



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Romaine Scott, Legal Coordinator
Planning & Development

DATE: March 10, 2023

REPORT NO.: PD-2023-024

SUBJECT: Authorization for an Encroachment Agreement
99 Main Street S, Georgetown

RECOMMENDATION:

THAT Report No. PD-2023-024 dated March 10, 2023, regarding an encroachment agreement for 99 Main Street South, Georgetown, be received;

AND FURTHER THAT Council pass a by-law to authorize the Mayor and Clerk to execute an Encroachment Agreement with the owner of 99 Main Street South, Georgetown to permit the continuation of the encroachment of the existing building and an overhanging decorative pediment upon the untraveled portion of Main Street South, Georgetown, for a period of 20 years.

KEY POINTS:

The following are key points for consideration with respect to this report:

- Staff recommends that Council authorize the Town to enter into an Encroachment Agreement with the owner of 99 Main Street South to allow an existing encroachment to continue for a period of 20 years, subject to the conditions of the said Agreement.
- The property owner will be required to indemnify the Town and provide the appropriate certificate of insurance showing that the Town has been added to its insurance policy for the entire term of the Agreement.
- The property is “listed” on the Town’s Heritage Register as having cultural heritage value or interest.

BACKGROUND AND DISCUSSION:

The Town first entered into an encroachment agreement with the property owner in 2000 to legalize the encroachment of the existing building and overhanging decorative pediment upon the untraveled portion of Main Street South, Georgetown (the “Encroachment”). The property has since changed ownership and the previous agreement has expired.

The staff is currently reviewing a site plan application to allow the owner to make certain renovations and/or additions to the property. As condition of the site plan approval, the owner is required to enter into a new encroachment agreement to allow the Encroachment to continue.

The extent of the Encroachment is further illustrated on Appendix “A” attached to this report.

STRATEGIC PLAN ALIGNMENT:

This report is administrative in nature and does not have an impact on the Town’s Strategic Plan.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

INTERNAL CONSULTATION:

There has been consultation among staff from Development Engineering and Planning.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer