
DATE: September 14, 2009

REPORT TITLE: **ENCROACHMENT AGREEMENT
REGIONAL ROAD 50 (HIGHWAY 50)
OWNER: TOONIE LOONIE CAR WASH (BOLTON) INC.
TOWN OF CALEDON, WARD 5**

FROM: R. Kent Gillespie, Commissioner of Employee and Business Services
Dan Labrecque, Commissioner of Environment, Transportation and Planning
Services

RECOMMENDATION

That the encroachment on Regional Road 50 (Highway 50) located on the east side of Highway 50 south of McEwan Drive being a site sign with a concrete base on the property municipally known as 12621 Highway 50 in the Town of Caledon be permitted in accordance with the terms and conditions in the Encroachment Agreement dated September 14, 2009 between The Regional Municipality of Peel and Toonie Loonie Car Wash (Bolton) Inc.;

And further, that the necessary by-law be presented to Regional Council for enactment.

REPORT HIGHLIGHTS

- Regional Council approval is required to enter into an Encroachment Agreement between The Regional Municipality of Peel and Toonie Loonie Car Wash (Bolton) Inc. to allow a site sign with a concrete base to remain within the widened limits of Regional Road 50 (Highway 50) in Bolton.

DISCUSSION

Background

Toonie Loonie Car Wash (Bolton) Inc. is the owner of the property known municipally as 12621 Highway 50 in the Town of Caledon being located on the east side of Highway 50, south of McEwan Drive as shown on the attached Appendix I.

Toonie Loonie Car Wash (Bolton) Inc. has submitted a condominium application to convert an existing rental complex consisting of eight units into a commercial condominium and sell the units to the existing tenants or other purchasers. As a condition of condominium plan approval, certain lands will be gratuitously transferred to the Region to accommodate the Region's Official Plan road widening requirements.

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As a result of the conveyance, an existing site sign with a concrete base will encroach on the widened limits of Highway 50 and therefore requires the Encroachment Agreement described herein.

The Agreement will be with the current Owner but also provides for the assignment of the Encroachment Agreement to the condominium corporation once it is incorporated.

Toonie Loonie Car Wash (Bolton) Inc. has signed an Encroachment Agreement and now seeks Regional Council approval of same. The term of the Encroachment Agreement is for twenty years commencing on October 1, 2009 and terminating on September 30, 2029. The Owners have agreed to pay an application fee of \$500.00 plus GST, the registration fee of \$70.50 and an annual fee of \$300.00 plus GST.

The Owners will be responsible for all maintenance costs associated with the encroachment and the Agreement can be terminated by either party upon sixty days written notice.

The Environment, Transportation and Planning Services Department have given their approval and have no objections to the encroachment at this location.

 *Acting*

R. Kent Gillespie
Commissioner of Employee
and Business Services



Dan Labrecque
Commissioner of Environment, Transportation
and Planning Services

Approved for Submission:



D. Szwarc, Chief Administrative Officer

*For further information regarding this report, please contact
Jeffrey Smith, Manger of Real Estate, Real Property and Facility Acquisitions at extension 7667
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Authored By: M. Turner

c.  Legislative Services
Patrick O'Connor Regional Solicitor

 D. Albanese, Director of Transportation
 S. Hall, Director of Real Property Asset Management
 J. Smith, Manager of Real Estate

ENC-09037.00
Attachment

APPENDIX I

September 14, 2009



**ENCROACHMENT AGREEMENT
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