

Wheatland County

Request for Decision

Regular Council Meeting

June 2, 2020

Report prepared by: Robin Glasier - Land Agent



Encroachment Agreement - Gleichen

Recommendation from Administration

That Wheatland County Council approve an Encroachment agreement for the use of the undeveloped road allowance with the owner of Roll #5148493, 2550AJ; 20; 13&14 within Gleichen, based on the information as presented in the RFD.

Chief Administrative Officer's Comments

N/A

Report

The owner of Roll #5148493, Plan 2550AJ; 20; 13&14 will be applying for a Letter of Compliance and approval of a Real Property Report (RPR). The RPR shows there is a portion of a garage encroaching 0.43m (1' 7/16") into 1st Avenue, Gleichen.

A request has been submitted for an Encroachment agreement for the structure to permit it to remain in place for its useful life, or until the road is developed. The Agreement does permit the County to give notice to remove the encroachment of 30 days, 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.

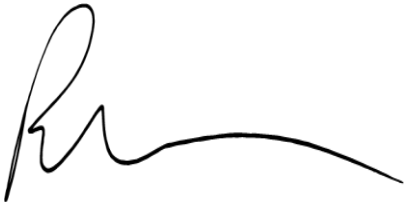
Follow-up Action / Communications

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

Report Approval Details

Document Title:	Encroachment Agreement - Gleichen.docx
Attachments:	- Encroachment Agreement.pdf - Gleichen Encroachment Agreement pics.docx
Final Approval Date:	May 25, 2020

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



Bryce Mackan



Michael Ziehr



Brian Henderson