



City of
Peterborough

To: Members of General Committee

From: Cynthia Fletcher,
Commissioner of Infrastructure and Planning Services

Meeting Date: July 2, 2019

Subject: Report IPSRE19-009
Encroachment Agreements – Part of 279 Lake Street and 617
The Kingsway

Purpose

A report to recommend that the City of Peterborough enter into two encroachment agreements, one concerning a portion of 279 Lake Street and a second one concerning the entirety of 617 The Kingsway.

Recommendation

That Council approve the recommendation outlined in Report IPSRE 19-009 dated July 2, 2019 of the Commissioner of Infrastructure and Planning Services, as follows:

That the Commissioner of Infrastructure and Planning Services, after consulting with the City Solicitor, be authorized to execute such agreements as necessary to permit the City to enter into an encroachment agreement with:

- i) The owner of 283 Lake Street, concerning a portion of 279 Lake Street; and
- ii) The owner and tenant of 615 The Kingsway, concerning 617 The Kingsway.

Budget and Financial Implications

There are no budget implications associated with the recommendation. Any financial implications associated with maintaining 279 Lake Street would be accommodated within the annual Public Works budget. There are no financial implications associated with entering into an encroachment agreement for a portion of 617 The Kingsway.

Background

Encroachment Agreements in General

An encroachment agreement contains conditions which, if met, permit a non-owner of City-owned land to keep her/his encroachments located on City-owned land. The basic requirements include the City being provided with proof of insurance, the types of permitted uses that are restricted, that the person enter into an encroachment and that the City be able to terminate the agreement upon providing reasonable notice.

279 Lake Street – Formerly Part of a CPR Rail Corridor

279 Lake Street was formerly part of a CPR rail corridor. It was purchased by the City in 2016 along with other railway lands. 279 Lake Street runs southerly from Lake Street to the north-east corner of Park Street South and Westcott Street. 279 and 283 Lake Street are separated from each other by a fence, which is located within the boundaries of 279 Lake Street (See area coloured in Yellow on page 2 of Appendix A). A previous owner of 283 Lake Street had constructed two encroachments, being, a small portion of a driveway and a significant portion of a patio, on 279 Lake Street. The presence of the encroachments on 279 Lake Street, came to light in 2018 when staff became aware that a tree adjacent to the rail corridor needed remedial work.

In late 2018, 283 Lake Street was purchased by a new owner who was made aware of the encroachments and he has indicated a willingness to enter into an encroachment agreement with the City.

617 The Kingsway

617 The Kingsway is a strip of land running easterly between The Kingsway and The Parkway as shown outlined in blue on Reference Plan 45R-596 (See page 2 of Appendix B). There is a significant sanitary sewer pipe located under 617 The Kingsway as well as a utility access cover. Peterborough Distribution Inc. (“PDI”) has an underground secondary electrical service located within 617 The Kingsway. The property has been used for many years for the storage of pallets and rigid roof insulation and was paved and fenced by the tenant of the adjoining lands at 615 The Kingsway. The Tenant has contacted the City to enter into a formal encroachment agreement. City staff has reviewed the request and recommend entering into an

encroachment agreement with the Owner and Tenant subject to the owner/tenant agreeing:

- (i) to keep the manhole/utility cover clear of any obstructions;
- (ii) to remove all materials and obstructions from the City's property if the City or PDI ever needs to access their infrastructure;
- (iii) to only use the City's land for the surface storage of roofing materials;
- (iv) that if the City or PDI removes any fencing, pavement or other improvement from 617 The Kingsway that neither the City nor PDI, as the case may be, is responsible for reinstalling or replacing any fencing, pavement or other improvement.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

