

TOWN OF LASALLE

Notice of Matters to be Considered on January 24, 2017

TAKE NOTICE that the Council of the Corporation of the Town of LaSalle intends to consider passing a By-law for the closure and sale of part of an alley at its regular public Council meeting to be held in the Council Chambers located at 5950 Malden Road on Tuesday January 24, 2017, at 7:00 p.m. or as soon thereafter as Council determines.

The alley that is proposed to be closed lies between Edgemore Avenue and Suzanne Street, lying west of Ellis Street, and lies to the south of 2005, 2009, 2013, 2019, 2025, 2035, 2045, 2055, 2065, 2075, 2085 and 2095 Edgemore Avenue, and lies to the north of 2000, 2010, 2020, 2030, 2040, 2050, 2060, 2070 and 2080 Suzanne Street.

In the event this alley is closed by Council, it is the intention to offer these lands for sale to the owners of land adjacent to the closed alley. The terms and conditions of these potential sales will be set out in the By-law.

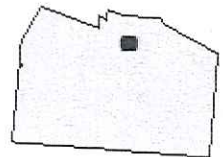
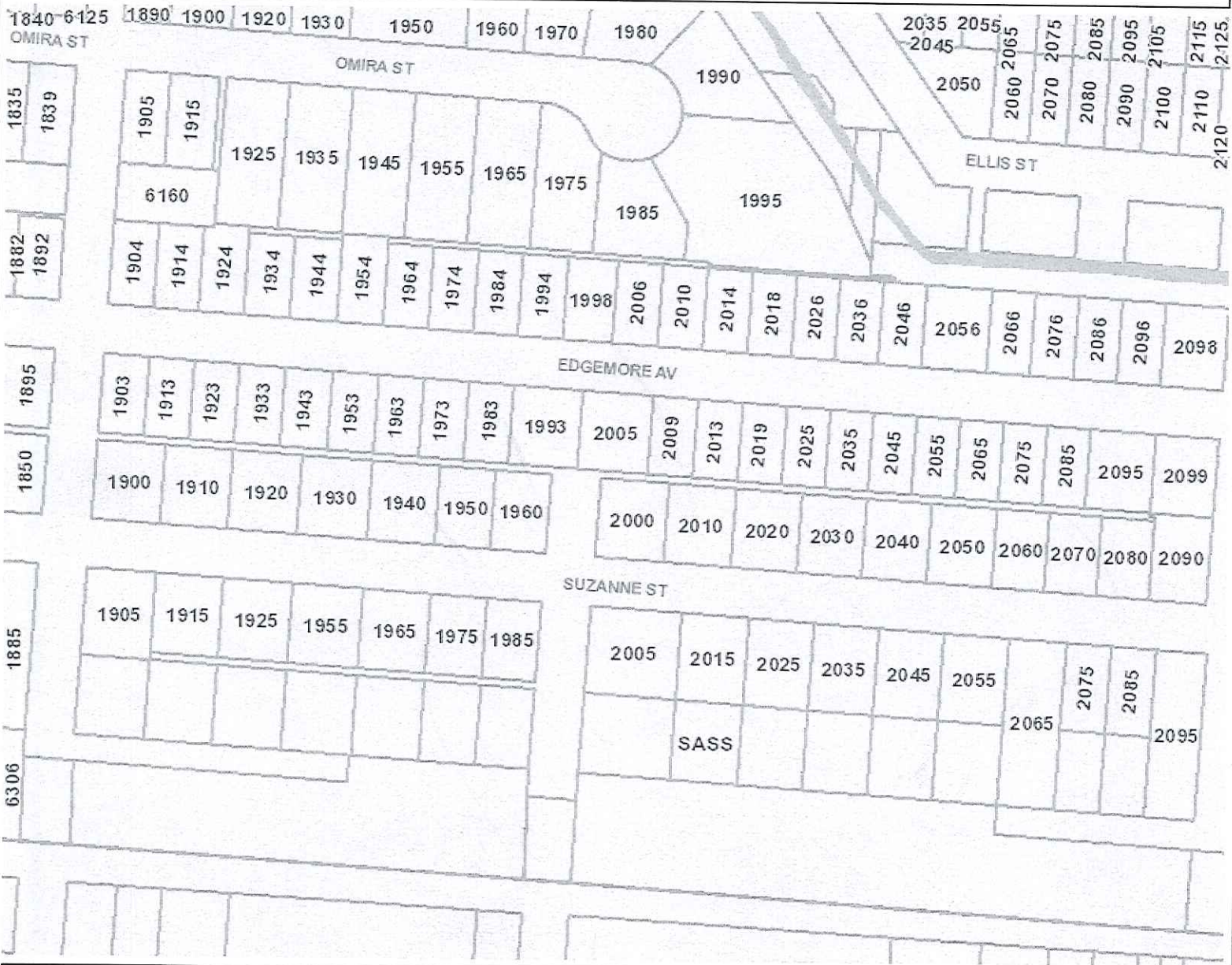
IN THE EVENT ANY ADJACENT LANDOWNER DOES NOT PURCHASE THEIR SHARE OF THE CLOSED ALLEY, THAT PORTION OF THE CLOSED ALLEY WILL BE ENCLOSED BY THE TOWN WITH A CHAIN LINK FENCE, AND THAT PORTION OF THE ALLEY WILL BE ALLOWED TO REGENERATE TO ITS NATURAL STATE. ANY STRUCTURES, INCLUDING FENCES AND SHEDS, THAT ARE FOUND ON ANY PORTION OF THE ALLEY WILL BE REMOVED AND DISPOSED OF BY THE TOWN IN ITS SOLE DISCRETION.

