



Committee of the Whole Report

Report Number: RS2022-009

Meeting Date: January 11, 2022

Title: Request for License Agreement – Pipe
Encroachment within Skyline Road

Description:

Author and Title: Laura Carnochan, Law Clerk – Realty Services

Recommendation:

That Report RS2022-009, **Request for License Agreement – Pipe Encroachment within Skyline Road**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

In June 2021, Public Works became aware of a pipe located within Skyline Road, connecting the properties located at 140 Skyline Road and 147 Skyline Road, Oakwood. It was determined that the purpose of the pipe was to run liquid manure from one property to the other.

Public Works staff had concerns that the pipe could damage the road and requested that Municipal Law Enforcement take steps to enforce removal of the encroaching pipe as per the procedure set out in City Lands Encroachment By-law 2018-017, as amended. Accordingly, the property owner was requested to remove the encroaching pipe from the road allowance and remediate the lands to the original state.

The property owner decided to apply for a License Agreement in accordance with Section 3.00 of By-Law 2018-017, as amended, in order to request that the pipe be allowed to continue encroaching within the subject road allowance.

The purpose of this Report is to advise Council that the Land Management Team recommends denying the applicant's request to enter into a License Agreement to allow the pipe to remain within Skyline Road.

Rationale:

The Land Management Team reviewed the applicant's request at its meeting on November 8, 2021. The Team denied the request for a License Agreement on the grounds that there is risk of spillage/contamination, as well as the risk that the City could accidentally damage the pipe during road works.

Other Alternatives Considered:

Council could decide to overturn the Land Management Team's decision and allow the applicant to enter into a License Agreement for the encroaching pipe. If a License Agreement is permitted, the applicant will be required to obtain a survey sketch from an OLS surveyor outlining the exact location of the pipe (or provide a \$1,000.00 deposit in order for Realty Services to commission the survey), pay an annual fee of \$125.00 (increased annually by the Cost of Living index), and provide appropriate insurance naming the City of Kawartha Lakes as an additional insured.

This is not recommended, given the risks associated with the pipe remaining within the road allowance. If Council does decide to allow a License Agreement, this would be achieved by adding a second statement to the recommendation:

That Staff be directed to enter into a License Agreement with the applicant to allow a pipe within Skyline Road (connecting 140 Skyline Road and 147 Skyline Road) to remain in its current location.

Alignment to Strategic Priorities:

The recommendation set out in this Report aligns with the following strategic priority:

- Good Government
 - Ensure municipal assets are well maintained and well managed

Financial/Operation Impacts:

None, if the encroachment is not permitted.

If the encroachment is permitted, the License Agreement will be structured in a way so that the City will be insured and indemnified for any third party claim resulting from the encroachment. The City would also recover a modest annual fee for the encroachment related to the administration of the Agreement, but would not receive any net financial benefit.

Consultations:

Land Management Team

Attachments:

Appendix A – General Location Map



Appendix A -
General Location Map

Appendix B – Aerial Map



Appendix B - Aerial
Map.pdf

Appendix C – Map



Appendix C -
Map.pdf

Appendix D – Photos of Encroaching Pipe



Appendix D -
Photos of Encroachi

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Department Head: Robyn Carlson

Department File: L17-21-RS050