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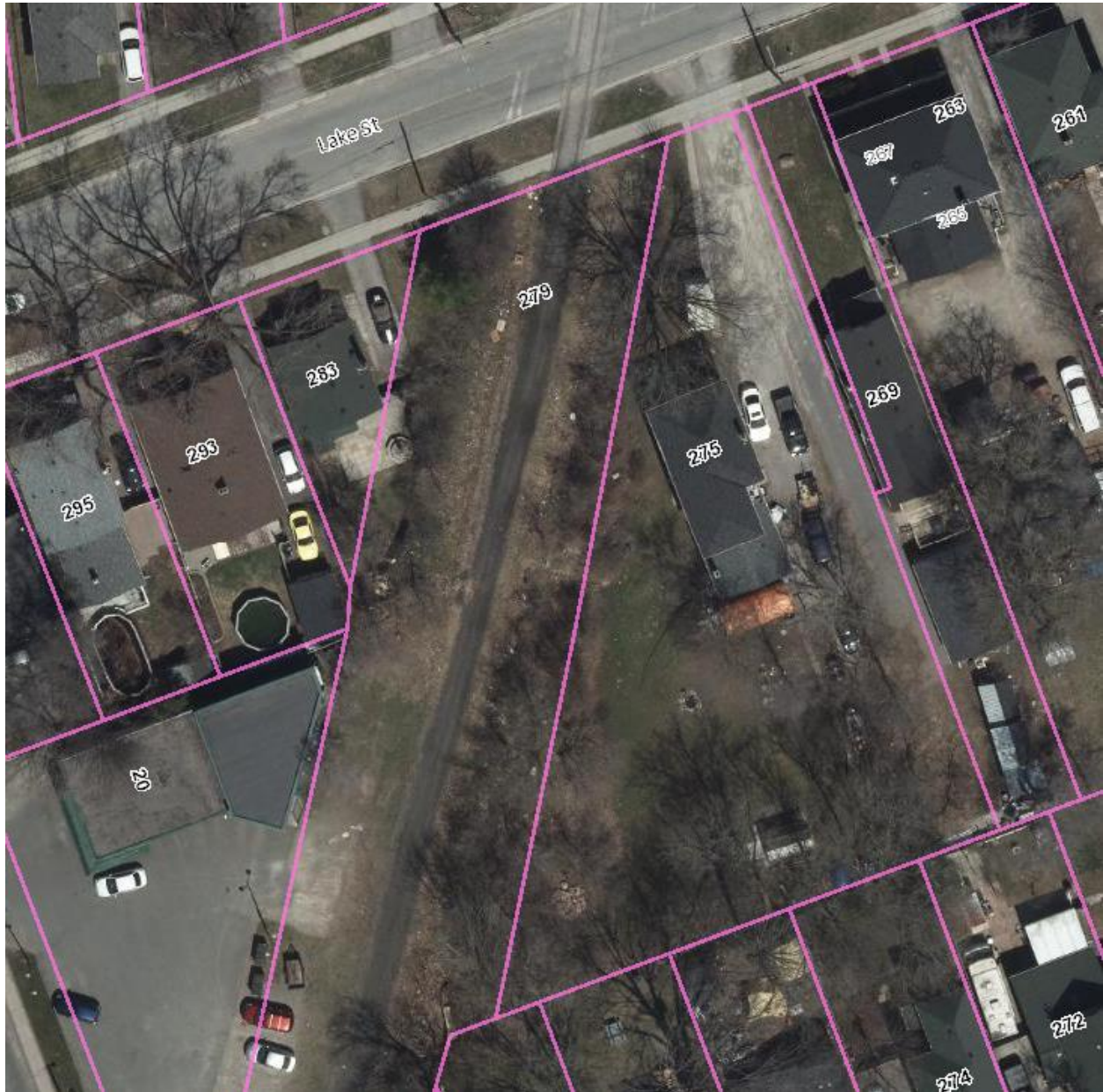
Attachments:

Appendix A: Aerial View of 279 and 283 Lake Street and part of 1971 Plan Showing
Fence Encroachment

