



TO: GENERAL COMMITTEE

SUBJECT: ENCROACHMENT AGREEMENT 11-15 DUNLOP ST. W.

PREPARED BY AND KEY CONTACT: TERRY THOMAS, SENIOR REAL ESTATE OFFICER, EXT. 4758

SUBMITTED BY: I. PETERS, DIRECTOR OF LEGAL SERVICES 

GENERAL MANAGER APPROVAL: E. ARCHER, CMA, GENERAL MANAGER OF CORPORATE SERVICES 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: JON M. BABULIC, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That the Mayor and City Clerk be authorized to enter into an encroachment agreement with Dimitrios Traikos, Georgia Traikos and Philip Traikos, owners of the property known municipally as 11-15 Dunlop St. W., to permit the installation of a new exterior facade on the northerly face of the building, as well as recognize the existing encroachment of brick veneer on this same northerly side, subject to the following terms and conditions.
 - 1) The stucco finish will be applied to the existing northerly face, adding approximately 2" to the existing encroachment.
 - 2) The owners will provide proof of public liability insurance in the amount of \$ 2,000,000.00 and naming the City of Barrie as an additional insured and be required to pay the annual encroachment fee as established by Council.
 - 3) The contents of the agreement will be to the satisfaction of the Director of Legal Services and the City Solicitor and that all costs associated with the agreement be the responsibility of the owners.

PURPOSE & BACKGROUND

2. The owners of 11-15 Dunlop St. W. have made application to the City of Barrie for permission to install new siding on this building, as part of a reconstruction/refurbishment required as a result of a fire.
3. The installation of this exterior finish will have the effect of increasing the existing approximate 8" encroachment along the Dunlop St. W. sidewalk to approximately 10" at its maximum. See Schedule "A" attached. The building alignment will remain virtually similar to the abutting buildings on both sides and will have virtually no effect at sidewalk level or on pedestrian traffic.
4. The construction will be subject to applicable Building Permit requirements. All appropriate City Departments have been circulated with the application and no objections or concerns were presented.

ANALYSIS

5. The intent of encroachment agreements is to control unauthorized use of City property and protect against liability that may occur should there be personal or property damage caused by the encroachments onto City property. Encroachment agreements run with the title of the land for as long as the encroachment exists. The approval of Council is required for new encroachments and in cases where the property owner wishes to expand the limits of the encroachment.
6. Updated legal surveys in the 1960's and 1970's discovered that many of the buildings in the downtown had been constructed without the benefit of accurate surveys resulting in buildings being built partially on the City's road allowance.
7. Very few of the approved encroachments are over property other than road allowances and are typically reserved for situations where removal of the encroachments would create undue hardship on property owners or where it is in the best interest of the municipality for the encroachment to stay in place for public safety reasons. Otherwise, encroachments are discouraged and if brought to the attention of staff, are typically requested to be removed at the owner's expense, and the City's property restored.

ENVIRONMENTAL MATTERS

8. There are no environmental matters related to the recommendation.

ALTERNATIVES

9. There is one alternative available for consideration by General Committee:

Alternative #1 General Committee could reject the recommendation to enter into an encroachment agreement.

This alternative is not recommended as it is counter productive to the City's initiative to encourage formalization of existing encroachments and the non-intrusive ongoing maintenance and improvements to privately owned property.

FINANCIAL

10. There will be no financial implications resulting from the proposed recommendation.
11. The Owner will be responsible for all costs associated with the preparation of the agreement including the City's legal costs and any survey requirements. The Owner will be responsible to pay the annual encroachment fee as established by Council and provide proof of liability insurance in the amount of \$ 2,000,000.

LINKAGE TO COUNCIL STRATEGIC PRIORITIES

12. The recommendation(s) included in this Staff Report are not specifically related to the goals in the 2010-2014 City Council Strategic Plan.

SCHEDULE A

