



LAC LA BICHE COUNTY POLICY

TITLE: ENCROACHMENT AGREEMENT POLICY

POLICY NO: PI-61-014

RESOLUTION: 18.794

EFFECTIVE DATE: JUNE 26, 2018

LEAD ROLE: SENIOR MANAGER OF PLANNING AND DEVELOPMENT

NEXT REVIEW DATE: JUNE 26, 2020

SPECIAL NOTES/CROSS REFERENCE:
PI-61-014 ENCROACHMENT AGREEMENT PROCEDURE

AMENDMENT DATE:

1. POLICY STATEMENT

Lac La Biche County may consider entering into an Encroachment Agreement with a landowner who has constructed a private structure or landscaping improvement which encroaches onto adjoining land owned by or under the direction, control and management of the County. Notwithstanding the foregoing, Lac La Biche County will not consider entering into an Encroachment Agreement respecting any encroachment onto Environmental Reserve or any encroachment that negatively impacts County operations or public safety.

2. DEFINITIONS

- 2.1. **“County owned land”** means and includes all land registered in the name of Lac La Biche County and includes but is not limited to land under the direction, control and management of the County, including parcels of land designated as Municipal Reserve, Environmental Reserve, Public Utility lots and Road Allowances, as well as easements and right-of-ways registered in the County’s name across privately owned land.
- 2.2. **“Encroachment”** means any improvements, structure, building or landscaping improvement constructed by a private landowner which encroaches over or under the property line onto County owned land.
- 2.3. **“Encroachment Agreement”** means a legal contract between the County and an adjacent property owner to allow an encroachment onto County owned land.
- 2.4. **“Major Encroachment”** means an encroachment that covers 50m² or greater in area.
- 2.5. **“Minor Encroachment”** means an encroachment that covers less than 50m² in area.

3. ROLES AND RESPONSIBILITIES

- 3.1. **Planning & Development:** To process applications for Encroachment Agreements.

- 3.2. **Parks and Facilities:** Determine if encroachment agreement is acceptable on municipal reserve and park lands considering, operational, financial and public safety in their decision.
- 3.3. **Transportation Services:** Determine if encroachment agreement is acceptable on municipal road allowance considering, operational, financial and public safety in their decision.
- 3.4. **Utility Service Services:** Determine if encroachment agreement is acceptable on municipal Public Utility Lots, utility easements and utility rights-of-ways considering, operational, financial and public safety in their decision.
- 3.5. **Chief Administrative Officer or his/her designate:** To decide on applications for proposed Encroachment Agreements for minor encroachments considering, operational, financial and public safety in their decision.
- 3.6. **County Council:** To decide on applications for a proposed Encroachment Agreement for major encroachments considering, operational, financial and public safety in their decision.

"Original Signed"

 Chief Administrative Officer

July 4, 2018

 Date

"Original Signed"

 Mayor

July 9, 2018

 Date