



## **Closing and Sale of Alleys**

**Policy Manual Section:** Municipal Services - DSI

**Policy Number:** M-DSI-003

**Authority:** 148/19

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**Department Responsible:** DSI, Administration, Legal Counsel

**Revision Date:** n/a

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**Status:** Active

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### **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 not 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:**

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.

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 appeal that decision to Council by filing a letter of appeal with the Clerk within twenty (20) days of the date



of the decision.

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.

In the event a land owner does not agree with decision that is made by administration, that land owner shall have the right to appeal that decision to Council by filing a letter of appeal with the Clerk within twenty (20) days of the date of the decision.

For greater clarity, the following definitions apply in terms of recognizing existing structures, which said definitions can be found in the Town's Zoning By-law, as amended from time to time:

**Accessory** when used to describe a use, building or structure, shall mean a use, building or a structure that is normally incidental, subordinate and exclusively devoted to a main use, building or structure and that is located on the same lot therewith, and includes a private garage which is not attached to the main building in any way.

**Fence** shall mean any fence, wall (other than the wall of a building), gate or other barrier which separates or purports to separate lands not under common ownership and which is continuous through the entire length where required, save and except where access areas and lines of sight are required to be preserved for traffic safety purposes in accordance with the provisions of the Town's Fence By-law.

**Municipal Services** shall mean such services as curbs, gutters, sidewalks, pavement and road works, sewerage and drainage systems, pumping stations, sewage treatment plants, private drain connections, water mains, service pipes, electrical services or street lights, designed to service or capable of servicing a lot.

**Public Utility** shall mean water, artificial or natural gas, electrical power or energy, steam or hot water, and telecommunication networks, and includes the works, structures, building and appurtenances necessarily incidental to supplying of such services by a board, commission or corporation.

**Structure** shall mean anything, including all component parts, which is erected, built or constructed and affixed to or supported by the ground.

**Swimming Pool** shall mean a privately owned pool whether or not in the ground, capable of being used for swimming, wading, diving or bathing and which, when filled, is capable of containing a depth of 0.6 metres or more of water.



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 and legal fees associated with closing and registering the required deed. 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.

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 determined by the Town.

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.

The Town will not convey alleys that are in or adjacent to lands that have been identified as being environmentally significant.

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.

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.

Alleys that are requested/required to be closed pursuant to the expedited procedure will be subject to paying the all surveying, legal and land costs. Land costs will be calculated based on fair market value. Portions of alleys that are closed and transferred under the Program and are at the halfway point of the alley or less will cost \$350, taxes included, to each property owner electing to participate in the Program.

For any portion of the alley to be transferred beyond the halfway point due to an existing encumbrance, the cost to the property owner for the said land beyond the halfway point shall be determined on a fair market value basis as determined by Town administration, as directed by Council from time to time.

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;

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:**

Development and Strategic Initiatives department (planning) will accept applications to close an alley.

Administration will review the application to determine:

- if the alley is surplus to municipal needs
- if the alley qualifies for the Program
- the approximate timing to process application (current or future year)
- if there are easements required for municipal purposes
- if there has been fencing or structures erected within the alley following July 31, 2021, when compared to Town records

Administration will contact all other applicable agencies to determine if easements are required. Administration 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, administration will determine the manner in which the alley will be conveyed to each landowner. Administration will contact the landowners 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.

At such time as the closing by-law has been passed and registered on title, the Legal department 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:**

n/a