



## **STAFF REPORT**

**Title:** Encroachment Agreement Request EA 20-001

**Meeting Date:** August 11, 2020

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### **Executive Summary:**

Request from the owner of 1501 Horseshoe Bay Estates (Lot 1, Block 2, Plan 922 2902) to enter into an encroachment agreement respecting the City's adjacent roadway to accommodate placement of a fence.

### **Background:**

Administration has received a request from the owner of 1501 Horseshoe Bay Estates (Lot 1, Block 2, Plan 922 2902) to enter into an encroachment agreement respecting the City's adjacent roadway. The applicant wishes to build a fence; however, there is a buried fibre optic line which straddles the applicant's property boundary. Within the applicant's property is a 4.0 metre-wide utility right-of-way (URW), which houses several other buried utilities.

Typically, a property owner would build a fence at their property line, thus avoiding any utilities buried within the URW; however, the fibre line straddling the property line precludes this possibility. The property owner has requested that the City consider an encroachment agreement, to allow them to construct a portion of the fence on the City boulevard adjacent to their home, as they would lose 4 metres of their yard to the URW otherwise.

Administration has circulated the encroachment request internally as well as to external franchise utility companies, and no objections to the proposed encroachment were received. In the event that an encroachment agreement is approved, the agreement would have a term of five (5) years, with an option to renew for a further five (5) year term. A copy of the draft agreement is attached for reference.

Administration recommends that Council pass a motion to enter into an encroachment agreement with the owner of 1501 Horseshoe Bay Estates (Lot 1, Block 2, Plan 922 2902). In the event that Council approves entering into an encroachment agreement, the owner will be required to provide a Real Property Report detailing the exact location of the fence relative to the property boundary once the fence has been installed.

### **Alternatives:**

Council may consider the following alternatives:



- 1) Pass a motion directing Administration to enter into an Encroachment Agreement with the owner of 1501 Horseshoe Bay Estates (Lot 1, Block 2, Plan 922 2902) 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 1501 Horseshoe Bay Estates (Lot 1, Block 2, Plan 922 2902) 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 pass a motion directing Administration to enter into an Encroachment Agreement with the owner of 1501 Horseshoe Bay Estates (Lot 1, Block 2, Plan 922 2902) for a term of five years, with an option to renew for a further five years.

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

No

**Submitted by:**

Kevin Nagoya, Chief Administrative Officer