

One of the severance conditions requires an encroachment agreement be signed to ensure the detached garage is recognized legally by the Town. This encroachment has existed for many years and is relatively common in older communities where homes were often l



aid out on lots without surveys. Municipalities address the issue by signing an encroachment agreement that can be registered on title. The attached encroachment agreement contains the following terms:

1. The detached garage can stay in its present location for so long as the building now on the property continues to stand.
2. The Owner does not acquire any rights to the parts of Webb Street where the garage encroaches.
3. Any existing municipal or private service located within the Webb Street Road to be replaced or repaired by the Town without disturbing the encroachment if possible, but if the service cannot be repaired without removing the encroachment the owner must remove at his/her own expense upon written notice by the Town.
4. Owner notifies the Town of any change of ownership.
5. The Owner releases the Town from liability and obligation for any and all loss, and covenants and agrees to indemnify and save harmless the Town from any costs, causes of action and damage that may arise from granting the encroachment.
6. No claim can be made against the Town arising from snow removal, road maintenance, or similar activities of employees or contractors on said street.

COMMENTS

The encroachment agreement legally addresses a long standing encroachment so that a property transaction can occur and conditions of consent can be met.

FINANCIAL CONSIDERATIONS

Financial costs are minimal. A similar agreement was used in 2012 in Minto.

RECOMMENDATION

That Council authorizes the Mayor and Clerk to sign an encroachment agreement dated June 14, 2018 with Incorporated Synod of the Diocese of Huron respecting a 2.14 metre garage encroachment on to Webb Street respecting the existing residence located at 31 Young Street, Harriston, and Town of Minto.

Bill White, C.A.O. Clerk