

Subject: Encroachment Agreement – 1423 Pelham Street

Recommendation:

THAT Committee receive Report 2020-0001 and recommend to Council:

THAT Council approve the By-law, attached hereto as Appendix A, to enter into an Encroachment Agreement with the Owner of 1423 Pelham Street.

Background:

As part of the building addition and renovation at 1423 Pelham Street, the owner installed two bike rings on the edge of the sidewalk within the Town's road allowance (Figure 1). In order for the bike rings to remain on Town property, the owner has requested to enter into an Encroachment Agreement with the Town.



Figure 1: Bike Rings in front of 1423 Pelham Street

Analysis:

Town staff have reviewed the location of the existing two bike rings and have no objection to them remaining in their current location subject to the Encroachment Agreement and proper insurance being provided by the owner. The Town supports active transportation and the opportunity for additional bicycle parking in downtown Fonthill. While the bike rings were not considered as part of the site plan approval process and are not on the approved site plan for the redevelopment of this site, they do support active transportation in the downtown area, and are considered to offer a community benefit. In order for the bike rings to remain and be recognized as being located on Town property an Encroachment Agreement is required.

Financial Considerations:

There are no financial considerations provided the Encroachment Agreement is entered into and insurance provided by the property owner to protect the Town from future liability in the event of an accident of any type.

Alternatives Reviewed:

The Town could assume ownership of the bike rings and the Encroachment Agreement would no longer be required. This is not recommended as the bike rings are not the Town's standard bike rings and all future maintenance and liability would be assumed by the Town.

Though not recommended, the Town could request that the Owner remove the bike rings and the Encroachment Agreement would no longer be required.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Promoting active transportation and a vibrant Downtown core is key to building a strong community and cultural assets.

Consultation:

Planning staff consulted with Public Works staff as well as Fire and By-law Services and their comments were included in the preparation of this report.

Other Pertinent Reports/Attachments:

Appendix A By-law to Enter into Encroachment Agreement

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer