



Lamoureux
Culham LLP

plamoureux@stpaul-law.ca

Our file: 26745B

Your file:

June 24, 2016

DELIVERED BY HAND

County of St. Paul No. 19
5015 – 49 Avenue
St. Paul, Alberta T0A 3A4

Attention: Krystle Fedoretz
Planning and Development Officer

Dear Madam:

Re: Plan 8020711, Block One (1), Lot Seven (7) (NE 22-56-11-W4th)
Request by Henry G. Gour and Florence B. Gour for exception
To Bylaw No. 205-23 – Municipal and Reserve Lands Regulation Bylaw
- Proposal for Encroachment Agreement

I act for the owners who hereby apply to Council for an Order-in-Council granting an exception to Bylaw NO. 2015-23 regarding an encroachment of a deck and steps attached to the cottage dwelling onto the Environmental Reserve by up to 3.01 meters. The owners request that their application be heard at the next Council meeting on July 12, 2016

I enclose a copy of a recent Real Property Report describing the encroachment.

Fact Background:

The lot was purchased in August, 1987 and the cottage and surrounding deck were built together in the original construction in 1988. No improvement has since been constructed on the property other than replacement of the original shingles with aluminum.

Submissions:

1. The wrap around deck forms part of the original design and construction of this cottage property. As such, it is an integral part of the property and enhances its value. Alteration of the deck by removal of a .76 meter width of its frontage and steps would significantly reduce its useable portion and negatively affect the value of the property.



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2. Alteration of the deck would also reduce its aesthetic appeal and further negatively affect the value of the property.
3. The use and enjoyment of the cottage by the Gour family as a heritage property since its construction 28 years ago is intimately connected to the enjoyment of the deck as it was originally constructed. Four (4) generations have now enjoyed the cottage and deck. Mr. and Mrs. Gour, the owners and original builders, would be aggrieved to see their deck altered and the family enjoyment of it reduced.

Proposal:

I respectfully submit that the needs of our clients the Gour family, and of the County of St. Paul may be met by entering into an Encroachment Agreement in the usual terms, allowing the deck to remain without alteration for the remainder of its life but requiring the owners that if a new deck or similar structure be built in compliance with the County's land use bylaw and specifically not encroach on the Environmental Reserve.

Members of the Gour family shall attend the July 12, 2016 Council Meeting and will be happy to answer any questions Council may have about this request.

The decision of Council may be confirmed and given directly with the Gour family. If the above proposal is accepted, I remain available to review and/or prepare any Encroachment Agreement acceptable to the County.

Yours very truly,

LAMOUREUX CULHAM LLP

Per:

A handwritten signature in blue ink, appearing to read 'Sr. Pierre V. Lamoureux', is written over the printed name.

Pierre V. Lamoureux

PVL:db

Encl.

c.c. Mr. and Mrs. Henry and Florence Gour
c/o Joanne Paradis

Head office:
18941-111 Avenue NW
Edmonton, AB
T5S 2X4
Toll Free: 1-866-936-1805

EXPLORE
SURVEYS INC.

Branch office:
5117-50 Avenue
St. Paul, AB
T0A 3A0
Phone: (780) 645-3399

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

OUR FILE: X079415
YOUR FILE:

TO: PAUL GOUR
9831 - 165 STREET
EDMONTON, AB
T5P 2S9

RE: LOT 7
BLOCK 1
PLAN 802 0711
COUNTY OF ST. PAUL NO. 19, AB

DATE OF SURVEY: AUGUST 19, 2015

CERTIFICATE OF TITLE: 872 186 152
(A copy of the title is attached)
DATE OF TITLE SEARCH: AUGUST 14, 2015

Alberta Land Surveyor's Certification:

I hereby certify that this Report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Alberta Land Surveyors' Association's Manual of Standard Practice and supplements thereto. Accordingly, within those standards and as of the date of this Report, I am of the opinion that:

1. the plan illustrates the boundaries of the Property, the improvements as defined in Part D, Section 8.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, and registered easements and rights-of-way affecting the extent of the title to the Property;
2. the improvements are entirely within the boundaries of the Property.
Except for the encroachment shown on page 2.
3. no visible encroachments exist on the Property from any improvements situated on an adjoining property;
4. no visible encroachments exist on registered easements or rights-of-way affecting the extent of the Property;
5. eaves are measured to line of fascia;
6. distances shown to the buildings are to the greatest extent of the building;
7. title as subject to the following encumbrances:
RESTRICTIVE COVENANT # 802 066 628.

