



Lesser Slave River

TITLE: EVALUATION OF ENCROACHMENTS ONTO MUNICIPAL LANDS

EFFECTIVE DATE: February 17, 2010

POLICY NUMBER: PD-61-03 (Supersedes H.5)

PURPOSE:

The Municipal District shall evaluate encroachments onto lands, other than Environmental Reserves, that are subject to the direction, control, and management of the Municipal District to determine the feasibility of executing a written agreement with the infringing party to protect the Municipal District's rights and obligations with respect to the lands, and to minimize the Municipal District's exposure to liability with respect to those encroachments, failing which the Municipal District may require removal of the encroachment(s).

PROCEDURE:

1. The Applicant will submit to the Municipal District particulars of the encroachment including the legal description of the lands upon which the encroachment exists, a Plan of Survey detailing the Encroachment and any other information the Planning and Development Department requires to deem an Application complete
2. The Application will be reviewed by the Chief Administrative Officer as to whether the Municipal District will grant consent to the encroachment. Encroachments that are a potential safety risk; are an obstacle to public access, or interfere with the operational functions of the Municipal District will not be allowed
3. If the Municipal District grants the encroachment, then an Encroachment Agreement will be prepared for review and execution by both the Applicant and the Municipal District
4. Upon full execution the Encroachment Agreement will be registered at the Land Titles Office

NON-APPROVAL ENCROACHMENT:

1. If permission for the encroachment is denied, then a written notice to the property owner will be issued for immediate removal and/or cessation of the encroachment
2. If the encroachment is not removed and/or ceased within sixty (60) days of written notice, the Chief Administrative Officer may take advantage of whatever legal remedies are available to the Municipal District to ensure the removal and/or cessation of the encroachment
3. The Applicant may appeal, in writing, to Council any decision based on this policy within 14 days of the date of decision

MINOR ENCROACHMENTS:

1. Notwithstanding any other section in this Policy, the Chief Administrative Officer, or his designate, shall have the sole discretion to determine if an encroachment is of such a minor nature that the Municipal District will issue a consent letter to the Applicant for the encroachment rather than require the execution of an Agreement, or encroachment removal. Post encroachments that



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occurred prior to the effective date of this policy may also be granted consent if they are of a minor nature

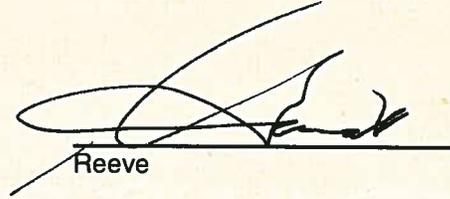
FEES:

1. If the encroachment is allowed by the Municipal District, the Applicant will be responsible for the fees established by the Council of the Municipal District from time to time

MOTION: 42-10

DATE: February 17, 2010


Chief Administrative Officer


Reeve