



Council Report

Report Number: RS2024-020
Meeting Date: September 24, 2024
Title: **Encroachment Adjacent to 1189 County Road 121, Fenelon**
Description: Update to Council for an encroaching fence adjacent to 1189 County Road 121, Fenelon
Author and Title: Lucas Almeida, Law Clerk – Realty Services
Christine Oliver, Law Clerk – Realty Services

Recommendation:

That Report RS2024-020, **Encroachment adjacent to 1189 County Road 121, Fenelon**, be received.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

A Snowmobile Club, pursuant to an agreement with the City of Kawartha Lakes, had an established trail on the East side of County Road 121 in the vicinity of 1189 County Road 121, in the Geographic Township of Fenelon, in the City of Kawartha Lakes. In order to improve rider experience, the Club moved the trail to the west side of the road. Part of the trail relocation required grading work to be completed. The Snowmobile Club received permission through a road occupancy permit to complete general maintenance/grading in November 2019. The grading work resulted in excess soil. This excess soil was left in the road allowance (as a pile or a berm) adjacent to the driveway to 1189 County Road 121, Fenelon.

The owners of 1189 County Road 121 erected a fence partially in the road allowance, which fence was located between the berm and the driveway, to prevent trail users from driving across the driveway when getting to/from the trail head adjacent to their property. The berm itself was problematic in that trail users exiting the trail to County Road 121 could use the berm as a jump, landing on the driveway of 1189 County Road 121.

Municipal Law Enforcement received a complaint regarding an encroaching fence at 1189 County Road 121, Fenelon. Municipal Law Enforcement provided a notice of violation to the owners of 1189 County Road 121, Fenelon. The notice of violation provides an option to submit an application to Realty Services to request to enter into a license agreement to allow an encroachment to remain.

Realty Services received an application to request to leave a fence in the current location adjacent to 1189 County Road 121, Fenelon.

The Land Management Team Reviewed the application at the meeting on March 14, 2022. The team denied the application because they were of the opinion that the fence posed a strike hazard to trail riders. The property owners proceeded to Council by way of deputation.

At the Council Meeting of September 27, 2022, Council adopted the following resolution:

CC2022-09.11.1

Request for a Cedar Rail Fence Encroachment Along Kawartha Lakes Road 121 to Remain in Place

Laurie Anderson
Bruce Newman

Laurie Anderson advised that she was present to request an Encroachment Agreement that will allow the cedar rail fence along her property to remain in its current location. Ms. Anderson and Mr. Newman advised that the cedar rail fence provides separation between the relocated snowmobile trail along Kawartha Lakes Road 121. Ms. Anderson also requested that the snowmobile trail be moved back to its original location.

CR2022-326

Moved By Councillor Dunn

Seconded By Councillor Yeo

That the deputation of Laurie Anderson and Bruce Newman, regarding a Request for a Cedar Rail Fence Encroachment Along Kawartha Lakes Road 121 to Remain in Place, be received and referred to staff for review and report back in Q1, 2023.

Carried

This report addresses that direction.

Rationale:

Subsequent to the 2022 Council meeting, the Area Manager within Public Works met with a representative of the Snowmobile Club and the owner of 1189 County Road 121, Fenelon. During this meeting, the Snowmobile Club agreed to move its trail to the other side of the road and to remove the berm of soil. Both the berm of soil and the fence encroachments have now been removed from the City road allowance.

The request for a license agreement to allow the fence to remain is no longer necessary because the fence has been removed.

Other Alternatives Considered:

None.

Alignment to Strategic Priorities

This report aligns with the Good Government strategic priority within the 2020-2023 Kawartha Lakes Strategic Plan as it ensures municipal assets are well maintained and managed.

Financial/Operation Impacts:

None.

Consultations:

Land Management Team

Attachments:

Appendix A – Location Map



General Location
Map

Appendix B – Map



Map

Appendix C – Aerial Map



Aerial Map

Appendix D – Photo of Previous Encroachment



Photo of
Encroaching Fence

Department Head email: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L17-21-RS078