

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW NUMBER 146-74

Being a by-law to permit the maintenance and use of a building located at the corner of Main and California Streets which has been partially erected upon the road allowance.

WHEREAS section 354, subsection 1, paragraph 3, of The Municipal Act, R.S.O. 1970, permits councils of local municipalities to pass by-laws for allowing any person owning or occupying any building or other erection that by inadvertence has been wholly or partially erected on any highway to maintain and use such erection thereon,

AND WHEREAS the building located on the north east corner of Main and California Streets in the City of Brampton has been erected with an encroachment on the road allowance,

NOW THEREFORE the Council of the Corporation of the City of Brampton ENACTS as follows:

1. That the owner of the building located at the north east corner of Main and California Streets in the City of Brampton and municipally known as Numbers 70 to 74 Main Street North, Brampton, is hereby allowed to maintain and use such erection thereon until such time as the portion of the road allowance upon which the building encroaches is required for municipal purposes or until such time as the building is demolished whichever shall first occur.

READ A FIRST, SECOND and THIRD TIME and PASSED in  
Open Council this 25th day of November 1974

  
JAMES E. ARCHDEKIN MAYOR

  
KENNETH R. RICHARDSON CLERK

THIS AGREEMENT made this 2nd day of December, 1974

B E T W E E N :

THE CORPORATION OF THE CITY OF BRAMPTON

hereinafter called the "Municipality"

OF THE FIRST PART

- and -

WOODREX INVESTMENTS LIMITED, a corporation  
duly incorporated under the laws of the  
Province of Ontario

hereinafter called the "Owner"

OF THE SECOND PART

WHEREAS the Owner is or will be the owner of certain lands and premises in the City of Brampton, in the Regional Municipality of Peel and being composed of Part of Lot 46, as shown on a Plan of Subdivision of Part of Lot 6, Concession 1, EHS by J. S. Dennis, P.L.S. dated July, 1850 filed in the Land Registry Office for the Registry Division of Peel and referred to as BR-2 more particularly described in Schedule "A" hereto annexed (hereinafter called the "Subject Lands");

AND WHEREAS the building constructed on the Subject Lands encroaches on to Main Street North and on to California Street which encroachments are shown on a Plan of Survey prepared by Marshall Macklin Monaghan Limited dated October 17th, 1974 a copy of which sketch of survey is hereto annexed as Schedule "B" and which encroachments are (hereinafter called the "Subject Encroachments");

AND WHEREAS the Owner has requested that the Municipality permit the continuance and maintenance of the Subject Encroachments on condition that the Owner enter into this agreement;

NOW THEREFORE WITNESSETH that in consideration of the premises and covenants and agreement herein contained the parties hereto covenant and agree as follows:

1. The Owner shall be entitled to maintain and use the Subject Encroachments until such time as the areas being encroached upon are required by the Municipality for road purposes or until such time as the Building on the Subject Lands is demolished

whichever shall first occur.

2. The Owner will at its own cost and expense repair and make good in a manner reasonably satisfactory to the Municipality any damage or injury that may have been done or caused to the areas being encroached upon and will indemnify and save harmless the Municipality from any losses costs or damages which may be paid, incurred or sustained by the Municipality by reason of any such damage or injury done or caused as aforesaid.

3. That the Owner will indemnify and save harmless the Municipality from and against all actions, suits, claims and demands which may be brought against or made upon the Municipality and from all losses, charges and expenses which may be brought, sustained or incurred by the Municipality in consequence of the maintenance or use of the Subject Encroachments.

4. That the within agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns provided that notwithstanding anything herein contained to the contrary the owner from time to time of the Subject Premises shall be liable under the within agreement only for matters arising during ownership of the Subject Lands by such owner from time to time.

WITNESS the corporate seals of the parties hereto attested to by the hands of their proper signing officers.

