

ENCROACHMENT AGREEMENT REQUEST



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Date Received Stamp

File No.: EA

APPLICATION INFORMATION

A complete application for processing must include:

- This Application Form fully completed and signed.
- One (1) copy of a Real Property Report (RPR) prepared by an Alberta Land Surveyor, or other acceptable survey.
- A copy of title for the property.
- If applicable, a copy of easement documents and/or titles of affected properties.
- Receipt of required fee of \$150.00 (003).

Important Information for the Applicant:

- Be advised that an application for an Encroachment Agreement does not guarantee that an Encroachment Agreement will be granted. Regardless, application fees are non-refundable.
- Refer to the reverse side of this form for information pertaining to the encroachment agreement procedure.
- The Town of Morinville aims to process an encroachment agreement within two (2) to four (4) weeks, but please be aware that response times vary and may take longer as certain applications require additional research and are subject to volume of applications.
- **It is the responsibility of the Applicant to ensure an Encroachment Agreement is registered at the Land Titles Office.** This Application does NOT guarantee the provision of necessary legal documentation required to register an Encroachment Agreement pursuant to the Land Titles Act.

The information on this form is collected under Section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP). The FOIP Act regulates the collection and disclosure of personal information. The privacy of personal information requested in this form is protected by the FOIP Act and is collected for the sole use of the Town of Morinville.

PROPERTY INFORMATION

Project Address/Location: _____ Land Use District: _____

Legal Address: Lot _____ Block _____ Plan _____; or, Qtr _____ Sec _____ Twp _____ Range 25 West of 4th Meridian

APPLICANT INFORMATION

Applicant: _____ Phone: _____

Address: _____ Postal Code: _____
(STREET) (MUNICIPALITY) (PROV)

Email: _____ Fax: _____

Contact Person/Agent: _____ Contact Phone (Cell): _____

Your File No.: _____

Registered Landowner: (if same as Applicant, check here:)

Registered Name(s): _____ Phone: _____

Address: _____ Postal Code: _____
(STREET) (MUNICIPALITY) (PROV)

Applicant Signature: _____ Date: _____

SELECTED METHOD OF NOTIFICATION / RECEIPT OF ENCROACHMENT AGREEMENT

- Mail to above address for signing and registration
- Call for signing and pick up for registration
- Call for signing then mail to above address for registration

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 & Economic 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 (including consulting with utility companies), existing easements and any other factor relevant to the encroachment.
 - a. If the encroachment is deemed to be minor in nature, a consent letter will be provided to the applicant in lieu of a formal encroachment agreement.
 - b. If the encroachment is not feasible, the applicant will be notified of the denial of the encroachment agreement application.

In the above cases, a partial refund (50%) is provided to the applicant.

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 encroaching 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.