Any document in the possession of the Town relating to this matter will be made available for inspection at the Clerk's office located at 5950 Malden Road during regular working hours (8:30 a.m. to 4:30 p.m.). This information will also be available on the Town's website (www.town.lasalle.on.ca) by noon on the Friday preceding the Council meeting.

If you wish to make written submissions either in favour of or against the passing of this By-law, those submissions must be received by the office of the Clerk no later than 4:30 p.m. on January 18, 2017, 2016 at the address/e-mail noted below.

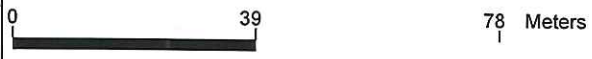
At this meeting, Council will also hear any person who wishes to make oral submissions regarding the proposed By-law.

B. Andreatta
Director of Council Services/Clerk
Town of LaSalle
5950 Malden Road
LaSalle, ON N9H 1S4
Email: ljean@town.lasalle.on.ca



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

Scale: 1:2,333

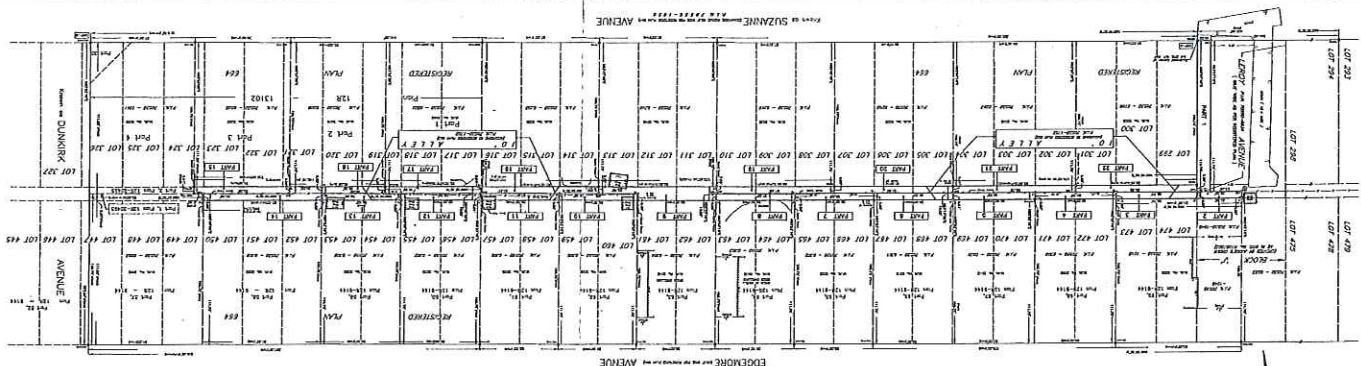


Printed: 1/4/2017

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

Notes

PLAN OF SURVEY
 PART OF ALLEY &
 PART OF LARGY AVENUE,
 REGISTERED PLAN 654,
 TOWN OF LAMBLE,
 COUNTY OF ESSSEX,
 PROVINCE OF ONTARIO.
 APPROVED FOR REGISTRATION
 BY THE REGISTRAR OF
 LANDS AND SURVEYS ON
 APRIL 11, 2013.
 THE REGISTRAR'S OFFICE
 IS LOCATED AT 1200
 ELGIN STREET, TORONTO,
 ONTARIO, M5G 1B7.
 THE REGISTRAR'S
 WEBSITE IS AT
 www.land.gov.on.ca