THE CORPORATION OF THE CITY OF BRAMPTON  
per: James E. Prohaska Mayor  
W. Hubbard Clerk

WOODREX INVESTMENTS LIMITED  
per: L. Silver

per: \_\_\_\_\_



SCHEDULE "A"

All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Brampton, Regional Municipality of Peel formerly the Town of Brampton, County of Peel and being composed of part of lot 46 as shown on a plan of subdivision of Part of Lot 6 Concession 1 East of Hurontario Street by J.S. Dennis P.L.S. dated July 1850 filed in the Land Registry Office for the Registry Division of Peel and Referred to as BR-2 more particularly described as follows:

PREMISES that the north western limit of California Street has a bearing of North 45 degrees 22 minutes 20 seconds East shown on a plan of subdivision filed in the said Registry Office as Number 541, and relating all bearings herein thereto;

COMMENCING at the Southwest angle of the said lot 46;

THENCE North 45 degrees 22 minutes East along the northwestern limit of California Street 115.75 feet to an iron bar planted;

THENCE North 44 degrees 15 minutes 20 seconds West to 25.75 feet to the intersection thereof with the Northeasterly production of the outer face of the Northwesterly wall of the building standing on the said lands;

THENCE South 45 degrees 39 minutes 30 seconds West to and along said outer face of wall 61.87 feet to a point therein;

THENCE South 45 degrees 02 minutes 30 seconds West continuing along said face of wall 53.88 feet to the intersection thereof with the northeastern limit of Hurontario Street.

THENCE South 44 degrees 15 minutes 20 seconds East along the herein before last mentioned limit 26.50 feet more or less to the point of commencement, together with all right, title and interest in and to,

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Brampton, Regional Municipality of Peel formerly the Town of Brampton, County of Peel and being composed of part of lot 46 as shown on a plan of subdivision of Part of Lot 6 Concession 1 East of Hurontario Street by J.S. Dennis P.L.S. dated July 1850 filed in the Land Registry Office for the Registry Division of Peel and Referred to as BR-2 more particularly described as follows:

PREMISING that the northwestern limit of California Street has a bearing of North 45 degrees 22 minutes 20 seconds East shown on a Plan of Subdivision filed in the said Registry Office as number 541 and relating all bearings herein thereto;

COMMENCING at a point in the northwestern limit of California Street, distant 115.75 feet measured northeasterly thereon from the southwesterly angle thereof;

THENCE North 44 degrees 15 minutes 20 seconds West 25.75 feet to an iron bar planted;

THENCE North 45 degrees 22 minutes 20 seconds East 12.00 feet to an iron bar planted;

