



Corporation of the Town of LaSalle

5950 Malden Road, LaSalle, Ontario N9H 1S4
Phone: 519-969-7770 Fax: 519-969-4029 www.lasalle.ca

TAYLOR, ALLAN & MAUREEN
1685 MINTO AVE
LASALLE, ON N9J3H2

September 27, 2019

Reference: Alley Q7

Dear Resident:

Please be advised that the Town of LaSalle will be taking steps to close the alley to the rear and/or side of your property. As a result, you may be able to acquire a portion of the alley. The Town has retained an Ontario Land Surveyor to commence work to prepare the necessary Reference Plan/Survey Plan. It is anticipated that this work will start on or about the week of **October 7, 2019**.

Pursuant to municipal policy, each owner would generally be able to acquire one-half of the alley that abuts their property. However, the exact amount of alley that may be available could vary (from all, a portion, or none) depending on the location of current encumbrances i.e. fences, sheds, pools, utilities etc. and whether any portion of the alley has been previously closed. Further, in the event that the owner located opposite your land does not want their share, you may be able to acquire that portion. When the surveyor has completed the draft Survey Plan the Town will contact you to confirm the exact amount of alley, if any, that would be available for transfer to you.

The total cost to acquire any portion of the alley is \$200 per transfer. The Town will undertake to complete all necessary legal work in order transfer title. This cost is only available now as part of the alley closing program. In the event a portion is not conveyed, the cost to transfer the alley in the future would include all costs including surveying, legal and land. If you do not accept the conveyance of a portion of the alley, it may be offered to the abutting owner. In the event the portion of alley remains in the Town's name, you will not be permitted to occupy/use the land for personal purposes. The Town may also take steps to remove any structure(s) or other items that remain in the alley at the owner's expense.

Should you have any other questions regarding the process to close an alley please go to <http://www.lasalle.ca/alleyprogram> to review the full policy.



In the event you still have questions please do not hesitate to contact our office. When contacting the Town, please refer to the alley reference noted above. In the event you own vacant land, please reference to the roll number.

Yours truly,



Kevin Miller
Deputy Clerk

cc: D. Dadalt, Legal Counsel
A. Burgess, Supervisor of Planning & Development

K. Miller, Deputy Clerk
519-969-7770 ext 1225
kmiller@lasalle.ca

D. Dadalt, Legal Counsel
519-969-7770 ext 1110
ddadalt@lasalle.ca





The Corporation of the Town of LaSalle
Policy Manual

Closing and Sale of Alleys

Policy Manual Section: Municipal Services - DSI

Policy Number: M-DSI-003

Authority: 148/19

Date Approved: May 14, 2019

Department Responsible: DSI, Legal Services

Revision Date: n/a

Review Date: May, 2021

Status: Active

Purpose:

To mitigate liability and provide a method to transfer portions of Town owned alleys to appropriate residents in a manner that is cost-friendly to residents.

Policy Statement:

The Town will allocate funds for the "alley closing program" (the Program) as part of the annual municipal budget to close and convey all open/closed alleys.

Scope:

Alleys will be closed under the Program on a first come basis, up to the budgeted amount. The Program will give priority to alleys that are adjacent to existing residential dwellings. The Town may close alleys adjacent to vacant lands on a priority basis that are adjacent to existing residential dwellings and/or considered infilling in nature. Alleys that have vacant lands on either side will be considered Priority 2 areas, and not included as part of the Program until all other alleys in the Priority 1 area have been closed.

Policy:

1. When an application is received and deemed to comply with the policy, the Town will take steps to close the entirety of the alley within the block.



