



## ENCROACHMENT AGREEMENT PROCEDURE

An Encroachment Agreement is a written agreement between a property owner and the Town of Morinville. It confirms that development encroaching on a utility right-of-way, easement or town-owned property has been reviewed and is authorized to remain. Encroachment issues usually arise when a request for a Compliance Certificate has been made and/or a Real Property Report has been produced indicating an encroachment.

An Encroachment Agreement grants the right to the encroaching party to use a portion of the municipal property or right-of-way. It does not convey an interest in or transfer of the land, but merely provides the right to continue the existing use of the land.

The process if wishing to apply for an encroachment agreement is as follows:

1. The landowner with an encroachment on an easement, utility right-of-way or Town-owned property must submit an application, in writing, to enter into an Encroachment Agreement with the Town.
2. The Planning & Development Department will accept the complete application for review.
3. The application for an Encroachment Agreement will be evaluated with consideration for such factors as public safety, future development plans, environment/wildlife sensitivities, existing or future requirements of utilities, existing easements and any other factor relevant to the encroachment. If the encroachment is not feasible the applicant will be notified (see below). Regardless, application fees are non-refundable.
4. If the Town grants the encroachment, they will prepare and forward an encroachment agreement in triplicate to the applicant for review. All copies of the agreement must be signed, sealed and delivered by the applicant in the presence of a witness and returned to the Town.
5. When the Town receives the signed documents, the Signing Officer(s) of the Town will complete the encroachment agreement by signing and returning two fully executed copies to the applicant while retaining one in the Town's records.
6. The applicant is then responsible to register the Encroachment Agreement at the Land Titles Office. The Town must be provided proof once the encroachment has been registered.

If the Town refuses to grant the encroachment, the Applicant will be notified that an encroaching development shall be moved with 30 days notice. If the development falls into a state of disrepair or needs to be replaced it must be brought into compliance at that time. Carefully check your property lines before beginning development to make sure you are within your boundaries to avoid an encroachment.