

ROTHESAY K-PARK PUBLIC CORRIDORS

RISK ASSESSMENT



Surveyed By	Rene J. Cormier	Date of Survey	November 29, 2012
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* RMS reports, prepared in compliance with commonly accepted risk control standards existing at the time services are rendered, are developed from a review of the premises and/or from data supplied by or on behalf of the purchaser. RMS does not purport to list all hazards. While changes and modifications, referred to in the reports are designed to improve loss prevention, RMS assumes no responsibility for management and control of these activities. RMS will not be responsible to the Purchaser for any losses or damages, whether consequential or other, however caused, incurred or suffered as a result of the services being provided.

SUMMARY

In November of 2012, at the request of the town of Rothesay, SCM Risk Management Services Inc., completed a Risk Assessment of those public lands commonly known as the K-Park Public Corridors. A visual inspection was performed on each of the publically held properties consisting of both water-side lands extending around the perimeter of the development between residential properties and the waters of the Kennebecasis River and interior parcels of lands extending between residential properties within the development. The objective was to identify those physical features that are encroachments upon the public properties (the “K-Park Public Corridors”) from neighbouring privately owned properties and to offer recommendations to address risks arising from those encroachments.






In regards to structures that have been erected on public lands the intention is that those structures that are judged to be serviceable will be allowed to remain on the properties subject to improvements being completed where recommended. Where items have deteriorated beyond the point where they are considered serviceable removal has been recommended. In those cases where existing structures and developments are in good condition they have been considered “grandfathered” and allowed to remain.





For each privately owned property that adjoins public lands any “encroachment” onto the public lands was identified. Where deficiencies exist we have offered recommendations to address the deficiencies. Our observations included any activities evident on the lands as well as structures.






In summary, over some period of time homeowners have gradually extended their activities into neighbouring public lands in many cases extending lawns, fences, hedges and building structures onto the public land. Effectively the public lands have been treated by the homeowners as extensions of the adjacent private lots. On some waterfront properties stairs have been built to the shore and in a couple of cases fixed wharfs have been constructed. There are also many floating wharfs. It was noted during the survey that the majority of encroachments occurred on the waterside corridor. In several cases residents have extended their back yards over public lands to the water’s edge.






The attached spread sheet identifies encroachments by property, provides a risk assessment of those encroachments and where applicable offers recommendations to address the risk. In some cases we have noted features present on the public lands that do not present a liability hazard however they have been described as limiting access. This is a reference to town services such as buried sewer lines, etc., that may exist on the property and the potential for access to these services being impaired by the presence of the feature. In the event that access to these services is required it is our expectation that whatever measures are necessary to allow access (i.e. removal or relocation of the feature) will be completed. Notification to the homeowner acknowledging the presence of the feature and indicating removal could be required at a later date should be considered.








Note: In addition to the individual recommendations offered in the following risk assessment it is our recommendation that the Town, in conjunction with the recommendations, give consideration to requiring homeowners who are using public lands to add the Town as an additional named insured on their individual homeowner’s insurance policy.










GPS SITE ID	RMS #	ADDRESS	DESCRIPTION	RISK	ASSESSMENT	RECOMMENDATION	PICTURE
	1	66 Park Drive	Garden Plot	Low	This feature limits access to the area should it be required however there is no visible liability concern.	None	
	2	66 Park Drive	Storage shed	Low	This feature limits access to the area should it be required however there is no visible liability concern.	None	
	3	68 Park Drive	Canoe Rack	Low	This feature limits access to the area should it be required however there is no visible liability concern.	None	
	4	70 Park Drive	Floating Wharf	Medium	The floating wharf is located on Town property.	The homeowner should be required to place a "Private Property" sign on the wharf.	
	5	74 Park drive	Wharf owned by the town	Medium	This observation was added at your request for GPS purposes only.	None	Picture taken by Steve Nason
	6	76 Park Drive	Moveable boat stored for the winter	Low	This feature limits access to the area should it be required however there is no visible liability concern.	None	