RESERVATION DATA		LARGE LOTS		MEDIUM LOTS		SMALL LOTS		TOTAL	
NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENT	AREA (SQ. FT.)	PERCENT	AREA (SQ. FT.)	PERCENT	AREA (SQ. FT.)	PERCENT
1	RESERVED	10,000	10%	20,000	20%	100,000	100%	130,000	130%
2	RESERVED	15,000	15%	30,000	30%	150,000	150%	180,000	180%
3	RESERVED	20,000	20%	40,000	40%	200,000	200%	260,000	260%
4	RESERVED	25,000	25%	50,000	50%	250,000	250%	325,000	325%
5	RESERVED	30,000	30%	60,000	60%	300,000	300%	390,000	390%

1. Alley Closing – 2025 Edgemore – T/T Whyte

Town of LaSalle Council at its regular meeting held October 9, 2012 passed the following resolution:

438/12 - That the report of the Town Planner 1, dated October 4, 2012 (PL-52-2012) recommending the alley located to the rear of Lots 465 and 466, Registered Plan 664 municipally known as 2025 Edgemore Avenue BE DECLARED surplus and that the easement on said property be reserved over the entire alley for utility and municipal services BE APPROVED. Carried.

2. Alley Closing – 2025 Edgemore – T/T Whyte

Town of LaSalle Council at its regular meeting held May 13, 2013 passed the following resolution:

172/13 - That the report of the Town Solicitor dated April 13, 2013 regarding the application of Todd and Tatiana Whyte to close and purchase the alley located to the rear of Lots 465 and 466, Registered Plan 664 municipally known as 2025 Edgemore Avenue BE RECEIVED and administration BE AUTHORIZED to proceed with Option 1 as outlined in the report to close one half of the alley behind 2025 Edgemore Avenue and convey all of it to Todd and Tatiana Whyte. Carried.

Clerks Note: Option 1 – Close one-half of the alley behind 2025 Edgemore and convey all of it to that property owner.

3. Alley Closing – 2025 Edgemore – T/T Whyte

Town of LaSalle Council at its regular meeting held July 28, 2015 passed the following resolution:

284/15 - That the report of the Town Solicitor dated June 23, 2015 recommending (1) the alley lying south of 2005 Edgemore to 2095 Edgemore, being Lots 445 to 474, Registered Plan 664 be formally closed by the Town; and (2) that all property owners adjacent to the closed alley be required to purchase their proportionate share of the closed alley for a purchase price that includes legal and surveying costs in accordance with Town policy; and (3) if any property owner does not wish to purchase their share of the closed alley, and they have fences, structures, or are otherwise using any portion of the closed ally, that person be required to remove the encroaching structures and to cease using the Town's property; and (4) any property owner who purchases their share of the closed ally but has existing structures lying outside of their proportionate share of the closed alley, that those structures be required to be relocated completely within their property limits BE APPROVED. Carried.

COPY



The Corporation of the Town of LaSalle

Date: October 4, 2012

Report No: PL-52-2012

Directed To: Mayor and Members of Council

Attachments: Figure 1

Department: Planning & Development Services

Prepared By: Allen Burgess, Planner I

Policy References: Official Plan
Zoning By-law
5050

Subject: Application to close and purchase alley

Applicant : Todd & Tatiana Whyte

Location of Application: To the rear of Lots 465 & 466, Registered Plan 664 municipally known as 2025 Edgemore Avenue

RECOMMENDATION:

Based on the information provided within this report, it is recommended that the subject alley may be declared surplus as it is not required for municipal purposes

REPORT:

This report is intended to provide members of Council with recommendations regarding a request that has been received to close and purchase of a section of Town owned alley. The subject alley can be disposed of in accordance with Council adopted policies. Should Council concur, we would recommend easement be reserved over the entire alley for utilities and municipal services.

COPY

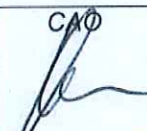
All Applicants are responsible for all surveying and legal expenses. Figure 1 is attached depicting the property that is deemed surplus. The Town Solicitor will follow Council adopted policy and protocol when dealing with the sale and conveyance of the effected properties, and will be holding public meetings as required.

