

Re: Easement and Right-of-Way Encroachment Agreements

Council will recall that on January 13, 1975 a Resolution was passed authorizing on a blanket basis the acquisition for 1975 of all easements and rights-of-way required for Municipal purposes, and the payment of compensation therefor not exceeding \$100.00 in each case. At the same time, authorization was given to staff to execute all documents in 1975 that pertain to the release or cancellation of ancillary rights where in the opinion of the Engineering Department such rights were no longer required.

We now have a situation with respect to easement and right-of-way encroachment agreements that we would like to treat in a similar manner. The following is the report of the Municipal Engineer, dated March 13, 1975, in this connection.

The easement and right-of-way encroachment agreement allows the easement and right-of-way encroachment for only the life of the encroachment. At present, the Municipal Engineer has been approving of these agreements with a letter and the Municipal Solicitor feels that we should have an agreement on each of them. We are, therefore, recommending this change in procedure.

In January 1976, when we bring forward our recommendation for the year with respect to acquisition of easements and rights-of-way, we would add a request for the same authority as provided for in this report item; i.e., we would cover all of these subjects annually in January.

RECOMMENDATION:

1. THAT Council pass the following Resolution which would become effective immediately upon its passage:
"The Municipal Council does hereby authorize the Mayor and Municipal Clerk to execute documents on behalf of the Corporation without reference to Council pertaining to encroachment of easements and road allowances, and reduction of easement widths for 1975"; and
2. THAT the procedure be followed as outlined in the Municipal Engineer's report of March 13, 1975.

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TO: MUNICIPAL MANAGER

MARCH 13, 1975

FROM: MUNICIPAL ENGINEER

RE: AUTHORITY MAYOR AND CLERK
EASEMENT AND RIGHT OF WAY ENCROACHMENT

From time to time the Engineering Department receives written and verbal requests to allow encroachments into Corporation easements and road allowances and reduction in easement widths. The requested encroachments take the form of asphalt pavement to make use of the easement as a driveway, eave overhang for a to be constructed house so as to maximize the sideyard use, existing encroachment permission to obtain a mortgage and sometime requests to reduce the width of the easement for siting purposes.

When the Engineering Department receives these requests they are processed through the Department to ascertain if the encroachment would hinder maintenance or prevent access to the Engineering services contained within the easement. The application is checked further to ensure that the encroachment will not in any way endanger the services.

If the Engineering Department has no objection to the encroachment, the Legal Department is so informed along with any recommendation or restriction, we believe in order. The Legal Department is asked to prepare a document to protect the Corporation and the services to be executed on behalf of the Corporation by the Mayor and Clerk.

At present the Mayor and Clerk have the authority without reference to Council to execute easement agreements involving less than \$100. and agreements to surrender ancillary rights.

RECOMMENDATIONS:

1. THAT the Mayor and Clerk be authorized to execute documents on behalf of the Corporation without reference to Council pertaining to encroachment of easements and road allowances and reduction of easement widths.
2. THAT the Engineering Department process and authorize acceptance or rejection of applications for encroachment of easements and road allowances, surrender of ancillary rights and reduction of easement widths.
3. THAT the Legal Department prepare documents incorporating Engineering's recommendations and restrictions.

VMT:wlh

[Signature]
MUNICIPAL ENGINEER