2. Council has delegated the determination of whether an alley is surplus to municipal needs to administration. In the event a land owner does not agree with decision that is made by administration, that land owner shall have the right to refer that decision to Council by filing a letter of referral with the Clerk within twenty (20) days of the date of the land distribution decision letter.
3. In the event a referral request is received by the Clerk's office, the matter will be scheduled for an open public Council meeting. All affected owners will be notified and be given the opportunity to submit their comments to Council at the public meeting. Any decision made by Council as to the conveyance of the alley will be considered final. As the decision is considered final, the reconsideration provisions of the procedural by-law will not apply to the alley closing program.
4. Under normal circumstance where an alley is completely unencumbered, each abutting property owner would be entitled to half of the alley. However, in many instances, alleys are encumbered by structures such as sheds, fences, pools, above and below ground utilities etc. Under such circumstances, administration will review the survey plan and make a determination as to the manner in which the alley will be conveyed to property owners.
5. Owners may be permitted to proceed to close an alley outside the Program provided the owner undertakes to cover all costs associated with the preparation of the necessary reference plan/survey, legal fees and land costs associated with closing and registering the required deed. Land costs will be calculated based on fair market value. Where parts of an alley are closed outside the Program and meet the intent of the Town's policy, that alley will become a priority in the next budget year. In the event funds remain in the current year, the Town will initiate the closing of the balance of the alley under the Program.
6. In the event no applications are received by the Town to close an alley and funding remains in the current year, the Town will take steps to close alleys in the locations as determined by the Town.
7. In the event a property owner elects to not participate in the Program, that portion of the alley may be offered to the abutting property owner. Land owners who do not participate in the Program do not have permission to use or continue to use any part of the Town's alley adjacent to their property, and will be required to stop their use of the Town's property without written permission and proper insurance.
8. The Town will not convey alleys that are in or adjacent to lands that have been identified as being environmentally significant.
9. The Program does not apply to any alley(s) that are proposed to be closed as part of any new development as outlined in a developers/severance/servicing agreement.



10. The Program does not apply to any alleys located within areas designated as Mixed Use Corridor; LaSalle Town Centre District; Waterfront District; Business Park District and Parkway Commercial District in the Town's Official Plan. Existing residential dwellings may be included as part of the Program at the discretion of the Town.

11. The Town retains the right to refuse, in its sole discretion, any application to close any Town-owned alley regardless of whether or not the applicant has complied with all of the policies of the Town.

Responsibilities:

Role of the Development and Strategic Initiatives Department (Planning)

The Development and Strategic Initiatives Department (Planning) will accept applications to close an alley.

Planning will review the application to determine:

- is the alley surplus to municipal needs?
- does the alley qualify for the program?
- what is the approximate timing to process application? (current or future year)
- are there easements required for municipal purposes?(Planning and Public Works)
- contact all other applicable agencies to determine if easements are required

Planning will also contact all owners abutting an alley to be closed to advise that the Town will be taking steps to close the alley abutting their property, and that a surveyor will be commencing work to complete a reference/survey plan. The Town will also request that landowners indicate if they wish to participate in the program and if more of the alley becomes available if they would be interested in that additional part. After the draft reference/survey plan is prepared, Planning will determine the manner in which the alley will be conveyed to each landowner. The landowners will be contacted a second time to confirm what portion of the alley (if any) will be available to them and specify the period in which owners must respond (if not previously done) to receive the alley. In the event an owner does not respond to either letter sent by the Town of their intent to accept a portion of the alley, the Town will offer that part to the abutting owner.

Role of the Clerk:

- A referral request received by the Clerk from a landowner within the twenty (20) days of the date of the specific land distribution decision will be scheduled for a Regular Council meeting.
- All effective landowners will be notified of the meeting and will have the opportunity to speak as a delegate and submit their concerns in writing.



Role of Legal Counsel:

Once the alley closing By-law has been passed and registered on title, Legal Counsel will prepare the necessary documentation and contact the owners to arrange a meeting to collect the fee associated with the closure and transfer of the alley, and to sign the transfer documents.

Policy Review:

This policy will be periodically reviewed and updated as required. This policy must be reviewed by the stated review date and approved by the responsible department.

References and Related Documents:

By-law #8312

Attachments:

None.

Kevin Miller

From: Maureen Taylor [REDACTED]
Sent: February 20, 2020 10:15 PM
To: Kevin Miller
Subject: Alley closure

Mr Miller.

As by now you are in receipt of letters regarding alley closure of the 1600 block of Minto, adjacent to 1400 block of Stuart.

Those letters are from the residents from the Town of LaSalle, as well as mine now. The properties in question including 1445 Stuart are all in agreement that this should be forwarded to town council.

After further investigation and us actually speaking to the property owner at 1445 Stuart as he too also agrees with us that this should be settled in town council. As well as fairly split.

Years ago, we were told that the alley couldn't be closed. I approached town back in Aug. 2019 to see about alley closure and now I'm told that my portion of the alley is assigned to 1445 stuart. All because a survey says there is a "fence ". The survey is inaccurate, there is a portable farm style gate that is easily removable... we did this as past owners explained in their email to you.

This gate... not fence, in accordance with the already existing bylaw can be removed, and the sale of the alley can proceed as fairly as possible.

