

Staff Report to Council

Title: 53 Whippoorwill Lane –
Encroachment Agreement

Report Number: Development Services-2024-
21

Director: Infrastructure &
Development

Manager: Development Services

Meeting Date:
Wednesday, August 14, 2024

Date to be considered by Council:
Wednesday, August 14, 2024

Recommendation:

That the Council of the Municipality of Kincardine pass a By-law to enter into an Encroachment Agreement with Abigayle and William Pawson for 53 Whippoorwill Lane and authorize the Mayor and Clerk to sign all related documentation.

Executive Summary:

The new property owners at 53 Whippoorwill Lane are requesting to enter into a new encroachment agreement to continue the use of the existing shed and stairs that encroach onto the shore road allowance. The previous property owners had an active Encroachment Agreement last renewed in 2021. The Encroachment Agreement Policy has been followed and staff have no concerns to proceed.

Strategic Priorities:

N/A

Financial Considerations:

Administration Fee: \$250; Agreement Deposit Fee: \$500.00; Annual Fee: \$100; Legal and OLS fees; all to be funded by the applicant.

Policy:

PD.1.12 – Encroachment Policy

Encroachment Agreement for 53 Whippoorwill Lane with previous owner

Context and Background Information:

William and Abbigale Pawson, the new owners of 53 Whippoorwill Lane purchased the property in March of 2024. Prior to closing on the purchase of the property, the Pawsons submitted an encroachment application in January of 2024 given the existing Encroachment Agreement onto Municipal Shore Road Allowance, (identified as PT LT 27 CON A Kincardine As in R349840, T/W R349840). There is an existing shed and stairs that encroach onto the shore road allowance detailed in the attached schedule. The previous owners originally entered into an encroachment agreement with the Municipality in 2016 after the encroachment was brought to the Municipality's attention. The agreement was renewed in 2021, however with the change of ownership a new agreement is required with the new owners.

Staff are in receipt of the encroachment application, all required fees/deposits, insurance and a signed agreement from the owners as required by the Encroachment Policy.

Consultation Overview:

The request was circulated to Infrastructure and Development and Parks and Recreation Staff for comment. No concerns were raised.

Origin:

Owner request, upon purchasing the property.

Implementation Considerations:

If approved by Council an Encroachment Agreement would be registered on title at the expense of the property owner.

Risk Analysis:

The liability risk associated with private structures being located on municipal property has been mitigated by adding the Municipality as an additional insured on the private property owner's policy for liability insurance.

Attachments: Encroachment Agreement with Sketch

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