

SUMMER VILLAGE OF JARVIS BAY

Encroachment Policy

Passed: September 3, 2014

Resolution No: 501/14

Purpose:

The Summer Village of Jarvis Bay has the responsibility to manage Municipal Reserve, Environmental Reserve, Recreational Leases, Licenses of Occupation and the Shoreline within the boundaries of the municipality.

Statement:

The Summer Village of Jarvis Bay asserts its right of ownership to all lands owners, leased and managed by the municipality. It is the policy of the Summer Village to work proactively with property owners to remove encroachments for all lands owned, leased and managed by the municipality.

General:

1. The Summer Village requires the removal of all encroachments from lands owners, leased or managed by the municipality. The owners of the encroachment shall be required to remove the encroachment and restore the site to its original / natural state to the satisfaction of the municipality, and or
2. The Summer Village may permit encroachments onto property owned, leased or managed by the municipality if the encroachment is established and recognized in accordance with the provisions of this policy as of the date of the approval of the Policy.
3. Permitted encroachments identified by a letter of consent or a license agreement from the Summer Village of Jarvis Bay shall be for no more than a five year term.

Encroachment on Environmental Reserve Lands

1. The Summer Village does not permit any type of encroachment on environmental reserve land.

Encroachments on Municipal Reserve Lands, Municipal Leased Properties and or Municipal Managed Properties

1. Existing Encroachments deemed by Council to be minor may be permitted provided a consent letter is issued by the Municipality. The consent letter shall include provisions reserving the Municipality's right to require the removal of the encroachment at any time at the expense of the owner of the encroachment and any other conditions deemed necessary by the municipality. Minor encroachments include the storing of piers and boat lifts.
2. Stairs, retaining walls, fire pits and other types of development encroaching onto Municipal property, excepting environmental reserves, may be permitted by the Council provided the owner of the encroachment:
 - a. Enters into an Agreement with the municipality outlining the terms by which both parties shall manage the encroachment.

- b. Agrees that the existence of the encroachment in no way affect the Municipality's ownership of or authority over the lands.
- c. Agrees to remove the encroachment at the encroaching party's expense at any time such removal is required by the municipality.
- d. Agrees that upon the removal of the encroachment, the site will be restored to a condition acceptable to the municipality.
- e. Provides, at the request of the municipality, a survey plan illustrating the extent of the encroachment prepared by a land surveyor registered to practice in the province of Alberta to the satisfaction of the municipality prior to the execution of the agreement.
- f. Pays all costs incurred by the municipality to facilitate the execution of the agreement.
- g. Pays the annual encroachment fee assessed at time of agreement and reassessed every five years. Fee is calculated on actual square foot assessment of adjacent property (i.e. 1200 sq. ft. lot assessed at 16,000 land value – encroachment is 10 sq. ft. $(16,000 / 1200 = 13.33$ assess value per square foot) $(10 \times 13.33 = 133.30$ encroachment value) times the mill rate for the current year.