developments Inc.
129-131 Thames Street South**

WHEREAS it appears that a portion of the building on the side of the premises known as 129-131 Thames Street South (Part of Lot 5, Block 41, Registered Plan No. 279,) encroaches immediately to the south of the property along the entire length of the southerly lot line by a distance of 0.5 feet at the easterly limit of the lot line and 0.66 feet at the westerly limit of the lot line;

AND WHEREAS it is deemed advisable to give permission to use only that portion of the land being 0.5 feet at the easterly limit of the lot line and 0.66 feet at the westerly limit of the lot line as identified on Plans 41R-7724 and 41R-7725;

NOW THEREFORE the Council of The Corporation of the Town of Ingersoll enacts as follows:

- (1) That The Corporation of the Town of Ingersoll enters into an agreement with Devcor Developments., owners of the property known as 129-131 Thames Street, South to permit the encroachment upon a portion of the lands immediately to the south of the property.
- (2) That the Mayor and Clerk are hereby authorized and directed on behalf of The Corporation of the Town of Ingersoll to execute the form of agreement in triplicate and attached hereto as Schedule "A" and affixing the Corporation seal thereto.

READ a first and second time this 9th day of June 2008.

READ a third time and passed this 9th day of June 2008.

Paul Holbrough, Mayor

Elaine Clark, Clerk

AGREEMENT made in triplicate this 9th day of June 2008

B E T W E E N:

**THE CORPORATION OF THE TOWN OF INGERSOLL
Hereinafter called the "Corporation",**

OF THE FIRST PART

-and-

**DEVCOR DEVELOPMENTS INC.
Hereinafter called the "Owner",**

OF THE SECOND PART

WHEREAS the Owner is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are known municipally as 129-131 Thames St. South, (Part of Lot 5, Block 41, Registered Plan 279), Ingersoll, Ontario.

AND WHEREAS Plans 41R-7724 and 41R-7725, discloses that the south wall of the brick building on the subject lands encroaches onto the lands immediately to the south of the property along the entire length of the southerly lot line, by a distance of 0.5 feet at the easterly limit of the lot line and 0.66 feet at the westerly limit of the lot line;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements hereinafter contained and other good and valuable consideration the Parties hereto mutually agree as follows:

1. The Corporation hereby gives the Owner the right to use and occupy that portion of the south wall of the brick building, which encroaches onto the lands of the Corporation of The Town of Ingersoll by a distance of 0.5 feet at the easterly limit of the lot line and 0.66 feet at the westerly limit of the lot line as identified on Plans 41R-7724 and 41R-7725 for an annual rental of ONE-----(\$1.00)-----DOLLAR payable on the first day of January, in each and every year and the first payment of rent to be paid on the first day of January, 2009.
2. The Owner agrees that no addition or alteration shall be made to the said encroachment that would result in a more extended encroachment on the said public street.
3. The Corporation reserves the right to cancel this Agreement at any time upon giving three months' notice to the Owner herein.
4. THIS AGREEMENT shall enure to the benefit of and be binding upon each of the Parties hereto, their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Party of the First Part has hereunto set its corporate seal, duly attested by the hands of its Mayor and Clerk, authorized on its behalf at the Town of Ingersoll, in the County of Oxford this 9th day of June, 2008.

SIGNED, SEALED AND DELIVERED

In the presence of:

**THE CORPORATION OF THE
TOWN OF INGERSOLL**

Per: _____
Paul Holbrough, Mayor

Elaine Clark, Clerk/Deputy Administrator

DEVCOR DEVELOPMENTS INC.

Per: _____
Helen Karamountzos, President

Witness

DRAFT

SCHEDULE 'A'

TO

ENCROACHMENT AGREEMENT

**(DEVCOR DEVELOPMENTS INC.
129-131 Thames St. South**

**Being Part of Lot 5, Block 41, Registered Plan 279, and further described as
in the Town of Ingersoll, County of Oxford.**

DRAFT