



TOWN OF BROOKS

POLICY NO: E-002-015

REFERENCE:

n/a

ADOPTED BY:

Resolution #

SUPERSEDES:

PREPARED BY:

Administration

DATE ADOPTED:

November, 1999

TITLE:

LICENCE AGREEMENTS ON TOWN OWNED LAND

POLICY STATEMENT:

The Town will make available, for use by private citizens and businesses, unused road rights-of-way.

THE PURPOSE OF THIS POLICY IS TO:

- (1) Establish terms and conditions for granting a licence for the temporary use of Town owned land when its not required for municipal use.
- (2) Implement a landscape plan for the construction and maintenance of Town boulevards.
- (3) Provide a more aesthetically pleasing appearance and promote a more positive impression of the Town.
- (4) Establish a uniform policy for the use of Town owned land and the maintenance of boulevards.

PROCEDURE:

1. If the Owner of property adjacent to Town owned land requires additional lands for the purposes of parking of motor vehicles, holiday trailers, placement of signs or for whatever purposes as approved by the Town. The owner will be required to enter into a temporary licence agreement to occupy the land prior to using the land.
2. The owner shall pay an annual licence fee.
3. The licence fee will be calculated proportionate to square footage used based on market value per acre and a 5% capitalization rate.
4. The owner shall pay to the Town a further amount equal to the taxes that are assessable against the licenced area. The tax assessment for the licenced area shall be assessed annually in accordance with the provisions of the Municipal Government Act.



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PROCEDURE:

5. In the event the Licensee fails to make payment of the property taxes and/or licence fee when due the Licensee shall be responsible to pay to the Town all penalty charges levied for late payment. The licence agreement will also, at the Town's discretion, be subject to cancellation.
6. Nothing in the licence agreement will grant any right to construct any improvement or development on the licenced area. Unless permission to do so is specifically granted in the agreement. If such permission is granted, the agreement shall also specify terms and conditions for liability insurance to protect the Town, maintenance of the improvement or development and removal of the improvement or development.
7. The Town at its cost shall install any landscaping materials required within the boulevard area adjacent to the licence area, using a variety of methods i.e. grass, trees, shrubs, flowers, etc.
8. The Town of Brooks will provide the manpower and expertise to complete the work, the owners will then as a condition of the license agreement be responsible for the upkeep of the boulevard according to Town of Brooks specifications.
9. After construction is completed maintenance of such landscaped area will be the responsibility and at the cost of the licence.
10. In the event of failure of the owner to maintain the boulevard, after reasonable notice to him to do so, the municipality may cut the grass and charge the cost of the work done against the property as taxes due and owing and collect it as such. (Bylaw No. 88/670 To Regulate Untidy and Unsightly Premises)



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11. The Licencee shall maintain the licenced area in a safe and proper state and condition which shall include maintaining driveways and entrances including snow and ice removal, maintenance of paving and concrete work, cleaning and keeping the driveway and entrance open at all reasonable times except if closed for construction or maintenance purposes.
12. The Licencee to indemnify and save harmless the Town by adding the Town as an additional named insured.
13. If any driveway on the licenced area becomes a shared driveway the licence fee will be reduced on a proportionate basis and the party sharing the driveway will be required to enter into a licence agreement. The Town will, at all times, refrain control over the location and relocation of driveways.
14. The erection of any fence, hedge, building or barrier to prevent the enjoyment of the rights and privileges will not be allowed, unless otherwise specified in the individual agreement.
15. The Town, its employees, agents and contractors shall at all times during the term of the licence be permitted to enter upon the licenced area for the purpose of repairing any utility installed under the surface of the licenced area and for inspecting the condition of the right of way.

RESPONSIBILITY:

Management of the policy would be carried out by the Manager Administrative Services and the Manager Parks and Recreation Services