



CORPORATE POLICY MANUAL

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| Section: | Legal Matters | 6 |
| Sub-Section: | Easements and Rights-of-Way | 2360 |
| Title: | ACQUISITION OF EASEMENTS AND RIGHTS OF WAY | 1 |

POLICY

When a right of way or easement is required over private property for installation of a storm or sanitary sewer, watermain or similar municipal service or utility, the Director of Parks and Engineering Services will advise the Manager-Lands that the right of way is required and provide particulars of location and dimensions.

1. Upon receipt of the request the Manager-Lands is authorized to negotiate with the property owner for the acquisition of the required right of way or easement upon the following understandings:
 - 1.1 that the District or its agents or contractors will exercise reasonable care and take all possible precautions to avoid damage to trees, shrubs, lawns, fences, retaining walls, patios, driveways and other landscape features and to minimize disturbance to the property;
 - 1.2 that the surface of the land disturbed will be restored as far as is reasonably possible to its previous condition at the expense of the District;
 - 1.3 that if the required right of way benefits the property owner compensation at a nominal rate of \$1.00 per right of way shall be paid;
 - 1.4 that if the required right of way is not for the benefit of the property owner, compensation will be negotiated based upon the fair value of the land required.
2. The Manager-Lands will report to the Director of Parks and Engineering Services on the results of his negotiations and upon successfully completing negotiations will prepare and register all documents required to secure the right of way or easement.
3. If the Manager-Lands fails to reach agreement with the property owner and the Director of Parks and Engineering Services confirms that the right of way or easement is, in his opinion, essential then the Manager-Lands will report to Council for their instruction regarding possible commencement of expropriation proceedings so that the amount of compensation due to the owner may be settled in accordance with provisions of the current statutory authority.

REASON FOR POLICY

To give the Manager-Lands the authority to negotiate with private property owners for the acquisitions of rights of way when the Director of Parks and Engineering Services deems them necessary.

AUTHORITY TO ACT

Delegated to Staff

PROCEDURE

1. Director of Parks and Engineering Services advises the Manager-Lands that the right of way is required.
2. Manager-Lands follows the steps outlined in the policy.

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| Approval Date: | January 25, 1982 | Approved by: | Policy & Planning Committee |
| 1. Amendment Date: | December 11, 1995 | Approved by: | Regular Council |
| 2. Amendment Date: | | Approved by: | |
| 3. Amendment Date: | | Approved by: | |