

Re: AUTHORITY FOR EXECUTION OF LEGAL DOCUMENTS

Each year, Council is requested to provide authority for the execution of certain documents so that related transactions can be completed without the express approval of Council in each specific instance. This approach eliminates the need for individual reports and allows transactions of a relatively inconsequential nature to be consummated efficiently and at minimal administrative expense. It is for this reason that blanket authority is requested for execution of the following documents:

1. Easements and Rights-of-Way

In 1973, 1974 and 1975, Council passed a resolution authorizing staff to acquire all easements and rights-of-way for municipal purposes when such acquisitions involved compensation that did not exceed \$100. This allows staff to execute negotiated transactions without having to refer to Council for approval each acquisition where the cost was \$100 or less. Because this method of acquiring easements and rights-of-way has proved to be very effective, it is recommended that the same procedure be followed in 1976.

2. Ancillary Rights

Council in each of the last three years also extended authority to cover the release or cancellation of ancillary rights where in the opinion of the Engineering Department they are no longer required. It is recommended that authority to execute documents pertaining to such matters be extended to cover 1976.

3. Right-of-Way Encroachment Agreements

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 a) asphalt pavement to make use of the easement as a driveway, b) eave overhang for a to-be-constructed house so as to maximize the side-yard use, c) existing encroachment permission to obtain a mortgage, and sometimes d) as a reduction for 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 and regards it as minor, the Engineer by letter consents to the encroachment. If the Engineering Department considers the encroachment to be more than minor, but is prepared to consent providing the municipal works are properly protected, the Legal Department drafts a modification of the original easement agreement which the applicant must sign and which is registered, subject to the approval of the Registrar, in the Land Registry Office.

Authority for the Engineer to sign such letters and for the Mayor and Clerk to execute the modification agreements on behalf of the Municipality is requested.

Authority to execute these documents on behalf of the Corporation without referral to Council was given to staff for the first time in March, 1975.

4. Restrictive Covenants

Restrictive covenants are allowed under Section 24A of the Land Registry Act which reads as follows:

"There may be registered as annexed to any land that is being or has been registered a condition or covenant in favour of the Crown or of a Municipality that the land, or any specified portion thereof, is not to be built upon, or is to be or not to be used in a particular manner."

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In July, 1975, Council gave blanket authority to staff to execute the following type of restrictive covenant:

Limitation of building elevations due to:

- a. Sewer depth
- b. Topography
- c. Access
- d. Land subject to flooding.

It will be necessary for Council to adopt the following resolutions in order to have the authority that has been established (as outlined above) extended to cover the current year.

RECOMMENDATIONS:

THAT Council pass the following resolutions which would become effective immediately upon their passage:

1. "The Municipal Council does hereby authorize the acquisition in 1976 of all easements and rights-of-way required for municipal purposes and the payment of compensation therefor not exceeding \$100 in each case"; and
2. "The Municipal Council does hereby authorize the execution of all documents in 1976 that pertain to the release or cancellation of ancillary rights where in the opinion of the Engineering Department such rights are no longer required"; and
3. "The Municipal Council does hereby authorize the Mayor and Municipal Clerk to execute documents on behalf of the Corporation, and the Engineer to sign letters, without reference to Council, pertaining to encroachment of easements and road allowances, and reduction of easement widths, for 1976"; and
4. "The Municipal Council does hereby authorize the Mayor and Municipal Clerk, pursuant to Section 24A of the Land Registry Act, to execute documents on behalf of the Corporation, without reference to Council, pertaining to the following restrictive covenant, for 1976:

Limitation of building elevations due to:

- a. Sewer depth
- b. Topography
- c. Access
- d. Land subject to flooding."