



REPORT

REPORT TO: Chair and Members of Planning, Public Works & Transportation Committee

REPORT FROM: Romaine Scott, Legal Coordinator
Planning & Sustainability Department

DATE: October 16, 2018

REPORT NO.: PLS-2018-0078

RE: Authorization to allow Encroachment onto Charity Street
Address: 7 Albert Street, Georgetown,
File No: D16 CH

RECOMMENDATION:

THAT Report No. PLS-2018-0078 dated October 16, 2018 regarding the continuation of the encroachment at 7 Albert Street, Georgetown, be received;

AND FURTHER that staff be directed to bring forward a by-law to authorize the execution of an Encroachment Agreement to permit the continuation of the encroachment of a portion of the house located at 7 Albert Street upon the untraveled portion of Charity Street.

BACKGROUND:

The current owners of 7 Albert Street have approached the Town to legalize the long time encroachment of a portion of their house onto the untraveled portion of Charity Street. The agreements with previous owners of the property have expired. The property has recently been transferred and it is therefore expedient that the new owners enter into a new agreement with the Town.

The extent of the encroachment is shown on Appendix "1" attached to this Report.

COMMENTS:

Staff recommended that the encroachment be continued for the earlier of 10 years or the date upon which the encroachment is removed. The agreement also contemplates that in the event that the property is sold prior to the end of the term set out in the

encroachment agreement, the new owner would be required to either assume the existing encroachment agreement or enter into a new agreement approved by Council.

Transportation & Public Works staff has no objection to the encroachment continuing for a 10-year term, subject to the conditions set out in the encroachment agreement.

The owner of the property 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 as an additional insured for the entire term of the agreement.

RELATIONSHIP TO STRATEGIC PLAN:

This Report is operational and has no bearing on the Town's Strategic Plan.

FINANCIAL IMPACT:

The Town's costs associated with this matter are covered by the administration fee allowed for in the Town's Rates and Service Charges By-law. There is no annual license fee for the encroachment.

CONSULTATION:

The Town's Manager of Transportation and the Superintendent of Public Works were consulted with respect to this Report.

PUBLIC ENGAGEMENT:

There is no public engagement with respect to this Report.

SUSTAINABILITY IMPLICATIONS:

There is no sustainability implication with respect to this Report.

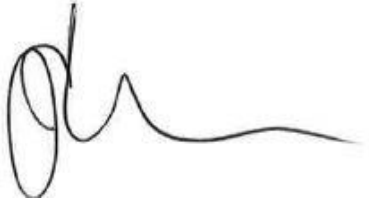
COMMUNICATIONS:

There is no communications implication with respect to this Report.

CONCLUSION:

The encroachment is entirely on the untraveled portion of the road and does not impede the current operation of the roadway. Staff therefore recommends that Council passes the necessary by-law to authorize the Mayor and Clerk to sign the Encroachment Agreement to allow the house to continue encroaching onto Charity Street, as discussed herein.

Reviewed and Approved by,

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John Linhardt, Commissioner of Planning and Sustainability

A handwritten signature in black ink, appearing to be 'Brent Marshall', with a stylized, flowing script.

Brent Marshall, CAO