I've asked for you to come visit the actual alley, and I've asked that the survey be re visited as it is inaccurate. Have these been done? Have you come out to look? Have you spoke to all neighbours who are ALL IN AGREEMENT that the alley be equally split.

Please advise us all as to when this will be on town council agenda. As to my knowledge you have to this date, only contacted the residents at 1445 stuart to inform him of the above.

Thank you
Maureen Taylor
1685 Minto
[REDACTED]

Kevin Miller

From: Maureen Taylor [REDACTED]
Sent: March 16, 2020 7:53 PM
To: Kevin Miller
Subject: Alley Closure
Attachments: 20200307_112220.jpg; Resized_20200314_093322_3458.jpeg; Resized_20200308_112504_5061.jpg; 20200307_112223.jpg

This is to further our conversations regarding alley closure, and the unfair split that we have been told about. In the attached photos, the orange pylons are the exact "1/2 of the alley. "

We are asking to bring this to council as per your suggestion, Mr Miller. I have been a LaSalle Resident in the same house for 24 years and every time we have approached town to have this alley closed, we have been told no, because of the overhead lines.

This past July, I again asked for the alley closure to be revisited, sent in photos etc. To which a letter came to us in Sept. stating that town was closing the alley and we would be offered our half. Once the survey was done, a second letter came to us stating that we were no longer to have our half of the alley because of structural obstructions that are in the alley.

As you can see in attached photos, there are NO Structural obstructions in the alley. The grey farm style "gate" was installed by previous owners as their child 2 at the time almost got his by a car by wandering past through the alley.

More importantly..... is council aware that 1695 and 1685 Minto are the ONLY 2 properties that are reflected in the unfair split of the alley. All other homes were offered their fair share, even though trees and other "obstructions" are in the alley.

I feel that this decision has been unfairly made, and would like to have the opportunity to express my concerns in front of council.

Please acknowledge that you have received this email.

Thank you
Maureen Taylor
1685 Minto St
[REDACTED]

CAUTION: This email originated from outside of the organization. Please verify that the sender's name matches the e-mail address in the From: field. Do not click links or open attachments unless you recognize the sender and know the content is safe.









Kevin Miller

From: Maureen Taylor [REDACTED]
Sent: February 21, 2020 1:07 PM
To: Kevin Miller
Subject: Fwd: Alley closure Q7

----- Forwarded message -----

From: Jeff Timmins [REDACTED]
Date: Thu., Feb. 20, 2020, 12:05 a.m.
Subject: Fwd: Alley closure Q7
To: Maureen Taylor [REDACTED]

----- Forwarded message -----

From: Jeff Timmins [REDACTED]
Date: Thu, Feb 20, 2020, 12:05 AM
Subject: Alley closure Q7
To: <Kmillier@lasalle.ca>
Cc: <evallee@lasalle.ca>

February 20, 2020

To whom it may concern:

This letter is in reference to the proposed alley closure Q7.

I, Jeff Timmins, am the original home owner at 1695 Minto Ave., LaSalle. I built my home in 1993. Prior to erecting my fence, over 20 years ago, myself and several of my neighbours residing on Minto Ave. went to town council and asked for the alley be closed. At that time we were denied closure due to the town needing access to the overhead services in the alleyway. We followed the town bylaws and erected our fences on our property lines. Other residents in the neighborhood encroached on the alley, and put their fences up in the middle of alley not following the bylaws. Now more than 20 years later, those residents who, with integrity, followed town bylaws, are now being denied the opportunity to purchase the footage behind our homes having access to the alley. Had myself and my neighbours NOT followed the bylaws, would purchasing a portion of the alley behind our homes indeed be denied? If homeowners have placed their fences on the alley property line, how does the alley property get split?

Mr. Miller, you posed a question about the gate blocking the alley. This two-piece gate was put up as a temporary blockade by former owners residing at 1445 Stuart. This gate was to ensure the safety of their young children while they played in their back yard. These gates are a farm style, consisting of a single post, offset, with removable gates. One is a ten foot gate on the Minto side of the alley, and the other a fourteen foot gate on the Stuart side, both facing McNabb Ave. There is also a single gate at the west end of the alley, at the back of 1675 Minto. These gates can easily be removed by lifting them off the post and removing a single aluminum post. This gate is about 35 feet from the property line from McNabb Ave.

