



# **The Municipal Corporation of the Town of Fort Erie**

**BY-LAW NO. 80-2000**

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**BEING A BY-LAW TO ALLOW THE MAINTAINING AND USING  
OF A BUILDING WHICH ENCROACHES ON THE SOUTH SIDE  
OF THUNDER BAY ROAD (STATHOUKOS AND ATHANASIOS)  
(L07.292)**

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**WHEREAS** Section 210(107) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 as amended, provides that by-laws may be passed by the councils of local municipalities for allowing any person owning or occupying any building or other erection that by inadvertence has been wholly or partially erected upon any highway to maintain and use such erection thereon and for fixing such annual fee or charge as the council considers reasonable for such owner or occupant to pay for such privilege, and

**WHEREAS** Section 210(107)(a) of the said *Municipal Act* provides that such fee or charge forms a charge upon the land used in connection therewith and is payable and payment of it may be enforced in like manner as taxes are payable, and

**WHEREAS** George Stathoukos and Tagalakis Athanasios as the owners of a building, part of which has, by inadvertence, been erected upon the south side of Thunder Bay Road as described in Schedule "B", has requested The Corporation of the Town of Fort Erie to permit the continuance of the said encroachment, and

**WHEREAS** Report No. PPS-49-2000 was approved at the Council-in-Committee meeting of April 17, 2000 authorizing an encroachment agreement with the owners of 3 Prospect Point Road, and

**WHEREAS** The Corporation of the Town of Fort Erie deems it expedient to allow the said encroachment until such time as the said building shall have been demolished, removed or destroyed by fire or otherwise or until the part of the said highway so encroached upon is required for municipal purposes, whichever shall occur first;

**NOW THEREFORE** the Municipal Council of the Town of Fort Erie hereby enacts as follows:

- (1) **THAT** subject to Section 2 herein, authority be and it is hereby given for allowing the owners for the time being of the land described in Schedule "A" attached to and forming part of this by-law the privilege of maintaining and using the parts of the building and the projections thereof now erected upon and over that part of Thunder Bay Road as described in Schedule "B" attached hereto, until such time as the said building shall have been demolished, removed or destroyed by fire or otherwise or until that part of the said highway so encroached upon is required for municipal purposes, whichever shall first occur.
- (2) **THAT** nothing herein affects or limits the liability of the municipality for all damages sustained by any person by reason of such erection upon a highway.
- (3) **THAT** the entry by The Corporation of the Town of Fort Erie into an agreement with George Stathoukos and Tagalakis Athanasios under the terms and conditions as set out in Schedule "C" hereto annexed be and it is hereby approved and authorized.

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- (4) THAT the Mayor and Clerk be and each of them is hereby authorized to execute the agreement annexed to this by-law as Schedule "C" and any other documents necessary to implement the intent of this by-law and the agreement as set out in Schedule "C" annexed hereto and to affix the corporate seal thereto.
- (5) THAT upon passage of this by-law, it shall be duly registered in the local Land Registry Office.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF APRIL, 2000.**

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 80-2000 of the said Town. Given under my hand and the seal of the said Corporation this day of \_\_\_\_\_, 2000.

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