Appendix B: Aerial View of 615 and 617 The Kingsway and part of Plan 45R-596

Appendix A – Page 1 of 2

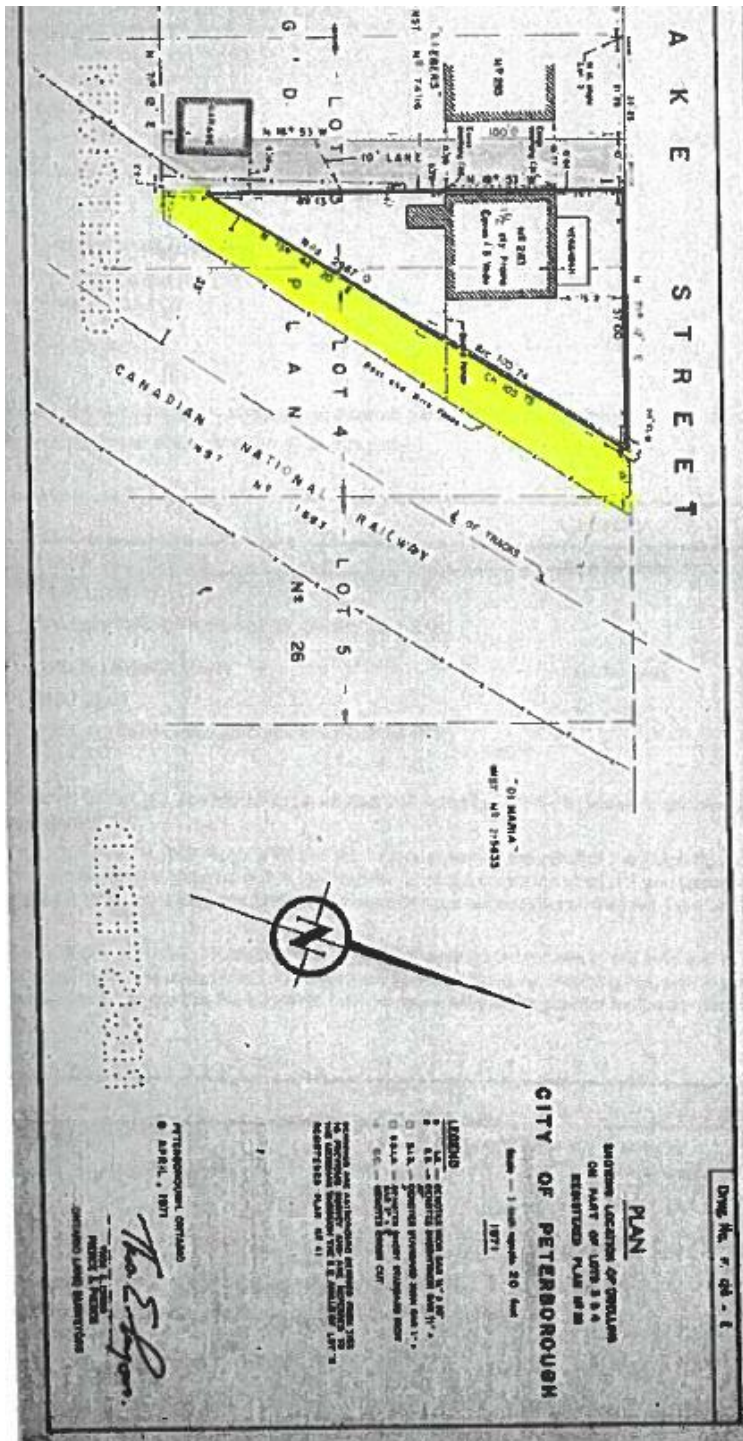
Aerial view of 279 and 283 Lake Street and 1971 Plan Showing Fence Encroachment



Aerial View of 279 and 283 Lake Street

Appendix A – Page 2 of 2

Partial copy of 1971 Plan showing fence encroachment (lands in yellow encompassed by fence)



Appendix B – Page 1 of 2

Aerial View of 615 and 617 The Kingsway and Plan 45R-596



Aerial View of 615 and 617 The Kingsway

Appendix B – Page 2 of 2

Partial copy of Reference Plan 45R-596 showing encroachment lands outlined in blue

