

To: David Creery, Chief Administrative Officer

From: Harold de Haan, City Engineer

Re: Encroachment Agreement – 4 and 6 Victoria Street

AIM

To obtain City Council's approval of an encroachment upon a road allowance for the purpose of constructing new entrance steps and cover existing encroachments at 4 and 6 Victoria Street.

BACKGROUND

The owner of 4 and 6 Victoria Street wishes to construct new steps for the entrance of these units. The proposed structures will encroach onto the road allowance approximately 1.78m by 1.22m (see sketch in attached agreement). Existing encroachments are also to be covered under the agreement.

For the new construction to occur, the owner needs to obtain a building permit. In order for a building permit to be issued, an encroachment agreement needs to be entered into to allow construction of the replacement structure.

COMMENTS

During the process of investigating the proposed encroachment, Staff discovered that there are existing encroachments (2 small fire escape balconies, one large balcony and fire escape, and 6 concrete steps and miscellaneous concrete pads of varying size) that are not currently covered by an encroachment agreement. These existing encroachments have been added to the proposed agreement so that the City's interests are covered for these items as well.

Staff has no issues with the construction of the new steps. The encroachment agreement requires that the property owner is responsible for any costs to construct the steps and/or porch and balcony if any work is necessary to replace or maintain existing services. The encroachment agreement also requires that:

- The property owner maintain the steps and the boulevard between them and the sidewalk to the satisfaction of the City.
- The City is indemnified and saved harmless from any claims arising from the existence of the encroachments.
- No alterations are made to the structures without the City's approval.
- The rights granted to the property owner can be revoked at any time by the City.
- The agreement is registered on title.

The encroachment agreement has been reviewed by the property owner and they are satisfied with it and willing to sign once approved by Council.

ATTACHMENTS

Encroachment Agreement – 4 and 6 Victoria

RECOMMENDATION

That Woodstock City Council approves the encroachment at 4 and 6 Victoria Street and authorizes the Mayor and Clerk to sign the necessary encroachment agreement.

Authored by: Harold de Haan, P.Eng., City Engineer

Approved by: Harold de Haan, P.Eng., City Engineer

Approved by: David Creery, P. Eng, MBA, Chief Administrative Officer