	7	76 Park Drive	Snow fence	High	The fence has been erected by the homeowner presumably to stop snowmobile traffic however it is black in colour and not easily visible. It presents a high liability to the Town.	The fence should be removed. If allowed to remain the fence should be clearly marked.			
	8	78 Park Drive	Moveable lawn ornament	Low	A minor obstruction to access in the event it is required.	None			
	9	84 Park Drive	Play structure	Low	This feature limits access to the area should it be required however it is well constructed and presents no visible liability concerns.	None			
	10	84 Park Drive	Sitting area with enclosed fireplace.	Low	This feature limits access to the area should it be required however there is no visible liability concern.	None			
	11	84 Park Drive	Floating Wharf	Medium	A floating wharf stored on town property and in season accessible from town property.	The homeowner should be required to place a "Private Property" sign on the wharf.			
	12	90 Park Drive	Roped off area	Medium	Presents a tripping hazard to others using the corridor.	The rope strung across this areas should be removed.			





	13	92 Park Drive	Garden Item	Low	Minor obstruction to accessing the property if it should be required.	None			
	14	96 Park drive	Open fire pit and debris	Low	Minor obstruction to accessing the property if it should be required.	None			
	15	98 Park Drive	Lawn extended onto corridor.	Low	Well maintained lawn with no visible liability hazards.	None			
	16	100 Park drive	Shed	Low	Shed is partially on town property with no visible liability hazard. There is a picnic table with open firepit also located.	None			
	17	102 Park Drive	Permanent wharf and floating wharfs as well as a major extension onto town property.	High	The homeowner has gone through major expense to extend his property and beach access at this location. The wharf structure presents a serious exposure to the Town.	We would suggest that a written legal agreement be investigated to lease the said area to the homeowner and that the homeowner be required to add the Town as an additional named Insured on his property homeowners Insurance. He should also place "Private Property" signs on all wharfs.			





	18	104 Park Drive	A recently planted hedge at this site extends across the entire width of the corridor.	Low	Although the hedge is well taken care of and is aesthetically nice it will be a major blockage of access to the corridor. A rope marking the hedge is a hazard to walkers and snowmobilers.	Rope should be removed.		
	19	104 Park Drive	Floating wharfs	Medium	A floating wharf stored on town property and in season accessible from town property.	The homeowner should be required to place a "Private Property" sign on the wharf.		
	20	106 Park Drive	Boat shed and storage of floating wharfs	Medium	The shed is a plastic garage structure subject to fire. The wharfs presumably are placed on waters edge in season.	The homeowner should be required to place a "Private Property" sign on the wharf.	 	
	21	106 Park Drive	Trampoline structure	Medium	The trampoline is currently being used as a christmas decoration with lights being powered by an above ground extension cord. The above ground cord is a hazard to walkers and snowmobilers. As well, the trampoline is an attractive hazard in season.	The trampoline and associated extension cord located for the Christmas season should be removed.		






22	106 Park Drive	Concrete walkway to new permanent wharf.	High	The homeowner has recently constructed a concrete walkway to a permanent wharf structure.	We would suggest that a written legal agreement be investigated to lease the said area to the homeowner and that the homeowner be required to add the Town as an additional named Insured on his property homeowners Insurance.	 	
23	106 Park Drive	Storage shed	Low	The storage shed is in poor condition.	The storage shed should be removed.		
24	110 Park Drive	Storage shed	Low	The storage shed is in good condition and well constructed. The shed restricts access however presents no visible liability hazard.	None		
25	112 Park Drive	Floating wharfs, hedge, firewood	Medium	A floating wharf accessible from town property. Firewood pile and hedge is an obstruction which limits access.	The homeowner should be required to place a "Private Property" sign on the wharf.	 	
26	112 Park Drive	Walking path to Lookout and Firepit.	Low	Minor obstruction.	None		

