

Topic: Lake Wabamun (Woods) – Request to install stairs on Municipal Reserve

**Introduction:**

As per Policy RP001 Municipal Reserve – Recreational Uses, this request is being presented to Council for approval.

**Background Information:**

In February, 2015, Administration received a call from a resident concerned about some old stairs located on Municipal Reserve Lot P2 in the Lake Wabamun (Woods) subdivision leading from the municipal reserve parcel down to the bed and shore of the lake. The resident was concerned that the stairs were in such deplorable condition that someone make hurt themselves trying to use them. Parks, Recreation and Culture staff visited the site and determined that the stairs were indeed a hazard and would look to remove them.

Coinciding with this request, in April, 2015 Enforcement Services was made aware of a resident who had commenced building a new set of stairs on the same parcel. Upon investigation, Enforcement Services directed the individual to cease the installation until such time as proper approval was given. The individual, Mr. Thel Dvernichuk, did so and has since met with staff from Parks, Recreation and Culture to follow the proper application process as outlined in Policy RP001.

Mr. Dvernichuk is requesting permission to build stairs to replace the existing ones that will be removed by the County as an access for back lot owners to the lake and the ability of installing a dock or boat lift. According to residents, the stairs have been in existence for the past 20 – 30 years, but it cannot be affirmed as to who built the stairs and if initial approval was ever given by the County. Details of his request, along with a copy of the design drawing, can be found in the attached documentation. Included in the information, is a map outlining Lot P2 on which the stairs would be built (identified in red), the property owners who are in favor of the stairs being installed (identified in yellow), the one resident he has spoken to who is opposed (identified in purple) and the location of Mr. Dvernichuk's property (identified in blue). The remaining property owners were not able to be reached by the time Mr. Dvernichuk's request was submitted to Administration.

**Analysis:**

Administration has reviewed the information provided by Mr. Dvernichuk and has forwarded this request on to legal counsel for their opinion. From the legal perspective, the County will ultimately be responsible for the stairs and any injuries that may result from their use. The intention is that if Council approves this request, an agreement will be entered into with Mr. Dvernichuk that would include the following provisions:

1. Mr. Dvernichuk will be building these stairs on behalf of Parkland County
2. The stairs will be built to meet all pertinent codes and standards, including those outlined by Parkland County
3. All costs associated with the stairs, including construction, installation, repair and maintenance will be the responsibility of Mr. Dvernichuk
4. If any Provincial approvals are deemed to be necessary, Parkland County will take them out on behalf of the project as we are the property owner, but all costs associated with the approvals will also be the responsibility Mr. Dvernichuk
5. An annual inspection and maintenance schedule will be developed and followed by Mr. Dvernichuk with regular reporting back to Administration
6. If at any time Parkland county determines the stairs need to be removed, for any reason, they will be removed and no remuneration shall be provided by Parkland County to Mr. Dvernichuk
7. Any other conditions recommended by Legal Counsel or other departments within Parkland County

A similar request for stairs to be built was received in 2014 pertaining to a Municipal Reserve parcel at Paramac Cove. The stairs were in a similar state of disarray and Council's decision was that the stairs would be removed and not replaced. The difference with this request is that Mr. Dvernichuk is prepared to bare all of the related expenses, whereas the Paramac Cove request was that Parkland County bare those costs.

#### **Alternatives:**

1. Council disapprove the request.

#### **Conclusion/Summary:**

Upon review of the request, the willingness of Mr. Dvernichuk to be fully responsible for all aspects of the stairs and the general support of many of the property owners in close proximity, Administration is comfortable recommending this request be approved. The terms and conditions outlined in the agreement will provide the opportunity for Parkland County to set the parameters by which the stairs are to be installed and maintained and retain the ability to have them removed at any time if it is deemed necessary to do so. While there would be additional liability involved,

the approval process would help to reduce the risk by insuring the stairs are built, installed and maintained following all appropriate standards.

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Date written: July 9, 2015