

Wheatland County

Request for Decision

Regular Council Meeting

July 7, 2020

Report prepared by: Robin Glasier



Encroachment Agreement - Rosebud

Recommendation from Administration

That Wheatland County Council approve an encroachment agreement for the use of the undeveloped road allowance with the owner of Roll #3776000; 3767CN; 6; 19-2, within Rosebud, based on the information as presented in the RFD.

Chief Administrative Officer's Comments

N/A

Report

Division: Division 6

The Owners of Roll #3776000; 3767CN; 6; 19-2, within Rosebud have requested permission to place a gravelled walking path and a concrete block retaining wall within the undeveloped road plan (laneway) adjacent to their land. Please see the diagram on the attachment for details.

A request has been submitted for an encroachment agreement for the structures. An encroachment agreement does permit the County to give notice of 30 days to remove the encroachment, as required under the provisions of the Traffic Safety Act. The owner would be responsible for removal at their cost. The agreement would be registered on title and be binding on future owners.

Municipal services do not run in this alignment and are not impacted by the structure. There are no plans in the near or known future to develop the road and the improvement does not impeding traffic travelling through this area.

Relevant Policies, Practices, and Legislation

Section 651.2 of the MGA permits encroachment agreements on roadways with adjacent landowners, to be registered on title. Section 13(1)(o) of the Traffic Safety Act of Alberta, RSA 2000, requires any encroachments be removed and the area be restored to the satisfaction of the municipal authority by the Owner with thirty (30) days' notice

Alignment with the Strategic Plan

N/A

Response Options

Option 1: THAT the proposed recommendation is accepted/approved.

Option 2: THAT the proposed recommendation is not accepted/approved.

Option 3: THAT an alternate recommendation is accepted/approved.

Implications of Recommendation

General

The encroachment agreement permits the structure to remain in place, while ensuring should the removal be required, 30 days notice be given.

Organizational

An encroachment agreement shall be required, and the Land Agent shall prepare the document, obtain the signatures required and register a caveat on the applicable title at Land Titles

Financial

N/A

Environmental, Staff, and Public Safety

The encroaching structure is not creating a safety or environmental concern.

Follow-up Action / Communications

An encroachment agreement will be signed with the owner and registered on the title.

Report Approval Details

Document Title:	Encroachment Agreement - Rosebud.docx
Attachments:	<ul style="list-style-type: none">- Encroachment Agreement Rosebud Inn owner Signed.pdf- Retaining Wall concept drawings from owner.pdf- 2001 - ROSEBUD INN - 2020.06.15 dwg.pdf
Final Approval Date:	Jun 28, 2020

This report and all of its attachments were approved and signed as outlined below:



Bryce Mackan



Michael Ziehr



Task assigned to Brian Henderson was completed by delegate Matthew Boscariol

Brian Henderson