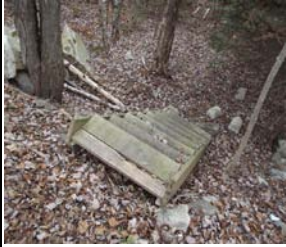





27	114 Park Drive	Ice hockey rink	High	The rink will attract children and adults and poses a liability issue for the town. The rink appears to be well constructed. There is a power outlet nearby presumably to provide lights.	Town should be added as an additional name Insured on the homeowner's insurance policy.			
28	114 Park Drive	Umderground wiring to a power outlet and floating wharfs.	Medium	A floating wharf accessible from town property. The underground wiring is an obstruction.	The homeowner should be required to place a "Private Property" sign on the wharf.			
29	122 Park Drive	Fill extended over top of easement.	Low	The homeowner has extended his property onto the corridor however there are no visible liability hazards.	None			
30	128 Park Drive	Deck with firepit	High	The deck does not appear to be built to code. The railings are 32" high and should be 42" high. Bracing under the deck is insufficient and could possibly collaspe under enough weight.	The deck should be re-constructed to conform to the National Building Code.			
31	1 Sunset Lane	Stairs to beach	High	The stairs lack proper handrails and the irregular riser height of the stairs poses an exposure to bodily injury.	The stairs should be built to the standards stated in the National Building Code which include adequate handrails and proper riser heights.			









	32	73 Elizabeth Parkway	Stairs and walkway to beach are not to code. Trees have recently been cut. For Sale sign on beach	High	The stairs lack proper handrails and guards which poses an exposure to bodily injury. Walkway is in poor condition and should be removed.	The guards on the stairway should be modified in such a way as to prevent passage of a spherical object of 100 mm (4 in) and that no horizontal component situated between 100 mm (4 in) and 900 mm (36 in) from the floor may permit climbing.			
	33	69 Elizabeth Parkway	Stairs to beach are not to code.	High	The stairs lack proper handrails and guards which poses an exposure to bodily injury.	The guards on the stairway should be modified in such a way as to prevent passage of a spherical object of 100 mm (4 in) and that no horizontal component situated between 100 mm (4 in) and 900 mm (36 in) from the floor may permit climbing.			
	34	67 Elizabeth Parkway	Viewing deck and stairs not to code.	High	The stairs lack proper handrails and guards which poses an exposure to bodily injury.	The guards on the stairway should be modified in such a way as to prevent passage of a spherical object of 100 mm (4 in) and that no horizontal component situated between 100 mm (4 in) and 900 mm (36 in) from the floor may permit climbing.			
	35	Between 67 and 65 Elizabeth Parkway	Hedge	Low	Obstruction but no visible liability hazards.	None			





	36	65 Elizabeth Parkway	Stairs not to code.	High	The stairs lack proper handrails and guards which poses an exposure to bodily injury.	The guards on the stairway should be modified in such a way as to prevent passage of a spherical object of 100 mm (4 in) and that no horizontal component situated between 100 mm (4 in) and 900 mm (36 in) from the floor may permit climbing.		
	37	Between 65 and 63 Elizabeth Parkway	Hedge and fencing	Medium	It appears that there was fencing which extended beyond the hedge presumably to block access.	The fencing should not be permitted without proper markings and visibility.		
	38	63 Elizabeth Parkway	Stairs not to code and are in a deteriorated state .	High	The stairs lack proper handrails and guards and are in a deteriorated condition which poses an exposure to bodily injury .	The stairs should be removed and or rebuilt to standard.		
	39	61 Elizabeth Parkway	Walking path to beach under construction lacks proper handrails. Land extension on to corridor.	High	It is assumed there is an easement agreement in place for this new building under construction.	The walkway should be equipped with handrails.		

	40	59 Elizabeth Parkway	Steel stairs to beach not to code.	High	The stairs lack proper handrails and guards.	The guards on the stairway should be modified in such a way as to prevent passage of a spherical object of 100 mm (4 in) and that no horizontal component situated between 100 mm (4 in) and 900 mm (36 in) from the floor may permit climbing.			
	41	57 Elizabeth Parkway	Greenhouse	Low	Obstruction	None			
	42	57 Elizabeth Parkway	Viewing deck and stairs not to code.	High	The deck does not appear to be built to code. The railings should be 42" high. The stairs are not built to code. There is an extension cord running from the house to the deck which poses a tripping hazard and is not to code.	The guards on the stairway should be modified in such a way as to prevent passage of a spherical object of 100 mm (4 in) and that no horizontal component situated between 100 mm (4 in) and 900 mm (36 in) from the floor may permit climbing. Remove extension cord.			
	43	57 Elizabeth Parkway	Deteriorated stairway leading to beach.	High	The stairs are in a deteriorated condition and pose an extreme liability hazard.	The stairs should be remove.			

