

Policy: Closing Sale and Disposition of Streets and Alleys	Policy #: AD-284
Department: Administration	Effective Date: October 20, 2008
	Revision Date: May 16, 2012 June 24, 2015

1.0 Purpose

- 1.1** This policy covers the closing and potential sale of streets, alleys and municipal road allowances within the Town of Lakeshore.
- 1.2** This policy is formulated to comply with the Municipal Act.
- 1.3** Unless the best interests of the municipality dictates otherwise, as so deemed by resolution of Council, the closing sale and disposition of streets and alleys shall be in accordance with this policy.

2.0 Scope

- 2.1** The scope includes all municipally owned streets, alleys and road allowances within the Town of Lakeshore.

3.0 Policy

- 3.1** From time to time the municipality is approached by landowners requesting to purchase alleys or unopened road allowances adjacent to their properties. If the request is favourably considered this would necessitate the legal closure of the alleys and/or road.
- 3.2** In the event a resident comes forward requesting an alley be closed, there must be 100% support from the residents abutting the alley for the closure to proceed.
- 3.3** The municipality can also initiate the process by declaring the street or alley as surplus. In this instance resident agreement is not necessary. In this case where the municipality initiates a street or alley closure a public meeting will be held.
- 3.4** Once a request is received for a street or alley closing, the Technical Advisory Review Committee (TAR) will review the application.
- 3.5** Engineering and Infrastructure Services department will contact the applicable utilities and agencies (i.e. ELK Energy, Hydro One, Union Gas, Bell Canada, Lakeshore Water, Cogeco Cable) and provide an Alley/Street Closing Proposal Utility Questionnaire (Form 2) for completion including a map of the subject parcel.

- 3.6** TAR shall determine whether to continue the process if they feel it is in the best interest of the municipality to close the street or alley.
- 3.7** If TAR deems that the street or alley should not be closed, the applicant will be notified of the committee's decision. The decision of the TAR committee will be final.
- 3.8** If it is determined that the street or alley closure will proceed all properties affected by the proposed closure will be notified. A copy of the land acquisition form will be provided with the notice.
- 3.9** In the case of alleys, the property will first be offered to the property owner whose property is immediately adjacent to the alley. If the landowner is not interested, the property will be offered to the landowner immediately behind.
- 3.10** If the proposed property lines cannot be directly aligned or meet the planning policy, the process may then be halted.
- 3.11** In the case of road allowances, TAR will first determine if a road allowance can become or be converted to a viable and buildable lot. If the lot is deemed buildable, the sale will proceed under the sale and disposition of land Policy AD-227.
- 3.12** If the road allowance can not become or be converted to a viable buildable lot, the land shall be offered to the adjacent landowners. Under no circumstances will property that is not deemed a viable building lot be offered to third parties.
- 3.13** The municipality will require a deposit from each interested property owner, before proceeding further. The deposit will cover the costs incurred: administration fee, advertising, and title search, if applicable. Refer to the Fees Bylaw to see fee values. Where the municipality initiates a street or alley closure the above noted fees will not be charged.
- 3.14** At this time the interested property owners will be provided with an estimate of the total cost of the process including the cost of the land.
- 3.15** Should all the applicant(s) find the cost prohibitive, they can provide a formal request to stop the process. At this point, all money will be refunded except the administration fee along with any fees spent and the closing process will be halted.
- 3.16** Once the By-law has been adopted, residents will be invoiced for the balance of costs (i.e. survey costs, reparation/registration of deed, land costs) or refunded as applicable.
- 3.17** When all fees have been collected administration will, order a survey of the area, register the Alley/Street Closing By-law, and arrange to have deeds prepared.

- 3.18** A copy of the survey will be provided to the interested land owner along with the applicable registered deed.
- 3.19** The following costing will apply, notwithstanding clause 3.14.
- 3.19.1** Should the addition to a property be an alley that increases the depth of the property, no value is deemed to be added and the cost of the land will be \$1.00.
- 3.19.2** Should the additions to a property be an alley that increases the frontage of a property, value will be deemed to be added and will be based upon the average value of land in the area, as determined by TAR.
- 3.19.3** Should the addition to a property be an open road allowance, value will be deemed to be added and will be based upon the average value of land in the area, as determined by TAR.
- 3.19.4** If for any reason TAR is of the opinion that the above approach is inappropriate for establishing the value of a particular property, it reserves the right to require an appraisal and establish a value accordingly. All costs associated with an appraisal will be assessed to the closure process and paid by the applicant(s).
- 3.19.5** Once all deposits are received, the Clerk will prepare a notice for publication in the local newspaper providing the date on which the by-law will be considered to close the road or alley
- 3.19.6** All net revenue generated from the applicable land costs will be allocated to the property reserve account of the Town and not to the specific street or alley closing.
- 3.20** A by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office.
- 3.21** A by-law permanently closing a highway shall not be passed without the consent of the Government of Canada if the highway,
- 3.21.1** Abuts on land, including land covered by water, owned by the Crown in right of Canada; or
- 3.21.2** Leads to or abuts on a bridge, wharf, dock, quay or other work owned by the Crown in right of Canada.
- 3.22** The power to close a highway can only be exercised by by-law.
- 3.23** A road or alley closure is prohibited where the effect of the by-law will deprive a landowner of his or her only means of access to the road.

4.0 Responsibilities

- 4.1** It is the responsibility of the Chief Administrative Officer to ensure staff are aware of and follow this policy.
- 4.2** It is the responsibility of staff to be aware of and follow this policy.

5.0 Consequences

- 5.1** Failure to follow this policy may result in improper closure of streets or alleys in the municipality.
- 5.2** Failure to follow this policy may result in discipline.

6.0 References

- 6.1** Municipal Act
- 6.2** Open Alleyways Policy #AD-230
- 6.3** Sale and Disposition of Land Policy #AD-227
- 6.4** Notice By-law
- 6.5** Land Acquisition Form (Form 1)
- 6.6** Alley and Street Closing Proposal Utility Questionnaire (Form 2)



Town of Lakeshore

Alley / Street Closing Proposal Utility Questionnaire

Re: _____

Utility/ Agency: _____

Contact _____

Address _____

Phone# _____

Fax# _____

The municipality has received a request for closure of the alley/street road allowance indicated on the attached map. In order for the municipality to properly deal with this request, please provide the following information:

1. Does your utility have services located on the subject lands?
 Yes No Overhead Underground
2. Does this proposal affect your service?
 Yes No
3. Would subsequent conveyance of this property concern you?
 Yes No

If yes, is an easement required, please specify:

(Name Print)

(Signature)

(DATE DD-MM-YYYY)

(Title)

This form must be returned to the Town of Lakeshore by the ___ of _____, _____

If any questions please contact the Clerk at (519) 728-1975 ext. 231