Purpose of Report:

This Report and attached plan have been prepared for the benefit of the Property owner, subsequent owners, and any of their agents for the purpose of (a land conveyance, support of a subdivision application, a mortgage application, a submittal to the municipality for a compliance certificate, etc.) Copying is permitted only for the benefit of these parties, and only if the plan remains attached. Where applicable, registered easements and utility rights-of-way affecting the extent of the Property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been placed during the survey for this Report. The attached plan should not be used to establish boundaries because of the risk of misinterpretation or measurement error by the user. The information shown on this Report reflects the status of this Property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

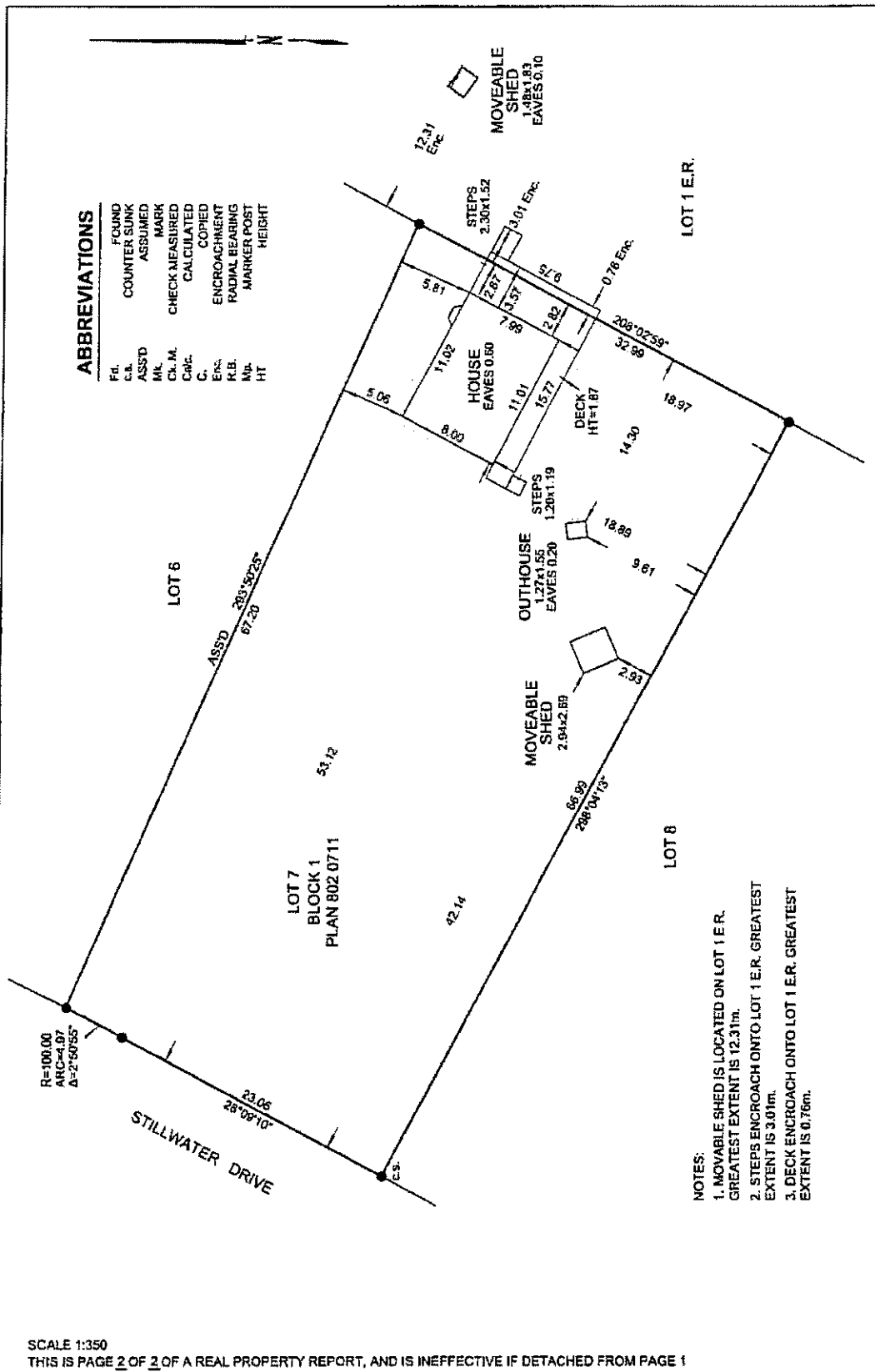
Dated at St. Paul, Alberta
AUGUST 25, 2015


Steve Volick, A.L.S. ©2015

This document is not valid unless it bears an original signature (in blue ink) and a (survey company) permit stamp (in red ink).



This is Page 1 of a 2 Page Real Property Report



SCALE 1:350

THIS IS PAGE 2 OF 2 OF A REAL PROPERTY REPORT, AND IS INEFFECTIVE IF DETACHED FROM PAGE 1

DISTANCES ARE SHOWN IN METERS AND DECIMALS THEREOF
 STATUTORY IRON POST FOUND SHOWN THIS
 CONCRETE SHOWN THIS
 FENCES ARE SHOWN THIS, -X-X- AND ARE WITHIN 0.20m
 OF PROPERTY LINE UNLESS SHOWN OTHERWISE

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Drawn By: F.M. Calc'd By: F.M. File No. X079415