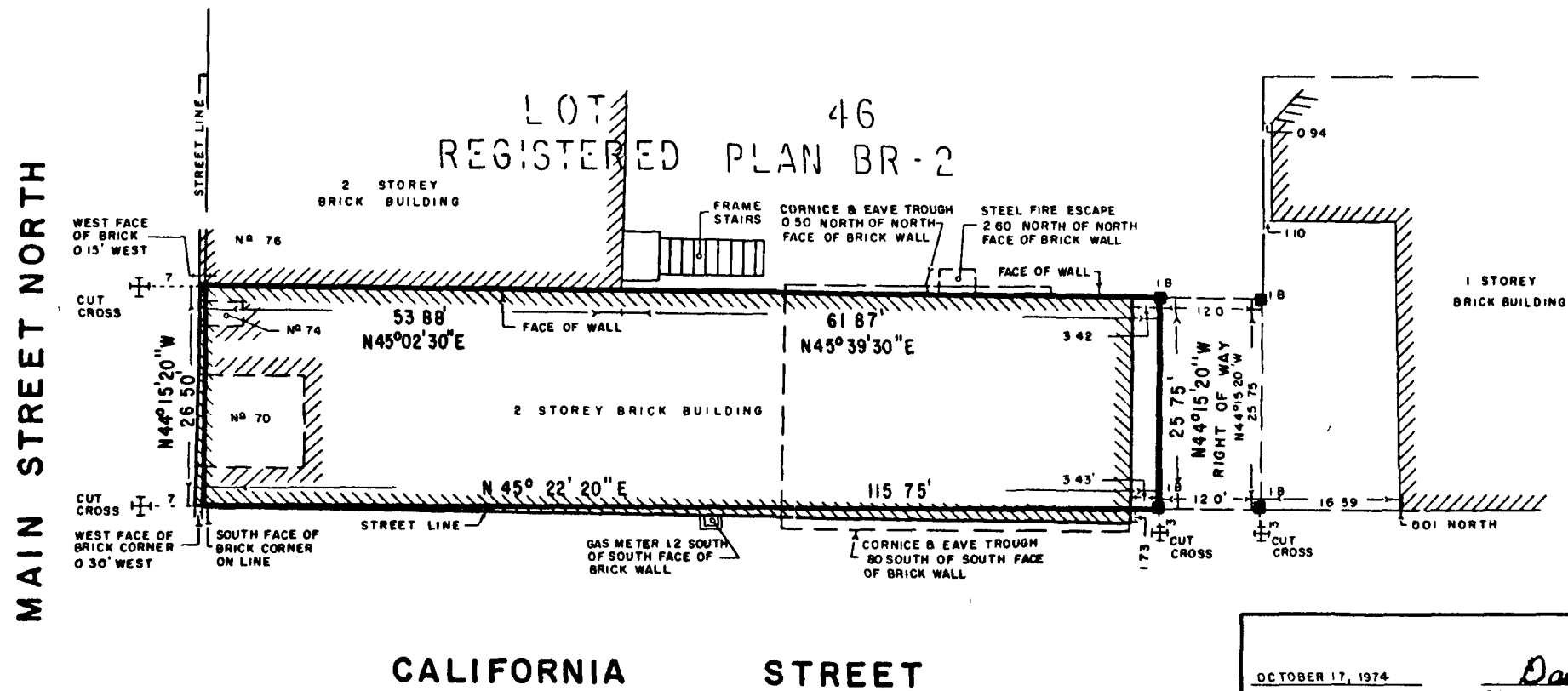
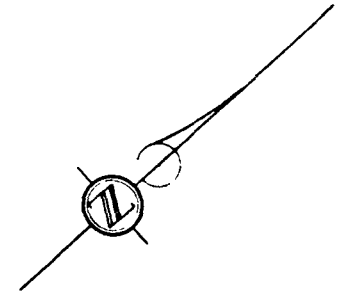
THENCE South 44 degrees 15 minutes 20 seconds East 25.75 feet to a point in the northwestern limit of California Street;

THENCE South 45 degrees 22 minutes 20 seconds West along the last mentioned limit 12.00 feet more or less to the point of commencement.-----

PLAN OF SURVEY OF  
 PART OF LOT 46, REGISTERED PLAN BR-2  
 CITY OF BRAMPTON, REGIONAL MUNICIPALITY OF PEEL  
 (FORMERLY TOWN OF BRAMPTON, COUNTY OF PEEL)

SCALE 1" = 20'

MARSHALL MACKLIN MONAGHAN LIMITED  
 ONTARIO LAND SURVEYORS  
 1974



DATE OCTOBER 17, 1974

DAVID B. SEARLES - ONTARIO LAND SURVEYOR

*David B. Searles*

**Marshall Macklin Monaghan Limited** Engineers Surveyors Planners Environmental Consultants

270-0450  
 77 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO

Drawn by: M.C.D. Checked by: J.H.K. Scale: 1" = 20' Dwg No: 2574 141

DATE December 2nd, 1974

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THE CORPORATION OF THE CITY  
OF BRAMPTON

- and -

WOODREX INVESTMENTS LIMITED

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A G R E E M E N T

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E-7091

GR/bm

GOODMAN & GOODMAN  
101 Richmond Street West  
Suite 1500  
Toronto, Ontario