Yours truly,



Allen Burgess Planner I

Attachment

Reviewed by:						
CAO 	Finance	Clerk	Environmental Services	Planning & Development Services	Culture & Recreation	Fire



COPY

REQUEST TO CLOSE ALLEY

Mayor and Members of Council
Town of LaSalle
5950 Malden Road, LaSalle, Ontario

I/We, Todd & Tatiana Whyte
hereby request that the alley to the rear of my lands known as Lots 466, 465
on Registered Plan 664 be closed and sold to me.

It is understood and agreed that the price of the alley is either \$1.00 or \$1.50 per square foot dependent on whether an easement is required by the Town, or as amended by Council By-law from time to time, and that I/We will be responsible for all legal costs attributable to the alley closing and sale, and pay these costs directly to the solicitor appointed by Council.

It is also understood that the Town has not made a site visit of the alley that is/are the subject of this application, and therefore is not aware of the existence of any possible encroachments or structures or other obstructions existing on the subject alley. I/We therefore acknowledge that the Town is not making any representations with regard to the existence or non-existence of any encroachments or structures or obstructions on the subject alley, and I/We hereby agree to accept responsibility for any and all costs that may be incurred with regard to the removal of such encroachments, structures or obstructions, if any, on the subject alley once the transfer of the title to me/us has been completed.

The reasons I/We am/are requesting this alley closing is

To provide us with a larger lot size that respects the bylaws of town of Lasalle.

I/We am/are in no way bound by the signing of this request to complete this transaction.

DATED July 15 2012 Signature Todd Whyte
at 12.44 A.M. P.M. Address [REDACTED]
Postal Code [REDACTED]
Phone # [REDACTED]

ARE YOU COVERED UNDER THE CAW LEGAL SERVICES PLAN?

Yes No



Legend:



Subject Lands

COPY

Title:

FIGURE 1 - KEY PLAN



Scale:	1:500	File No:	PL-52-2012
Prepared For:	Planning Dept.	Applicant:	Todd & Tatiana Whyte
Prepared By:	Finance Department GIS Services	Date:	October 4, 2012
Notes:	This document is not a Legal Plan of Survey.		



COPY

The Corporation of the Town of LaSalle

Date	April 18, 2013	Previous Report No: Dated October 4, 2012	PL-52-2012 (attached)
Directed To:	Mayor and Members of Council	Attachments:	Letters to abutting owners (March 25 and April 23, 2013)
Department:	Legal		Options 1-4
Prepared By:	Christine A. Riley		
Subject:	Application to close and purchase alley		
Applicant:	Todd and Tatiana Whyte		
Location of Application:	To the rear of Lots 465 and 466, Registered Plan 664 municipally known as 2025 Edgemore Avenue		

RECOMMENDATION:

For Council decision

REPORT:

At the Council meeting held on October 9, 2012, the application by Todd and Tatiana Whyte of 2025 Edgemore Avenue to close and purchase that portion of the alley lying to the south of their lands was approved in principle.

In preparing to proceed with this alley closing, it became evident that the property lines along Edgemore Avenue did not line up with the property lines along Suzanne Street. By closing the full 10 foot width of the alley on Registered Plan 664 behind 2025 Edgemore Avenue, the two property owners at 2020 and 2030 Suzanne Street would be affected. However, due to the size of the properties along Suzanne Street, to close the alley only behind 2025 Edgemore Avenue would not allow the properties on Suzanne Street to purchase the entire alley lying behind their property. To allow the purchase of the alley along the entire width of their property, it was then necessary to also involve 2019 and 2035 Edgemore Avenue.

After reviewing this matter with Mr. Miller, I sent a letter to the property owners of 2019 and 2035 Edgemore Avenue, and to 2020 and 2030 Suzanne Street to determine whether or not these property owners would be interested in proceeding with the closing and the purchase of the alley lying behind their properties as part of this application, which would allow all 5 property owners to realize a cost savings by sharing in the legal and surveying costs in one application. A copy of my letter to each of these property owners has been attached.

I have had the opportunity to speak to each of the four property owners, and every one of them was quite upset at now being "forced" to buy a portion of the Town's alley, when they have already been using this alley as part of their back yard for a number of years. Some property owners felt they were being unfairly treated, as all of the property owners along this portion of Edgemore Avenue and Suzanne Street have in fact been using the Town's alley as part of their backyard for some time, but now they are the only ones that are being forced to purchase their share of the closed alley because of the application made by Mr. and Mrs. Whyte.

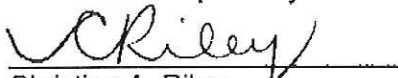
A copy of the Report that was previously presented to Council at the meeting of October 9, 2012 has been attached. You will note from reviewing Figure 1 attached to that Report that it does appear a number of properties are in fact utilizing the Town's alley.