If I am allowed to purchase half of the alley, which should be seven feet, a ten foot gate could be replaced with a three foot passage gate ,or a three foot fence. If a decision can not be made in regard to this matter I would like this issue to be put on the next town council meeting to be discussed.

Thank you for your attention to this matter.

Jeff Timmins

1695 Minto Ave.
[REDACTED]

Kevin Miller

From: Erin Vallee
Sent: March 30, 2020 8:36 AM
To: Kevin Miller; Domenic Dadalt
Subject: FW: alley closure Q7

From: Jeff Timmins [REDACTED]
Sent: Sunday, March 29, 2020 4:04 PM
To: Erin Vallee <evallee@lasalle.ca>
Subject: alley closure Q7

I am asking town council to review administration's decision in not allowing home owners to purchase their portion of alley Q7. Administration's current decision appears to be based on policy and the alley survey presently on file.

I am the current and original home owner of 1695 Minto Ave. Prior to erecting my fence, approx. 20 years ago, I approached Joe & Betty Holman who lived at 1445 Stuart about closing the alley. Joe & Betty who were long time residents of LaSalle, Joe had maintained the alley and rear lots year before my home was built. Joe & Betty were in agreement that if the alley were to be closed the alley would be equally split. the issue was brought before council. The closure was denied stating the town needed access to overhead services.

Years later when Jim & Heather Richeleau moved into 1445 Stuart, Jim approached me about putting up a temporary gate across the alley. This was to ensure the safety of his children and to keep them in their back yard away from traffic. I was in agreement. A two-piece gate was erected with a center mounting post, consisting of a 14' gate and a 10' gate. (see picture) In the picture, the pylons are placed at 7' to the rear of our fence in the center of alley.

If allowed to purchase one half of the alley, the 10' gate could be replaced with a 3' gate or fence.

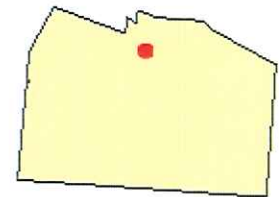
I am asking council to reverse administration's decision by allowing me to purchase one half of the alley.

I will answer any questions from administration or council at their convenience.

Thank you.
Jeff Timmins
[REDACTED]

CAUTION: This email originated from outside of the organization. Please verify that the sender's name matches the e-mail address in the From: field. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Alley Q7 Referral - Figure 1



Legend

- + Essex Terminal Railway
- Water Features
- Addresses
- Parcels

Scale: 1:1,474



Notes

0 25

49 Meters

Printed: 11/18/2020

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT A LEGAL SURVEY

FIGURE 2

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT. DATE _____ ROY A. SIMONE ONTARIO LAND SURVEYOR	PLAN 12R-- RECEIVED AND DEPOSITED DATE _____ REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (13)
--	---

MINTO AVENUE (20.12m wide per Registered Plan 1017)

PLAN OF SURVEY
 OF
PART OF ALLEY
REGISTERED PLAN 1017
 IN THE
TOWN OF LASALLE
COUNTY OF ESSEX, ONTARIO
 VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZARE INC.
 SCALE = 1:250

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND AND NOTES
 SEARCHES ARE RUN GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.
 DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99993464.
 ALL MONUMENTS SHOWN THUSLY: (S) ARE IRON BARS (S) UNLESS OTHERWISE NOTED.
 (S) DENOTES 25mm x 25mm x 1.22m STANDARD IRON BAR
 (S) DENOTES 25mm x 25mm x 0.61m SHORT STANDARD IRON BAR
 (S) DENOTES 19mm x 19mm x 0.61m IRON BAR
 (S) DENOTES 19mm x 19mm x 0.61m ROUND IRON BAR
 (S) DENOTES 25mm x 25mm STEEL PIN
 (S) DENOTES SURVEY MONUMENT SET AND MARKED 1744
 (S) DENOTES WITNESS (W) DENOTES PERMANENT
 (S) DENOTES 25mm x 25mm x 1.22m STANDARD IRON BAR
 (S) DENOTES OBSERVED REFERENCE POINT
 (S) DENOTES SET PROPORTIONALLY (S) DENOTES ORIGIN UNKNOWN
 (S) DENOTES REGISTERED PLAN 1017 (S) DENOTES PLAN 12R-11867
 (S) DENOTES PLAN 12R-11867 (S) DENOTES PLAN 12R-15305
 (S) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC., O.L.S.

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (BY WEST LONGITUDE) NAD83 (CGRS) (2011E).

