



Governance and Priorities Committee Report

For the Meeting of June 26, 2014

To: Governance and Priorities Committee
From: Robert Woodland,
Director of Legislative & Regulatory Services
Subject: Grant of Easement – 1310 Waddington Alley

Date: June 9, 2014

Summary

The purpose of this report is to seek Council approval to grant an easement in respect of part of a new building at 1310 Waddington Alley which encroaches into the City's right of way.

Mountain West Properties Inc. is currently constructing six residential units and a live-work unit at 1310 Waddington Alley. The strata development, known as Waddington Alley Flats, is nearing completion as shown in Schedule A. A location plan is attached in Schedule B.

The developer has sought an easement in respect of the brick fascia of the building as part of it extends beyond the property line into Waddington Alley; the foundations of the building do not encroach into the right of way. As shown on the reference plan in Schedule C, the encroachment is a strip 10 cm wide only, with an area of 0.9 square metres.

The encroachment was not identified in the Building Permit application submitted to the City and was discovered only after the developer surveyed the site for the strata plan. The proposed easement will terminate in the event that the building is demolished or modified in such a way that it no longer encroaches into the right of way.

Although the easement is for a very narrow strip of land, it is required before the strata plan can be signed and registered. The developer has agreed to pay a one-time easement fee of \$1,000.00. The City has previously accepted \$1,000.00 as a minimum consideration for minor encroachments into a City right of way, a recent example being the Essencia Verde development in Cook Street Village. All legal documentation and plans have been prepared by the developer and submitted to the City Solicitor for approval, at the developer's cost.

The recommended course of action is to enter into the proposed easement as it has minimal impact on the right of way. The proposed fee is consistent with the fee charged for other minor easements of this nature. The publication of notices of Council's intention to enter into the easement agreement is a condition precedent to final execution.

Recommendation:

That Council authorizes staff to enter into an easement with Waddington Alley Flats Inc. at 1310 Waddington Alley for a brick fascia, in a form satisfactory to the City Solicitor and subject to the publication of the notices required under the *Community Charter*.

Respectfully submitted




Neil Turner
Property Manager



Robert Woodland
Director of Legislative
& Regulatory Services

Report accepted and recommended by the City Manager: _____

Date: _____


June 17, 2014

Schedule A
Waddington Alley Flats





Schedule B
Location Plan



[illegible]