

Policy statement

Leduc County will support an encroachment agreement on County lands, road allowances, easements or utility rights of way if it meets the County's evaluation of its associated impacts.

Definitions

Administration means the staff of Leduc County under the direction of the county manager.

Applicant means the individual applying for the encroachment agreement.

Council means the duly elected council of Leduc County.

County means the municipal district of Leduc County in the Province of Alberta.

Easement means a legal right that allows a person to use another person's land for a specific purpose, without owning it.

Encroachment means using Leduc County lands, road plans, road allowances, easements or utility rights of way without permission or an agreement.

Encroachment agreement means a form of license, whereby the encroaching party is granted the right to use a portion of the County's property, road allowance, or road right-of-way.

Rights of way means a registered easement on private land that allows a municipality and/or various utility companies the right to access the utilities or services that are commonly buried within the right of way.

Policy authority

Legislative implications:

- *Municipal Government Act*, R.S.A. 2000 section 18
- *Alberta Land Titles Act*

Bylaw implications:

- Fees and Charges Bylaw

Policy standards

1. The County will review requests for an encroachment agreement on County lands, road allowances, easements or utility rights of way that would allow applicants to use a portion of the land without acquiring it.
2. Encroachment agreement requests will be evaluated on the impacts associated with:
 - Public safety
 - Road network considerations
 - Future development plans
 - Environment/wildlife sensitivities
 - Existing or future requirements for utilities
 - Existing easements

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- Any other relevant factors
3. If the encroachment agreement is granted, the applicant will be subject to the required fees as per the Fees and Charges Bylaw before an agreement is executed.
 4. If the encroachment agreement request has been denied, the applicant must remove all items on the encroachment and restore the land to its original state within the timeframe dictated by the County. If the encroachment is not removed within the timeframe, Leduc County may select to remove the encroachment and charge the applicant for cost of the removal.
 5. At its sole discretion, Leduc County can rescind any encroachment agreement with 30 days' notice if the land is needed for future road development or any municipal purpose
 6. All encroachment agreement requests should be directed to the Engineering department.

Policy responsibilities*Council responsibilities:*

Council will,

- Review and approve this policy.

Administration responsibilities:

Administration will,

- Receive and review applications
- Issue encroachment agreements
- Invoice for the cost related to the encroachment agreement
- Sign and seal encroachment agreements
- Develop the appropriate procedures and guidelines to accompany this policy.

Monitoring and updating

- This policy will be posted on Leduc County's website.
- This policy will be reviewed at least once every four years.