	44	55 Elizabeth Parkway	Hedge and land extension	Low	Hedges are nicely groomed and cause no apparent liability hazards. Land has been extended onto corridor but well cared for.	None		
	45	55 Elizabeth Parkway	Garden with planter possibly on corridor. Stairs to beach.	High	The garden with planter is well arranged however the stairs to the beach present a liability hazard.	The stairs should be removed.		
	46	53 Elizabeth Parkway	Stairs to beach are not to code.	High	The stairs lack proper handrails and guards.	The guards on the stairway should be modified in such a way as to prevent passage of a spherical object of 100 mm (4 in) and that no horizontal component situated between 100 mm (4 in) and 900 mm (36 in) from the floor may permit climbing.		
	47	23 Elizabeth Parkway	Stairs to beach partially on corridor.	Low	Stairs are in good condition and properly built but are partially on corridor lands.	None		
	48	21 Elizabeth Parkway	Gazebo and stairs to beach.	Low	Appears well built and poses no apparent liability concerns.	None		

	49	Interior cooridor. Walking path from Elizabeth Parkway and beach.	There is a path between Elizabeth Parkway and the beach which has been constructed by locals.	High	There are several planks laid through out the path and a set of stairs leading from street to the path. The stairs are not built to code.	The town should take immediate steps have the stairs removed and area cleaned up or alternatively block use of the path.		
	50	36 Holiday Drive	Garden plot and canoe storage	Low	Obstruction but no apparent liability hazards.	None		
	51	34 Holiday Drive	Unsafe play structure and debris.	High	Play structure is unsafe and poses an attractive nuisance.	The play structure should be removed.	 	
	52	15 Crestline Rd	Baby barn possibly on corridor	Medium	Obstruction and possible attractive nuisance to children.	The building should be removed.		
	53	121 Park Drive	Treehouse	High	Treehouse in poor condition and poses an attractive nuisance.	The treehouse should be removed.		

	54	1 Crestline Road	Bench and Fire Pit	High	This is a fire hazard in this wooded area.	The bench and fire pit should be removed and area cleaned up.			
	55	3 Kildare Court	Treehouse and debris	High	Treehouse in poor condition and poses an attractive nuisance.	The treehouse should be removed and debris cleaned up.	 		
	56	31 Park Drive	Treehouse	High	Treehouse in poor condition and poses an attractive nuisance.	The treehouse should be removed and debris cleaned up.			
	57	3 Princess Place	This homeowner has several encroachments. Kayak Rack and underground plumbing.	Low	The features at this location do not present a liability hazard however they do obstruct access to any services that may exist on the property.	None	 		
	57A	3 Princess Place	Wharf	Medium	A wharf stored on town property and in season accessible from town property poses a liability risk for the Town.	None			
	57B	3 Princess Place	Buried wiring	Medium	There is wiring buried which is partially exposed. Causes a tripping and possible electrical hazard.	Wirng should be repaired and properly buried with signs indicating that there is buried wiring in the area. Alternatively wiring should be removed.			

	57C	3 Princess Place	Wood pile and slate rock pile	Low	Fire wood and slate rock are piled on corridor property.	None		
	57D	3 Princess Place	Storage shed	Low	The plastic shed appears to have been built on the corridor.	None		
	58	4 Sunset Lane	Floating wharf and debris.	Medium	A wharf stored on town property and in season accessible from town property poses a liability risk for the Town. Debris poses a liability hazard.	Debris should be removed.		
	59	2 Sunset Lane	Stairs and walkway to beach are not to code.	High	The stairs lack proper handrails and guards and causes a liability hazard.	The stairs should be equipped with proper handrails built to the National Building Code.		
	59A	2 Sunset Lane	Homeowner has extended onto corridor.	Low	The land behind this residence has been filled in and encroaches onto the corridor. There are no liability concerns.	None	