COORDINATE VALUES ARE TO AN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OF THE REGISTRATION ACT.

POINT ID	NORTHING	EASTING
GRP-A	N4478402.227	E3294535.662
GRP-B	N4478402.509	E3294517.727

COORDINATES CANNOT IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THIS SURVEY WAS COMPLETED ON THE 3rd DAY OF DECEMBER, 2019.
 DATE: DECEMBER 17, 2019
 Roy A. Simone
 ROY A. SIMONE
 ONTARIO LAND SURVEYOR

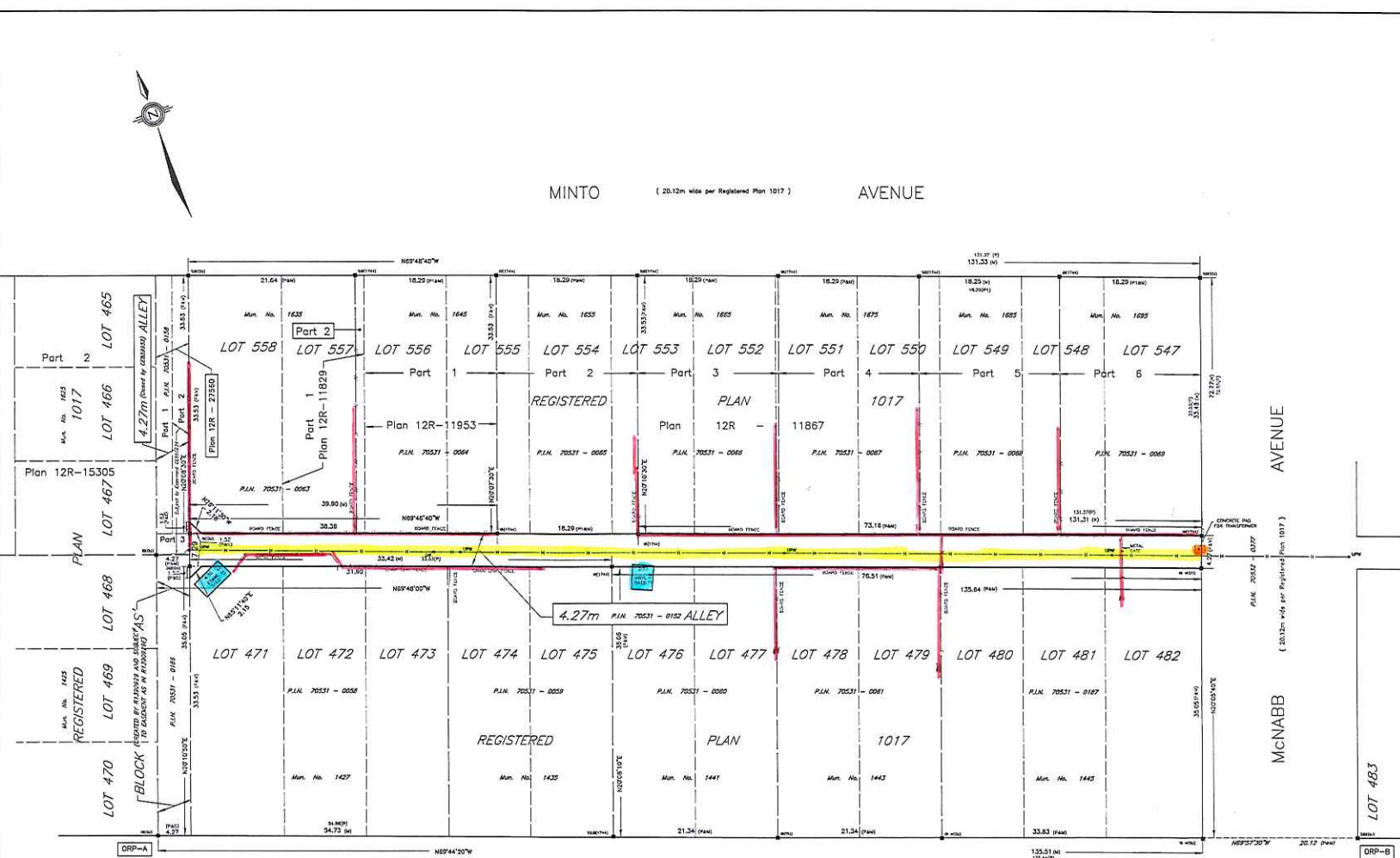
VERHAEGEN SURVEYING & MAPPING
 A DIVISION OF J.D. BARNES LTD.
 4410 DUNDAS STREET WEST, WINDSOR, ON, N9L 3L1
 T: (519) 255-1772 F: (519) 255-1771 www.jdbarnes.com