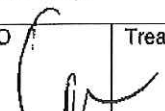
I am therefore seeking clarification from Council as to the extent of the alley that is to be closed and subsequently sold to abutting property owners. There are four options available to Council, and each of the following options has been set out on the attached Plans:

- Option 1:** close one-half of the alley behind 2025 Edgemore Avenue and convey all of it to that property owner;
- Option 2:** close the full 10 foot alley behind 2025 Edgemore Avenue and convey all of it to that property owner;
- Option 3:** close the full 10 foot alley behind 2025 Edgemore Avenue and divide it equally among the 3 abutting owners; and
- Option 4:** close the full 10 foot alley behind 2019, 2025 and 2035 Edgemore Avenue, and divide it equally among those property owners and 2020 and 2030 Suzanne Street.

A formal Notice of this meeting has been sent to each the 5 affected property owners, who may wish to make representations to Council with regard to their wishes and concerns. I have advised these property owners that this meeting will be considered as the public meeting with regard to this matter, and once the decision is made by Council no further public meeting will be held prior to passing the By-law that reflects Council's instructions. I have also attached a copy of my letter to the affected property owners notifying them of this meeting.

All of this is respectfully submitted,


Christine A. Riley

Reviewed by:							
CAO	Treasury	Clerks	Env. Services	Planning	Parks & Rec	Building	Fire
							

COPY

BONDY

RILEY

KOSKI LLP

Barristers, Solicitors & Notaries

Richard J. Bondy, B.A., LL.B. (retired 2000)
Christine A. Riley, B.A., LL.B.
Gerald W. Koski, B.A., LL.B.

Suite 310
176 University Avenue West
Windsor, Ontario
Canada N9A 5P1
Telephone (519) 258-1641
Facsimile (519) 258-1725

March 25, 2013

Gordon Thomas Mitchell
Helen Florence Mitchell

██████████
Windsor, ON ██████████

Dear Sir/Madam:

RE: LaSalle Alley – Whyte abutting Lots 465 and 466, Registered Plan 664
Your property at 2019 Edgemore, LaSalle
Our File No.: 188-576

As the solicitor for the Town of LaSalle, I have been instructed to contact you to determine whether or not you are interested in participating in the closure and purchase of that portion of a 10 foot wide alley lying behind your property.

The Council of the Town of LaSalle has agreed in principle to close and sell that part of the alley lying behind 2025 Edgemore Avenue. In reviewing the ownership pattern of the various parcels adjacent to the portion of the alley proposed to be closed, it may be appropriate for the Town to close the alley lying behind 2019, 2025 and 2035 Edgemore Avenue, and behind 2020 and 2030 Suzanne Street. To assist you in visualizing this proposal, I have enclosed a copy of a map from InfoLaSalle showing that portion of the alley that may be closed.

If you are interested in participating in the closure of the alley at this time, which would include purchasing that portion of the alley lying behind your property for depth of 5 feet, you would be in a position to share in the legal and surveying costs with others. While the cost to obtain a Reference Plan for 5 parcels of land is more expensive than a Reference Plan for only 1 parcel of land, when those costs are shared among others the net cost to you is much less expensive than the cost of paying for a 1-part Reference Plan on your own. In addition, the legal costs to close would again be shared with others in lieu of you having to pay for that cost on your own at some later date.

The purchase price for the purchase of your share of the alley would be calculated at the rate of \$1.50 per sq. ft. if no easement is required on the alley, or at a \$1.00 per sq. ft. if an easement is required. At this time I am not aware as to whether or not an easement may be required by Bell Canada, Essex Powerlines Corporation or the Town of LaSalle.

In the event all 5 property owners wish to buy their share of the closed alley, a rough estimate of the costs for your share, including the Reference Plan, legal costs, purchase price and respective taxes is \$2,000.00. Once I have a response from all of these owners, I will be in a position to send you a more detailed estimate for your review.

LaSalle Alley – Whyte
Re: Mitchell
March 25, 2013
Our File: 188-576
Page 2 of 2

If you are interested in participating in the closure and purchase of your proportionate share of the alley lying behind you, kindly contact my office within 3 weeks of the date of this letter. If I have not heard from you by that time, I will assume that you are not interested in participating in this application, and I will advise Council accordingly.

I look forward to hearing from you with regard to this matter.

Yours truly,

BONDY RILEY KOSKI LLP

CHRISTINE A. RILEY

CAR/dm
Encl.

