



## **STAFF REPORT**

**Title:** Encroachment Agreement Request EA19-001

**Meeting Date:** August 13, 2019

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### **Executive Summary:**

Request from the owner of 5107 60 Street to enter into an encroachment agreement respecting the City's Public Utility Lot at 5105A 60 Street, Lot 3PUL, Block 15, Plan 902 1475.

### **Background:**

Administration has received a request from the owner of 5107 60 Street (Lot 2, Block 15, Plan 902 1475) seeking an encroachment agreement with the city. The applicant's property is located adjacent to the City's Public Utility Lot (PUL) located at 5105A 60 Street (lot 3PUL, Block 15, Plan 902 1475). Presently, the applicant's fence extends approximately 3 metres onto the PUL, and several recreational vehicles and boats are stored on the PUL.

The applicant had been previously contacted by a Peace Officer to remove the fence and vehicles. The applicant initially told the City's Peace officer that he had purchased the house with the existing fence. Several days later he told the Peace Officer that he had purchased the lot from the Town of Grand Centre and that there was a discrepancy in the lot dimensions on the plan he had been provided and was then given permission by the town to leave the fence where it was. Neither the applicant, nor Administration, has been able to locate any documentation to substantiate this claim. In fact, the information in the City's file, which is attached to the original sale documentation, indicates the correct dimensions of the applicant's lot and clearly identifies the adjacent PUL lot and dimensions. The City's files also indicate that the applicant did, in fact, build the house.

Administration has circulated the encroachment request internally and is of the opinion that the City should not enter into an encroachment agreement. The PUL in question houses water and sanitary sewer lines, and the concern is that approving the encroachment request would impair the City's ability to access the lines for maintenance or in the event of a line break, where immediate access is required.

Administration recommends that Council defeat a motion to enter into an encroachment agreement. In the event that the encroachment request is defeated, the applicant will be required to remove the encroaching fence within 30 days, in accordance with Encroachment Policy 104-DA-08.



**Alternatives:**

Council may consider the following alternatives:

- 1) Pass a motion directing Administration to enter into an Encroachment Agreement with the owner of Lot 2, Block 15, Plan 902 1475 in respect of Lot 3PUL, Block 15, Plan 902 1475 for a term of five years, with an option to renew for a further five years.
- 2) Defeat a motion directing Administration to enter into an Encroachment Agreement with the owner of Lot 2, Block 15, Plan 902 1475 in respect of Lot 3PUL, Block 15, Plan 902 1475 for a term of five years, with an option to renew for a further five years.
- 3) Accept as information only.

**Recommended Action:**

Administration recommends that Council defeat a motion directing Administration to enter into an Encroachment Agreement with the owner of Lot 2, Block 15, Plan 902 1475 in respect of Lot 3PUL, Block 15, Plan 902 1475 for a term of five (5) years, with an option to renew for a further five (5) years.

**Budget Implications (Yes or No):**

No

**Submitted by:**

Kevin Nagoya, Chief Administrative Officer