DRAWN BY: N.A.C.	CHECKED BY: R.A.S.	REFERENCE NO.: 10-47-402-00
FILE: 19-47-402-00	DATE: December 17, 2019 3:20 PM	END FILE: 19-47-402-00.dwg

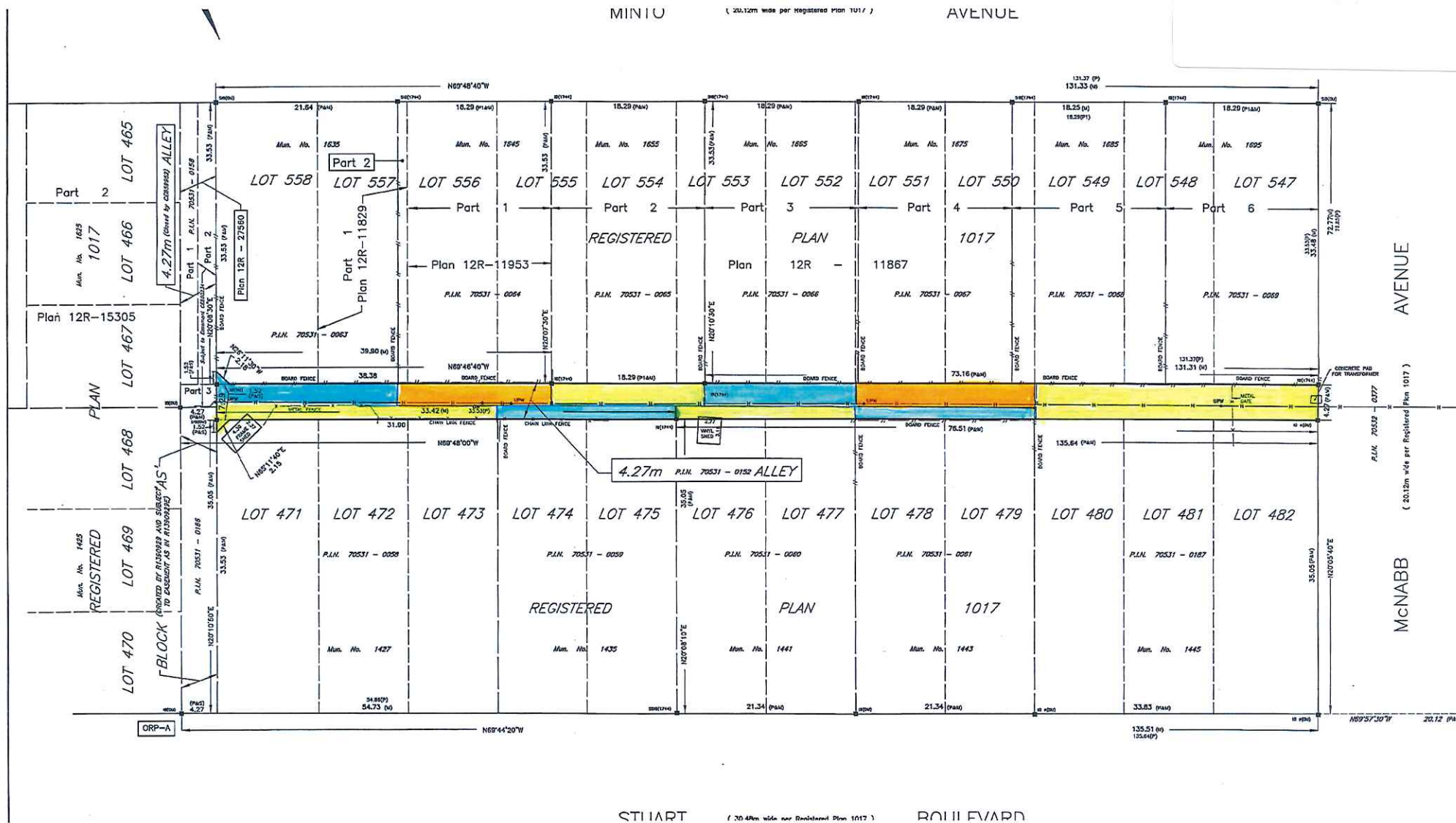
"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