COPY

**BONDY
RILEY
KOSKI LLP**

Barristers, Solicitors & Notaries

Richard J. Bondy, B.A., LL.B. (retired 2000)
Christine A. Riley, B.A., LL.B.
Gerald W. Koski, B.A., LL.B.

Suite 310
176 University Avenue West
Windsor, Ontario
Canada N9A 5P1
Telephone (519) 258-1641
Facsimile (519) 258-1725

March 25, 2013

Michael Macri

Jennifer Macri

[REDACTED]
Windsor, ON [REDACTED]

Dear Sir/Madam:

**RE: LaSalle Alley – Whyte abutting Lots 465 and 466, Registered Plan 664
Our File No.: 188-576**

As the solicitor for the Town of LaSalle, I have been instructed to contact you to determine whether or not you are interested in participating in the closure and purchase of that portion of a 10 foot wide alley lying behind your property.

The Council of the Town of LaSalle has agreed in principle to close and sell that part of the alley lying behind 2025 Edgemore Avenue. In reviewing the ownership pattern of the various parcels adjacent to the portion of the alley proposed to be closed, it may be appropriate for the Town to close the alley lying behind 2019, 2025 and 2035 Edgemore Avenue, and behind 2020 and 2030 Suzanne Street. To assist you in visualizing this proposal, I have enclosed a copy of a map from InfoLaSalle showing that portion of the alley that may be closed.

If you are interested in participating in the closure of the alley at this time, which would include purchasing that portion of the alley lying behind your property for depth of 5 feet, you would be in a position to share in the legal and surveying costs with others. While the cost to obtain a Reference Plan for 5 parcels of land is more expensive than a Reference Plan for only 1 parcel of land, when those costs are shared among others the net cost to you is much less expensive than the cost of paying for a 1-part Reference Plan on your own. In addition, the legal costs to close would again be shared with others in lieu of you having to pay for that cost on your own at some later date.

The purchase price for the purchase of your share of the alley would be calculated at the rate of \$1.50 per sq. ft. if no easement is required on the alley, or at a \$1.00 per sq. ft. if an easement is required. At this time I am not aware as to whether or not an easement may be required by Bell Canada, Essex Powerlines Corporation or the Town of LaSalle.

In the event all 5 property owners wish to buy their share of the closed alley, a rough estimate of the costs for your share, including the Reference Plan, legal costs, purchase price and respective taxes is \$1,750.73. Once I have a response from all of these owners, I will be in a position to send you a more detailed estimate for your review.

2

LaSalle Alley – Whyte
Re: Macri
March 25, 2013
Our File: 188-576
Page 2 of 2

If you are interested in participating in the closure and purchase of your proportionate share of the alley lying behind you, kindly contact my office within 3 weeks of the date of this letter. If I have not heard from you by that time, I will assume that you are not interested in participating in this application, and I will advise Council accordingly.

I look forward to hearing from you with regard to this matter.

Yours truly,

BONDY RILEY KOSKI LLP

CHRISTINE A. RILEY

CAR/dm
Encl.

**BONDY
RILEY
KOSKI LLP**

Barristers, Solicitors & Notaries

March 25, 2013

Barry George Kovack
Caroline Gloria Kovack
[REDACTED]
Windsor, ON [REDACTED]

Dear Sir/Madam:

**RE: LaSalle Alley – Whyte abutting Lots 465 and 466, Registered Plan 664
Our File No.: 188-576**

As the solicitor for the Town of LaSalle, I have been instructed to contact you to determine whether or not you are interested in participating in the closure and purchase of that portion of a 10 foot wide alley lying behind your property.

The Council of the Town of LaSalle has agreed in principle to close and sell that part of the alley lying behind 2025 Edgemore Avenue. In reviewing the ownership pattern of the various parcels adjacent to the portion of the alley proposed to be closed, it may be appropriate for the Town to close the alley lying behind 2019, 2025 and 2035 Edgemore Avenue, and behind 2020 and 2030 Suzanne Street. To assist you in visualizing this proposal, I have enclosed a copy of a map from InfoLaSalle showing that portion of the alley that may be closed.

If you are interested in participating in the closure of the alley at this time, which would include purchasing that portion of the alley lying behind your property for depth of 5 feet, you would be in a position to share in the legal and surveying costs with others. While the cost to obtain a Reference Plan for 5 parcels of land is more expensive than a Reference Plan for only 1 parcel of land, when those costs are shared among others the net cost to you is much less expensive than the cost of paying for a 1-part Reference Plan on your own. In addition, the legal costs to close would again be shared with others in lieu of you having to pay for that cost on your own at some later date.

