



The Corporation of the  
**City of Kawartha Lakes**  
*Public Works*  
12 Peel Street  
P.O. Box 9000  
Lindsay, Ontario K9V 5R8  
Tel: 705-324-9411 Ext. 1143  
Toll Free: 1-888-822-2225  
[www.kawarthalakes.ca](http://www.kawarthalakes.ca)

Bryan Robinson, P. Eng.,  
Director of Public Works

**Memo**

**To: Mayor Andy Letham and Members of Council**

**From: Bryan Robinson, Director of Public Works**

**Cc: Ron Taylor, C.A.O.**

**Date: For May 15, 2018**

**Re: 782 Frank Hill Road**

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A public deputation is scheduled to be presented to Council on May 15, 2018 regarding a request for encroachment agreement for posts installed without authorization on the City's road allowance. This memo is being provided as background information on the matter.

Public Works first became aware of reports of misuse of a water access in June of 2017. The owners of the adjacent property at 782 Frank Hill Road purchased the property on November 21, 2016. Since the Spring of 2017, they have been having difficulty with members of the public blocking their driveway and trespassing.

In early October of 2017 they took measures to prevent access into their own hands by placing large boulders into the road allowance thereby blocking the water access. Public Works was made aware of the activity and subsequently removed the rocks. It was clarified to the owners that this property is not an official boat launch. This property is primarily designated for use by fire services as a collection point for water hauling purposes. As such the water access must remain open and accessible. This property is also public water access in keeping with Council's desire to maintain access to our waterways.

In further effort to prevent unwanted entry to their property, on October, 2017 the residents proceeded to install two large steel posts (Images on Page 4) on city property which they intended to use to support a gate to their property. At the time the residents believed the posts to be on their property. The residents did



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not contact the City to request road occupancy to perform the work nor did they undertake the necessary legal survey work to confirm the location of the posts. The City visited the site and confirmed our belief that the posts were illegally installed on City property and issued notice on October 20, 2017 to remove the posts or the City would do so.

During a December 19, 2017 conversation with the owners' representative, it was confirmed that via legal survey the posts are on City property.

The City reached out to the owners' representative and asked for proposed timeline for removal and was provided with a response stating: "With respect to the moving of the posts, no prompt action could be taken in December as the ground was frozen. However, as soon as the ground has thawed and the posts can be moved I have been told that this will be done." The City then provided a deadline of April 15, 2018 to have the posts removed or the City would do so at the owners' expense.

During the window given to the owners to remove the posts, the City received a request through the Land Management Committee for a license agreement for the posts. While the matter was in review, Staff felt it inappropriate to remove the posts.

Land Management Committee reviewed the request on April 10, 2018 and confirmed the posts needed to be removed from the road allowance. The owners were then provided a new deadline of May 13, 2018 to remove the posts. The Land Management Committee decision on this matter was guided by City policies, standards and objectives.

Subsequent to this, the Clerk's Office has received a deputation request to ask Council for reconsideration of the decision of the Land Management Committee. As a result of the deputation request, Staff has suspended any further action until the matter is heard by Council.

These posts were installed without permit or authorization from the City within the road allowance. The City's encroachment by-law, approved by Council, outlines the process to address these situations. The posts are inappropriate for a gate fence and pose a risk to the motoring public in the event of collision. In addition,

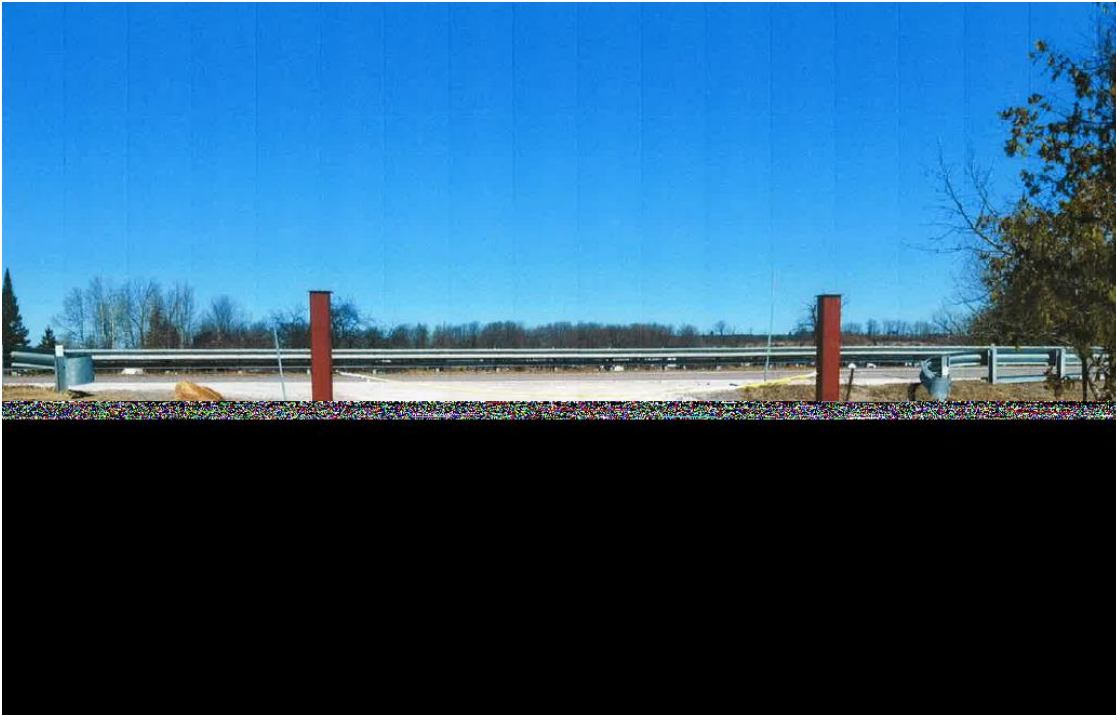


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there is a potential the posts could pose an impedence to the movement of emergency service vehicles.

Staff recommend that Council receives the deputation only (and not approve the encroachment of these posts and potential gate at this location). If so, then staff would continue to enforce the removal of the posts from our property.





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