

# **REPORT**

## ***Engineering Services and Planning & Development***

**To:** Mayor Johnstone and Members of  
Council

**Date:** May 12, 2025

**From:** Lisa Leblanc, Director  
Engineering Services

**File:** #2687650

Jackie Teed, Director  
Planning and Development

**Item #:** 2025-133

**Subject:** **Easement Agreement for the Encroachment on the Lane Adjacent to  
614 Fourth Avenue**

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### **RECOMMENDATION**

*THAT an easement (the “Easement Agreement”) be granted to the Owners of 614 Fourth Avenue (the “Owner”) for a nominal amount, and on terms and conditions acceptable to the Manager of Legal Services, the Director of Engineering, and the Director of Planning and Development over a portion of Lane described as Facility ID: 540 within the City of New Westminster Road Network (the “City Lane”) to permit the encroachment thereon of a retaining wall and stair landing on the adjacent property at 614 Fourth Avenue, legally described as PID: 009-295-241 Lot 11 Plan NWP2620 (the “Property”), and to authorize the Manager of Legal Services to negotiate, conclude and execute an Easement Agreement on behalf of the City in accordance with the provisions in this report.*

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### **PURPOSE**

This report is submitted for Council’s consideration to enter into an agreement with the property owner at 614 Fourth Avenue to allow a historical encroachment to support tree retention and a new encroachment in alignment with the historical encroachment that extends into a City Lane.

**SUMMARY**

The Director of Planning and Development and the Director of Engineering are recommending the City grant an encroachment agreement a minor encroachment over a City Lane to the Owner of 614 Fourth Avenue, in order to enable the retention of an historic retaining wall encroachment, removal of which would jeopardize the health of existing mature trees; and a new stair landing encroachment which aligns with the retaining wall.

**BACKGROUND**

The City Lane is located along the southwest side of the 614 Fourth Ave property, as it intersects Fourth Avenue. The Lane, Property and encroachment are identified in the survey included as Attachment 1. The retaining wall is a historic encroachment that has been in existence for some time, and was not installed by the current property owner. The stair landing increases the encroachment, in alignment with the retaining wall, and was constructed by the current property owner.

**DISCUSSION**

The Property Owner has requested that the City grant to it, for a nominal sum, an easement over the City Lane as shown in Attachment 1, to permit the existence and maintenance of the encroachment described above. The historic encroachment currently facilitates retention of existing mature trees on the 614 Fourth Avenue property. The stair landing which increases the encroachment facilitates access to the rear yard of the Property. At this time, the City does not intend to upgrade this Lane in such a way that the encroachment removal is warranted; supporting retention of the mature trees. In the event that the City Lane is to be upgraded, the Property Owner has agreed to remove both the retaining wall and landing encroachments.

The Directors of Engineering, and Planning and Development recommend that Council authorize the proposed easement on the following terms and conditions, outlined in Attachment 2:

- A. Easement area will be as shown on the plan attached as Appendix A;
- B. Term to be for so long as the encroachment is required for the existing retaining wall and tree retention on the Property;
- C. Easement Agreement to be drawn to the satisfaction of the City Solicitor and Directors of Engineering and Planning and Development; and
- D. Encroachment Agreement to be registered on title of the Lane and Property with all registration fees to the Property owner's account.

**FINANCIAL IMPLICATIONS**

There are no financial implications to the City. In the event of a Lane upgrade, the encroachments will be removed at the Property Owner's expense or failing that, the City may remove the encroachments at the Property Owner's expense.

**INTERDEPARTMENTAL LIAISON**

This report was prepared in consultation with Planning and Development, City Solicitor and Engineering.

**OPTIONS**

1. That an easement (the „Easement Agreement“) be granted to the Owners of 614 Fourth Avenue (the „Owner“) for a nominal amount, and on terms and conditions acceptable to the Director of Legal Services, the Director of Engineering, and the Director of Planning and Development over a portion of Lane described as Facility ID: 540 within the City of New Westminster Road Network (the „City Lane“) to permit the encroachment thereon of a retaining wall and stair landing on the adjacent property at 614 Fourth Avenue, legally described as PID: 009-295-241 Lot 11 Plan NWP2620 (the „Property“), and to authorize the Director of Legal Services to negotiate, conclude and execute an Easement Agreement on behalf of the City in accordance with the provisions in this report.
2. Provide Staff with other direction.

Staff recommend Option 1.

**ATTACHMENTS**

Attachment 1: Survey

Attachment 2: Draft Encroachment Agreement

**APPROVALS**

This report was prepared by:

Serena Trachta, Deputy Director, Building

Craig MacFarlane, City Solicitor

Kwaku Agyare-Manu, Deputy Director Engineering

This report was reviewed by:

Jackie Teed, Director of Planning and Development

Lisa Leblanc, Director of Engineering

This report was approved by:  
Jackie Teed, Director of Planning and Development  
Lisa Leblanc, Director of Engineering  
Lisa Spitale, Chief Administrative Officer