The purchase price for the purchase of your share of the alley would be calculated at the rate of \$1.50 per sq. ft. if no easement is required on the alley, or at a \$1.00 sq. ft. if an easement is required. At this time I am not aware as to whether or not an easement may be required by Bell Canada, Essex Powerlines Corporation or the Town of LaSalle.

In the event all 5 property owners wish to buy their share of the closed alley, a rough estimate of the costs for your share, including the Reference Plan, legal costs, purchase price and respective taxes is \$2,000.00. Once I have a response from all of these owners, I will be in a position to send you a more detailed estimate for your review.

COPY

Richard J. Bondy, B.A., LL.B. (retired 2000)
Christine A. Riley, B.A., LL.B.
Gerald W. Koski, B.A., LL.B.

Suite 310
176 University Avenue West
Windsor, Ontario
Canada N9A 5P1
Telephone (519) 258-1641
Facsimile (519) 258-1725

LaSalle Alley – Whyte
Re: Kovack
March 25, 2013
Our File: 188-576
Page 2 of 2

If you are interested in participating in the closure and purchase of your proportionate share of the alley lying behind you, kindly contact my office within 3 weeks of the date of this letter. If I have not heard from you by that time, I will assume that you are not interested in participating in this application, and I will advise Council accordingly.

In the event you do not wish to purchase your proportionate share of the alley proposed to be closed, the owner of 2025 Edgemore Avenue will be given the opportunity to purchase the full depth of the alley behind their property.

I look forward to hearing from you with regard to this matter.

Yours truly,

BONDY RILEY KOSKI LLP

CHRISTINE A. RILEY

CAR/dm
Encl.

**BONDY
RILEY
KOSKI LLP**

Barristers, Solicitors & Notaries

Richard J. Bondy, B.A., LL.B. (retired 2000)
Christine A. Riley, B.A., LL.B.
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Suite 310
176 University Avenue West
Windsor, Ontario
Canada N9A 5P1
Telephone (519) 258-1641
Facsimile (519) 258-1725

March 25, 2013

William Stephen Toth

Cheryl Gaye Toth

[REDACTED]

Windsor, ON [REDACTED]

Dear Sir/Madam:

**RE: LaSalle Alley – Whyte abutting Lots 465 and 466, Registered Plan 664
Our File No.: 188-576**

As the solicitor for the Town of LaSalle, I have been instructed to contact you to determine whether or not you are interested in participating in the closure and purchase of that portion of a 10 foot wide alley lying behind your property.

The Council of the Town of LaSalle has agreed in principle to close and sell that part of the alley lying behind 2025 Edgemore Avenue. In reviewing the ownership pattern of the various parcels adjacent to the portion of the alley proposed to be closed, it may be appropriate for the Town to close the alley lying behind 2019, 2025 and 2035 Edgemore Avenue, and behind 2020 and 2030 Suzanne Street. To assist you in visualizing this proposal, I have enclosed a copy of a map from InfoLaSalle showing that portion of the alley that may be closed.

If you are interested in participating in the closure of the alley at this time, which would include purchasing that portion of the alley lying behind your property for depth of 5 feet, you would be in a position to share in the legal and surveying costs with others. While the cost to obtain a Reference Plan for 5 parcels of land is more expensive than a Reference Plan for only 1 parcel of land, when those costs are shared among others the net cost to you is much less expensive than the cost of paying for a 1-part Reference Plan on your own. In addition, the legal costs to close would again be shared with others in lieu of you having to pay for that cost on your own at some later date.

The purchase price for the purchase of your share of the alley would be calculated at the rate of \$1.50 per sq. ft. if no easement is required on the alley, or at a \$1.00 per sq. ft. if an easement is required. At this time I am not aware as to whether or not an easement may be required by Bell Canada, Essex Powerlines Corporation or the Town of LaSalle.

In the event all 5 property owners wish to buy their share of the closed alley, a rough estimate of the costs for your share, including the Reference Plan, legal costs, purchase price and respective taxes is \$2,000.00. Once I have a response from all of these owners, I will be in a position to send you a more detailed estimate for your review.

LaSalle Alley – Whyte
Re: Toth
March 25, 2013
Our File: 188-576
Page 2 of 2

If you are interested in participating in the closure and purchase of your proportionate share of the alley lying behind you, kindly contact my office within 3 weeks of the date of this letter. If I have not heard from you by that time, I will assume that you are not interested in participating in this application, and I will advise Council accordingly.