STUART BOULEVARD (30.48m wide per Registered Plan 1017)

FENCE / GATE
HYDRO
STRUCTURE (SHED)
TRANSFORMER
ON CONC. PAD



DISTRIBUTION PLAN - ORIGINAL

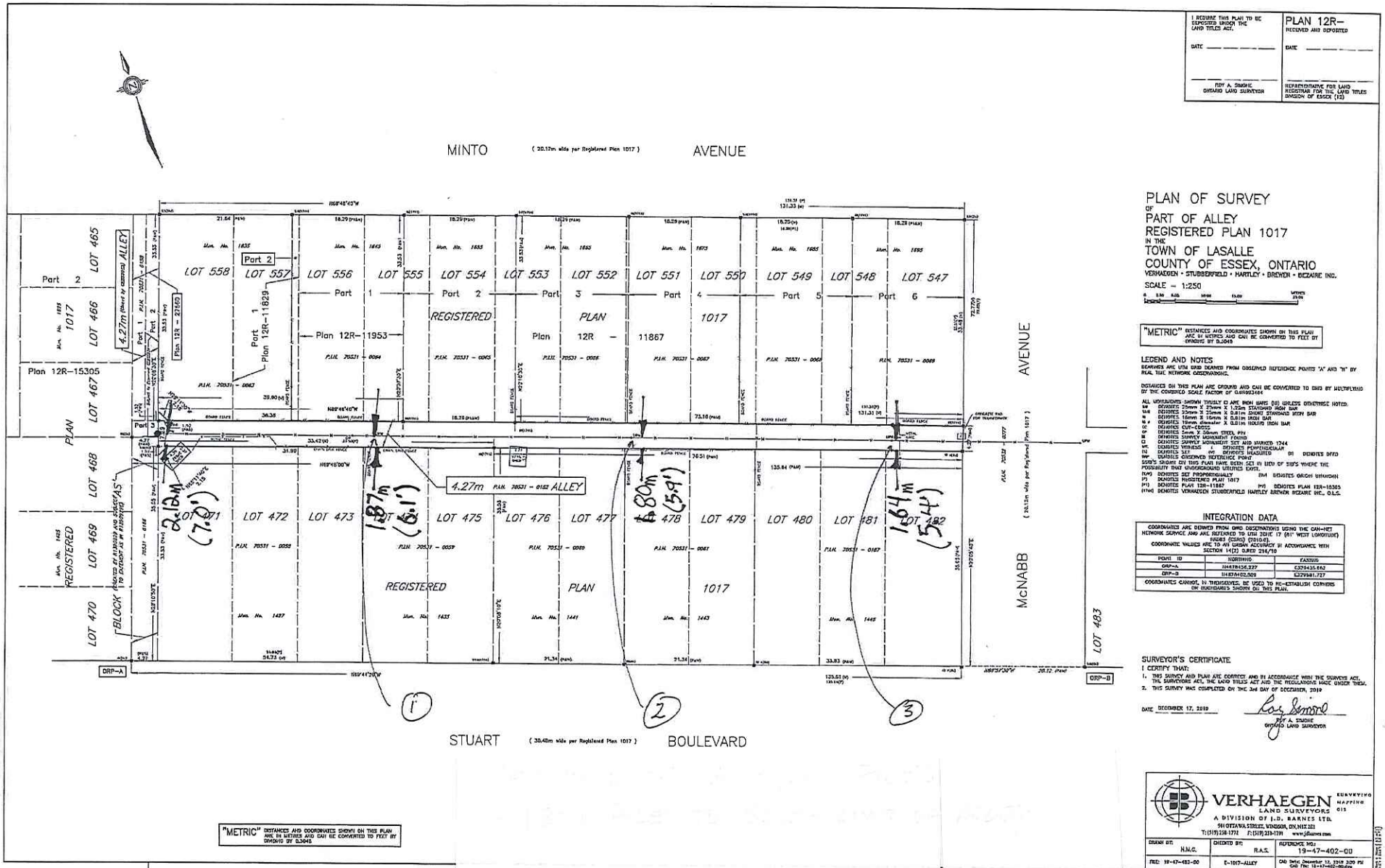


AVENUE



FIGURE 5

HYDRO POLE SET BACK



DISTRIBUTION PLAN - OPTION

(20.12m wide per Registered Plan 1017)

AVENUE