In the event you do not wish to purchase your proportionate share of the alley proposed to be closed, the owner of 2025 Edgemore Avenue will be given the opportunity to purchase the full depth of the alley behind their property.

I look forward to hearing from you with regard to this matter.

Yours truly,

BONDY RILEY KOSKI LLP

CHRISTINE A. RILEY

CAR/dm
Encl.



COP

The Corporation of the Town of LaSalle

Date	June 23, 2015	Previous Report Dated October 4, 2012	PL-52-2012 (attached)
Directed To:	Mayor and Members of Council	Attachments:	1) Resolution No: 438/12 2) InfoLaSalle Map
Department:	Legal		
Prepared By:	Christine A. Riley		
Subject:	Request to Remove Structures From Unopened Alley		
Applicant:	Todd and Tatiana Whyte, 2025 Edgemore Avenue, LaSalle		
Location of Application:	Alley adjacent to 2019, 2025 and 2035 Edgemore Avenue, and 2020 and 2030 Suzanne Street.		

RECOMMENDATION:

1. The alley lying south of 2005 Edgemore to 2095 Edgemore, being Lots 445 to 474, Registered Plan 664 be formally closed by the Town; and
2. That all of the property owners adjacent to the closed alley be required to purchase their proportionate share of the closed alley for a purchase price that includes legal and surveying costs in accordance with Town policy; and
3. If any property owner does not wish to purchase their share of the closed alley, and they have fences, structures, or are otherwise using any portion of the closed alley, that person be required to remove the encroaching structures and to cease using the Town's property; and
4. Any property owner who purchases their share of the closed alley but has existing structures lying outside of their proportionate share of the closed alley, that those structures be required to be relocated completely within their property limits.

REPORT:

At the Council meeting held on October 9, 2012, Council approved in principle an application by Todd and Tatiana Whyte of 2025 Edgemore Avenue to close and purchase that portion of the Town's alley adjacent to their property. After I sent letters to adjacent property owners at 2019

and 2035 Edgemore, and at 2020 and 2030 Suzanne Street, those adjacent land owners objected to being obligated to purchase any portion of the closed alley. Their position was they had already been using the Town's unopened alley for their fences, sheds and an extension of their backyard, and they did not feel they should have to pay to buy the property that they were already using.


After hearing these representations, I was instructed by Council to proceed with closing only that portion of the alley lying behind the Whyte property. Subsequent to that Resolution, Mr. and Mrs. Whyte considered their options in the matter, and decided they no longer wished to pay for the costs to close and purchase that portion of the alley. As a result, the retainer they had paid was returned to Mr. and Mrs. Whyte and the file was closed.

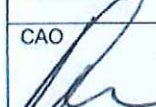
Since sometime in May, 2014, Mr. and Mrs. Whyte have been sending e-mails to Ms. Guthrie, the By-law Enforcement Officer and to myself. In those e-mails they are demanding that the Town take steps to "enforce its by-laws" by forcing those property owners with sheds, garages, swimming pools and other structures that encroach into the alley to either remove them, or to at least move these items onto their own half of the alley. In particular, the Whytes have demanded the Town force the owner of 2030 Suzanne Avenue to move his shed and fence which encroach onto the portion of the alley behind the Whyte property.

The basic premise of the e-mails from Mr. and Mrs. Whyte is that they would like to use that portion of the Town's alley lying behind their home for free like the rest of their neighbours, but they cannot do this as the fence and shed encroach onto their share of the alley.

It is my recommendation that the Town not grant its approval or consent to any of these property owners to occupy any part of the Town's alley. It is my opinion that it is in the Town's best interests to close the entirety of that alley to the extent possible without incurring the necessity of obtaining a Reference Plan. It would then be appropriate to require every property owner adjacent to that alley to buy their proportionate share of the closed alley in accordance with Town policy (purchase price, taxes, legal and surveying costs). Any property owner that has any structures on the alley or is using the alley in any way, and who does not purchase their share of the closed alley, or who has structures that extend beyond their share of the closed alley, should be required to remove those structures within a specified period of time. If these structures have not been removed by that date, the Town would be in a position to arrange for the removal and disposal of those items, at the expense of the offending property owner.

All of which is respectfully submitted.


Christine A. Riley

Reviewed by:							
	Treasury	Clerks	Env. Services	Planning	Parks & Rec	Building	Fire